

## LEGISLATIVE BILL 110

Approved by the Governor April 8, 2009

Introduced by Fischer, 43.

FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, 60-3,119, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,129, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to change fees for motor vehicle registration; to change the distribution of proceeds of the fees; to provide for specialty license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-301, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-301 Sections 60-301 to 60-3,221 and sections 3 and 4 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 2. Section 60-3,104, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

- (1) Amateur radio station license plates issued pursuant to section 60-3,126;
- (2) Apportionable vehicle license plates issued pursuant to section 60-3,203;
- (3) Boat dealer license plates issued pursuant to section 60-379;
- (4) Bus license plates issued pursuant to section 60-3,144;
- (5) Commercial motor vehicle license plates issued pursuant to section 60-3,147;
- (6) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
- (7) Disabled veteran license plates issued pursuant to section 60-3,124;
- (8) Farm trailer license plates issued pursuant to section 60-3,151;
- (9) Farm truck license plates issued pursuant to section 60-3,146;
- (10) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;
- (11) Fertilizer trailer license plates issued pursuant to section 60-3,151;
- (12) Film vehicle license plates issued pursuant to section 60-383;
- (13) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;
- (14) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
- (15) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
- (16) Local truck license plates issued pursuant to section 60-3,145;
- (17) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
- (18) Motor vehicles exempt pursuant to section 60-3,107;
- (19) Motorcycle license plates issued pursuant to section 60-3,100;
- (20) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
- (21) Nonresident owner thirty-day license plates issued pursuant to section 60-382;
- (22) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143;
- (23) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143;
- (24) Pearl Harbor license plates issued pursuant to section 60-3,122;
- (25) Personal-use dealer license plates issued pursuant to section 60-3,116;
- (26) Personalized message license plates for motor vehicles and cabin trailers, except commercial motor vehicles registered for over ten tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;
- (27) Prisoner-of-war license plates issued pursuant to section 60-3,123;
- (28) Purple Heart license plates issued pursuant to section

60-3,125;

(29) Recreational vehicle license plates issued pursuant to section

60-3,151;

(30) Repossession license plates issued pursuant to section 60-375;

(31) Specialty license plates issued pursuant to sections 3 and 4 of this act;

~~(31)~~ (32) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;

~~(32)~~ (33) Trailer license plates issued pursuant to section 60-3,100;

~~(33)~~ (34) Trailers exempt pursuant to section 60-3,108;

~~(34)~~ (35) Transporter license plates issued pursuant to section 60-378;

~~(35)~~ (36) Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;

~~(36)~~ (37) Utility trailer license plates issued pursuant to section 60-3,151; and

~~(37)~~ (38) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 3. (1) Beginning January 1, 2010, a person may apply for specialty license plates in lieu of regular license plates on an application prescribed and provided by the department pursuant to section 4 of this act for any motor vehicle, trailer, semitrailer, or cabin trailer, except for motor vehicles or trailers registered under section 60-3,198. An applicant receiving a specialty license plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications. Each application for initial issuance or renewal of specialty license plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit fifteen percent of the fee for initial issuance and renewal of specialty license plates to the Department of Motor Vehicles Cash Fund and eighty-five percent of the fee to the Highway Trust Fund.

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

(3)(a) The owner of a motor vehicle, trailer, semitrailer, or cabin trailer bearing specialty license plates may make application to the county treasurer or designated county official to have such specialty license plates transferred to a motor vehicle, trailer, semitrailer, or cabin trailer other than the motor vehicle, trailer, semitrailer, or cabin trailer for which such plates were originally purchased if such motor vehicle, trailer, semitrailer, or cabin trailer is owned by the owner of the specialty license plates.

(b) The owner may have the unused portion of the specialty license plate fee credited to the other motor vehicle, trailer, semitrailer, or cabin trailer which will bear the specialty license plates at the rate of eight and one-third percent per month for each full month left in the registration period.

