

AMENDMENTS TO LB 751

Introduced by Transportation and Telecommunications

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 18-1739, Revised Statutes Supplement,
4 2011, is amended to read:

5 18-1739 (1) This section applies until the implementation
6 date designated by the Director of Motor Vehicles under section
7 60-3,113.01.

8 (2) The handicapped or disabled parking permit to
9 be issued pursuant to section 18-1738 or 18-1738.01 shall be
10 constructed of a durable plastic designed to resist normal wear
11 or fading for the term of the permit's issuance and printed so
12 as to minimize the possibility of alteration following issuance.
13 The permit shall be of a design, size, configuration, color,
14 and construction and contain such information as specified in
15 the regulations adopted by the United States Department of
16 Transportation in the Uniform System for Parking for Persons with
17 Disabilities, 23 C.F.R. part 1235, as such regulations existed on
18 January 1, ~~2011~~, 2012.

19 (3) Until October 1, 2011, in addition to the
20 requirements of subsection (2) of this section, the handicapped or
21 disabled parking permit shall show the expiration date and such
22 identifying information with regard to the handicapped or disabled
23 person or temporarily handicapped or disabled person to whom it is

1 issued as is necessary to the enforcement of sections 18-1736 to
2 18-1741.07 as determined by the Department of Motor Vehicles. The
3 expiration date information shall be distinctively color-coded so
4 as to identify by color the year in which the permit is due to
5 expire.

6 (4) No handicapped or disabled parking permit shall be
7 issued to any person or for any motor vehicle if any permit has
8 been issued to such person or for such motor vehicle and such
9 permit has been suspended pursuant to section 18-1741.02. At the
10 expiration of such suspension, a permit may be renewed in the
11 manner provided for renewal in sections 18-1738, 18-1738.01, and
12 18-1740.

13 (5) A duplicate handicapped or disabled parking permit
14 may be provided without cost up to two times during any single
15 permit period if a permit is destroyed, lost, or stolen. Such
16 duplicate permit shall be issued as provided in section 18-1738 or
17 18-1738.01, whichever is applicable, except that a newly completed
18 medical form need not be provided if a completed medical form
19 submitted at the time of the most recent application for a permit
20 or its renewal is on file with the clerk or designated county
21 official or the Department of Motor Vehicles. A duplicate permit
22 shall be valid for the remainder of the period for which the
23 original permit was issued. If a person has been issued two
24 duplicate permits under this subsection and needs another permit,
25 such person shall reapply for a new permit under section 18-1738 or
26 18-1738.01, whichever is applicable.

27 Sec. 2. Section 37-1283, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 37-1283 (1) In the event of the transfer of ownership of
3 a motorboat by operation of law as upon inheritance, devise, or
4 bequest, order in bankruptcy, insolvency, replevin, or execution
5 sale, (2) whenever a motorboat is sold to satisfy storage or
6 repair charges, or (3) whenever repossession is had upon default
7 in performance of the terms of a chattel mortgage, trust receipt,
8 conditional sales contract, or other like agreement, the county
9 clerk or designated county official of ~~the~~ any county ~~in which~~
10 ~~the last certificate of title to the motorboat was issued or~~
11 ~~the Department of Motor Vehicles,~~ if the last certificate of
12 ~~title was issued by the department,~~ upon the surrender of the
13 prior certificate of title or the manufacturer's or importer's
14 certificate, or when that is not possible, upon presentation of
15 satisfactory proof of ownership and right of possession to the
16 motorboat, and upon payment of the fee prescribed in section
17 37-1287 and the presentation of an application for certificate of
18 title, may issue to the applicant a certificate of title thereto.
19 If the prior certificate of title issued for the motorboat provided
20 for joint ownership with right of survivorship, a new certificate
21 of title shall be issued to a subsequent purchaser upon the
22 assignment of the prior certificate of title by the surviving owner
23 and presentation of satisfactory proof of death of the deceased
24 owner. Only an affidavit by the person or agent of the person to
25 whom possession of the motorboat has so passed, setting forth facts
26 entitling him or her to such possession and ownership, together
27 with a copy of the journal entry, court order, or instrument

1 upon which such claim of possession and ownership is founded
2 shall be considered satisfactory proof of ownership and right of
3 possession, except that if the applicant cannot produce such proof
4 of ownership, he or she may submit to the department such evidence
5 as he or she may have and the department may thereupon, if it
6 finds the evidence sufficient, issue the certificate of title or
7 authorize ~~the~~ any county clerk or designated county official to
8 issue a certificate of title, as the case may be. If from the
9 records ~~in the office~~ of the county clerk, the designated county
10 official, or the department there appear to be any liens on the
11 motorboat, the certificate of title shall comply with section
12 37-1282 regarding the liens unless the application is accompanied
13 by proper evidence of their satisfaction or extinction.

