

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB805**

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**Hearing Date:** Tuesday January 26, 2010  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Transportation and Telecommunications  
**One Liner:** Adopt by reference updates to the International Registration Plan and certain federal laws and regulations governing motor vehicles

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden, Stuthman

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Dusty Vaughan  
Beverly Neth  
Julie Maaske

**Representing:**

Senator Deb Fischer, Introducer  
Department of Motor Vehicles  
Nebraska State Patrol

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 805 updates several references to federal law in the Nebraska motor vehicle statutes.

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

Section 1 amends Sec. 18-1739 to adopt the 23 CFR part 1235 pertaining to handicapped permit specifications as such regulation existed on January 1, 2010.

Section 2 amends Sec. 60-3,193.01 to adopt the International Registration Plan for apportioned vehicles in interstate commerce as it existed on January 1, 2010.

Sections 3 and 4 amends Sec. 60-462.01 and 60-4,147.02 to adopt federal rules and regulations pertaining to commercial motor vehicles and commercial driver licenses as they existed on January 1, 2010.

Section 5 amends Sec. 75-363 by adopting the parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2010. The regulations are applicable to all motor carriers, drivers and vehicles to which federal regulations apply and all motor carriers transporting persons or property in intrastate commerce.

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Section 6 amends Sec. 75-364 by adopting parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2010, pertaining to hazardous materials, agricultural operations, and exceptions for nonspecification packagings used in intrastate transportation.

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**Explanation of amendments:**

The committee amendment, AM 1913, includes several bills that were before the Transportation & Telecommunications Committee. A summary of each bill follows:

**LB 761**

The bill restricts the eligibility of an employment driving permits to DUI first-time offenders.

Section 6 of AM 1913 amends Sec. 60-4,129 to state that an employment driving permit will not be issued for any person who has had an ALR revocation within the previous 12 years. This change limits the permit to DUI first-time offenders.

**LB 808**

The bill makes changes to Nebraska commercial driver license (CDL) statutes to make uniform with federal law.

Section 4 of AM 1913 amends Sec. 60-465 to change the definition of farm vehicle to make it consistent with federal law. A farm vehicle is not considered a commercial motor vehicle.

Section 8 amends Sec. 60-4,150 to strike the requirement of an affidavit for a person applying for a duplicate or replacement CDL.

Section 9 amends Sec. 60-4,169 to make consistent the sections referred to where the disqualification/revocation of commercial motor vehicle drivers for some serious offenses may occur in a private vehicle.

Section 12 amends Sec. 75-362 by adopting 49 C.F.R. 392.9a as an authorizing provision of declaring an out-of-service order.

**LB 819**

The bill provides for the treatment of an intersection with a power outage or malfunctioning traffic signals, and eliminates a requirement for increasing speed limit intervals.

Section 10 of AM 1913 amends Sec. 60-6,123 to provide for numbered pedestrian signals that have become prevalent in urban areas.

The amendment adds a new subsection that provides for the treatment of an intersection that has control signals that are malfunctioning or have a power failure. If there is no officer, flagperson or device directing traffic at the intersection, then it shall be treated as a multi-way stop.

This provision does not apply if the control signal is not in service as evidenced by the signal being turned away from traffic or being covered with an opaque material.

Section 11 amends Sec. 60-6,190 to strike the requirement that the speed limit of a highway may only be increased at 20 mph increments. The bill makes no change for reducing the speed limit along a highway.

**LB 841**

The bill authorizes the DMV to release a digital image or digital signature to a law enforcement officer employed in an investigative position by a local agency.

Section 5 of AM 1913 amends Sec. 60-484.02 to expand the DMV's release of a digital image or digital signature to a local agency that has a law enforcement officer on staff who is employed in an investigative position.

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Deb Fischer, Chairperson