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

Sec. 4. (1) On or before January 1, 2011, the department shall begin issuing specialty license plates for any organization which certifies that it meets the requirements of this section. The department shall work with the organization to design the plates.

(2) The department shall make applications available pursuant to section 3 of this act for each type of specialty license plate when it is designed. The department shall not manufacture specialty license plates for an organization until the department has received five hundred prepaid applications for specialty license plates designed for that organization. The

department may revoke the approval for an organization's specialty license plate if the total number of registered vehicles that obtained such plate is less than five hundred within three years after receiving approval.

(3) In order to have specialty license plates designed and manufactured, an organization shall furnish the department with the following:

(a) A copy of its articles of incorporation and, if the organization consists of a group of nonprofit corporations, a copy for each organization;

(b) A copy of its charter or bylaws and, if the organization consists of a group of nonprofit corporations, a copy for each organization;

(c) Any Internal Revenue Service rulings of the organization's nonprofit tax-exempt status and, if the organization consists of a group of nonprofit corporations, a copy for each organization;

(d) A copy of a certificate of existence on file with the Secretary of State under the Nebraska Nonprofit Corporation Act;

(e) Five hundred prepaid applications for the speciality license plates; and

(f) A completed application for the issuance of the plates on a form provided by the department certifying that the organization meets the following requirements:

(i) The organization is a nonprofit corporation or a group of nonprofit corporations with a common purpose;

(ii) The primary activity or purpose of the organization serves the community, contributes to the welfare of others, and is not offensive or discriminatory in its purpose, nature, activity, or name;

(iii) The name and purpose of the organization does not promote any specific product or brand name that is on a product provided for sale;

(iv) The organization is authorized to use any name, logo, or graphic design suggested for the design of the plates;

(v) No infringement or violation of any property right will result from such use of such name, logo, or graphic design; and

(vi) The organization will hold harmless the State of Nebraska and its employees and agents for any liability which may result from any infringement or violation of a property right based on the use of such name, logo, or graphic design.

(4) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 5. Section 60-3,119, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-3,119 (1) Application for personalized message license plates shall be made to the department. The department shall make available through each county treasurer or designated county official forms to be used for such applications.

(2) Each initial application shall be accompanied by a fee of ~~thirty~~ forty dollars. The fees shall be remitted to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee to the Highway Trust Fund and seventy-five percent of the fee ~~for credit~~ to the Department of Motor Vehicles Cash Fund.

(3) An application for renewal of a license plate previously approved and issued shall be accompanied by a fee of ~~thirty~~ forty dollars. County treasurers or designated county officials collecting fees pursuant to this subsection shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee to the Highway Trust Fund and seventy-five percent of the fee ~~for credit~~ to the Department of Motor Vehicles Cash Fund.

Sec. 6. Section 60-3,122, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

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

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

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

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

(2) The license plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant fulfills the requirements

provided by subsection (1) of this section. The additional fee shall be remitted to the State Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Operation Fund. Only one motor vehicle, trailer, semitrailer, or cabin trailer owned by the applicant shall be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

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

Sec. 7. Section 60-3,122.02, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-3,122.02 (1) A person may apply to the department for Gold Star Family plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle or cabin trailer, except for a commercial truck. An applicant receiving a Gold Star Family plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers or designated county officials. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section and furnishing proof satisfactory to the department that the applicant is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States. Only one motor vehicle or trailer owned by the applicant shall be so licensed at any one time.

(2)(a) Each application for initial issuance of consecutively numbered Gold Star Family plates shall be accompanied by a fee of ~~fifteen~~ five dollars. An application for renewal of such plates shall be accompanied by a fee of ~~fifteen~~ five dollars. County treasurers or designated county officials collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee for initial issuance and renewal of such plates ~~to the Department of Motor Vehicles Cash Fund and ten dollars of the fee~~ to the Nebraska Veteran Cemetery System Operation Fund.

(b) Each application for initial issuance of personalized message Gold Star Family plates shall be accompanied by a fee of forty dollars. An application for renewal of such plates shall be accompanied by a fee of forty dollars. County treasurers or designated county officials collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit ~~thirty dollars~~ twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and ~~ten dollars~~ seventy-five percent of the fee to the Nebraska Veteran Cemetery System Operation Fund.

(3) When the department receives an application for Gold Star Family plates, the department shall deliver the plates to the county treasurer or designated county official of the county in which the motor vehicle or cabin trailer is registered. The county treasurer or designated county official shall issue Gold Star Family plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or cabin trailer. If Gold Star Family plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request and without charge.

(4) The owner of a motor vehicle or cabin trailer bearing Gold Star Family plates may apply to the county treasurer or designated county official to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5) If the cost of manufacturing Gold Star Family plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Gold Star Family plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.

Sec. 8. Section 60-3,123, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

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

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

Sec. 9. Section 60-3,124, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

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

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

Sec. 10. Section 60-3,125, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

(2) The license plates shall be issued upon payment of the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was awarded the Purple Heart. The additional fee shall be remitted to the State Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Operation Fund. Any number of motor vehicles, trailers, semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

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

Sec. 11. Section 60-3,128, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-3,128 (1) A person may apply to the department for Nebraska Cornhusker Spirit Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, semitrailer, or cabin trailer, except for motor vehicles or trailers registered under section 60-3,198. An applicant receiving a spirit plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the

appropriate tonnage decal to the spirit plate. The department shall make forms available for such applications through the county treasurers or designated county officials. Each application for initial issuance or renewal of spirit plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit forty-three percent of the fees for initial issuance and renewal of spirit plates to the Department of Motor Vehicles Cash Fund. The State Treasurer shall credit and fifty-seven percent of the fees to the Spirit Plate Proceeds Fund until the fund has been credited five million dollars from such fees and thereafter to the Highway Trust Fund.

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

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

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

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

Sec. 12. Section 60-3,129, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-3,129 (1) The Spirit Plate Proceeds Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) If the cost of manufacturing Nebraska Cornhusker Spirit Plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Spirit Plate Proceeds Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of such spirit plates and the amount charged pursuant to such section with respect to such spirit plates and the remainder shall be credited to the Spirit Plate Proceeds Fund as provided in section 60-3,128.

(3) The first three million dollars credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated to the University of Nebraska to establish an endowment fund to provide financial support to former University of Nebraska athletes to pursue undergraduate and postgraduate studies at any University of Nebraska campus. Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the Board of Regents of the University of Nebraska shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships. The University of Nebraska shall grant financial support to former athletes who demonstrate financial need as determined by the Federal Pell Grant Program or similar need-based qualifications as approved by the financial aid office of the appropriate campus.

(4) The next two million dollars credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated to the University of Nebraska to establish an endowment fund to provide financial support for the academic service units of the athletic departments of the campuses of the University of Nebraska in support of academic services to athletes.

~~(5) Any money credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund after the first five million dollars shall be divided equally between the campuses of the state college system and the University of Nebraska for the repair, maintenance, upkeep, and improvement of facilities at any campus, except that the first ten percent of the amount over five million dollars shall be credited to the endowment fund created in subsection (3) of this section.~~

Sec. 13. Section 60-3,130.04, Revised Statutes Cumulative Supplement, 2008, is amended to read:

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

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

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

(4) License plates used pursuant to this section corresponding to the year of manufacture of the vehicle shall not be personalized message license plates, Pearl Harbor license plates, prisoner-of-war license plates, disabled veteran license plates, Purple Heart license plates, amateur radio station license plates, Nebraska Cornhusker Spirit Plates, ~~or~~ handicapped or disabled person license plates, or specialty license plates.

Sec. 14. This act becomes operative on January 1, 2010.

Sec. 15. Original sections 60-301, 60-3,104, 60-3,119, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,129, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008, are repealed.