14 Sec. 3. Section 37-1284, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 37-1284 In the event of a lost or destroyed certificate
17 of title, the owner of the motorboat or the holder of a lien on
18 the motorboat shall apply, upon a form prescribed by the Department
19 of Motor Vehicles, to ~~the~~ any county clerk or designated county
20 official ~~of the county where the certificate of title was issued~~
21 ~~or, if issued by the department, to the department,~~ for a certified
22 copy of the certificate of title and shall pay the fee prescribed
23 by section 37-1287. The application shall be signed and sworn to by
24 the person making the application. The county clerk or designated
25 county official, with the approval of the department, or the
26 department shall issue a certified copy of the certificate of title
27 to the person entitled to receive the certificate of title. If the

1 county clerk's or designated county official's records of the title
2 have been destroyed pursuant to section 37-1279, the county clerk
3 or designated county official shall issue a duplicate certificate
4 of title to the person entitled to receive the certificate upon
5 such showing as the county clerk or designated county official
6 deems sufficient. If the applicant cannot produce such proof of
7 ownership, he or she may apply directly to the department and
8 submit such evidence as he or she may have, and the department may,
9 if it finds the evidence sufficient, authorize the county clerk
10 or designated county official to issue a duplicate certificate of
11 title. The new purchaser shall be entitled to receive an original
12 title upon presentation of the assigned duplicate copy of the
13 certificate of title, properly assigned to the new purchaser, to
14 the county clerk or designated county official as prescribed in
15 section 37-1278. Any purchaser of the motorboat may at the time of
16 purchase require the seller of the motorboat to indemnify him or
17 her and all subsequent purchasers of the motorboat against any loss
18 which 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 immediately surrender the certificate to the county clerk, the
22 designated county official, or the department for cancellation.

23 Sec. 4. Section 37-1285, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 37-1285 Each owner of a motorboat and each person
26 mentioned as owner in the last certificate of title, when the
27 motorboat is dismantled, destroyed, or changed in such a manner

1 that it loses its character as a motorboat or changed in such a
2 manner that it is not the motorboat described in the certificate
3 of title, shall surrender his or her certificate of title to ~~the~~
4 any county clerk or designated county official of the county where
5 ~~the certificate of title was issued or, if issued by the Department~~
6 ~~of Motor Vehicles, to the department, or to the Department of~~
7 Motor Vehicles. If the certificate of title is surrendered to
8 ~~the~~ a county clerk or designated county official, he or she
9 shall, with the consent of any holders of any liens noted on the
10 certificate, enter a cancellation upon ~~his or her~~ the records and
11 shall notify the department of the cancellation. If the certificate
12 is surrendered to the department, it shall, with the consent
13 of any holder of any lien noted on the certificate, enter a
14 cancellation upon its records. Upon cancellation of a certificate
15 of title in the manner prescribed by this section, the county clerk
16 or designated county official and the department may cancel and
17 destroy all certificates and all memorandum certificates in that
18 chain of title.

19 Sec. 5. Section 60-154, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-154 (1)(a) For each original certificate of title
22 issued by a county for a motor vehicle or trailer, the fee shall
23 be ten dollars. Three dollars and twenty-five cents shall be
24 retained by the county. Four dollars shall be remitted to the State
25 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
26 Two dollars shall be remitted to the State Treasurer for credit to
27 the General Fund. Seventy-five cents shall be remitted to the State

1 Treasurer for credit as follows: Twenty cents to the Motor Vehicle
2 Fraud Cash Fund; forty-five cents to the Nebraska State Patrol
3 Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry
4 Licensing Fund.

5 (b) For each original certificate of title issued by
6 a county for an all-terrain vehicle, a utility-type vehicle, or
7 a minibike, the fee shall be ten dollars. Three dollars and
8 twenty-five cents shall be retained by the county. Four dollars
9 shall be remitted to the State Treasurer for credit to the
10 Department of Motor Vehicles Cash Fund. Two dollars shall be
11 remitted to the State Treasurer for credit to the General Fund.
12 Seventy-five cents shall be remitted to the State Treasurer for
13 credit as follows: Twenty cents to the Motor Vehicle Fraud Cash
14 Fund; and fifty-five cents to the Nebraska State Patrol Cash Fund.

15 (2) For each original certificate of title issued by the
16 department for a vehicle except as provided in section 60-159.01,
17 the fee shall be ten dollars. Four dollars shall be remitted to the
18 State Treasurer for credit to the Department of Motor Vehicles Cash
19 Fund. Six dollars ~~7~~ which shall be remitted to the State Treasurer
20 for credit to the Motor Carrier Division Cash Fund.

21 Sec. 6. Section 60-166, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-166 (1) In the event of (a) the transfer of ownership
24 of a vehicle by operation of law as upon inheritance, devise, or
25 bequest, order in bankruptcy, insolvency, replevin, or execution
26 sale or as provided in sections 30-24,125, 52-601.01 to 52-605,
27 60-1901 to 60-1911, and 60-2401 to 60-2411, (b) the engine of a

1 vehicle being replaced by another engine, (c) a vehicle being sold
2 to satisfy storage or repair charges, or (d) repossession being had
3 upon default in performance of the terms of a chattel mortgage,
4 trust receipt, conditional sales contract, or other like agreement,
5 the county clerk or designated county official of any county or
6 the department, ~~if the last certificate of title was issued by~~
7 ~~the department,~~ upon the surrender of the prior certificate of
8 title or the manufacturer's or importer's certificate, or when
9 that is not possible, upon presentation of satisfactory proof of
10 ownership and right of possession to such vehicle, and upon payment
11 of the appropriate fee and the presentation of an application for
12 certificate of title, may issue to the applicant a certificate of
13 title thereto. If the prior certificate of title issued for such
14 vehicle provided for joint ownership with right of survivorship, a
15 new certificate of title shall be issued to a subsequent purchaser
16 upon the assignment of the prior certificate of title by the
17 surviving owner and presentation of satisfactory proof of death
18 of the deceased owner. Only an affidavit by the person or agent
19 of the person to whom possession of such vehicle has so passed,
20 setting forth facts entitling him or her to such possession
21 and ownership, together with a copy of the journal entry, court
22 order, or instrument upon which such claim of possession and
23 ownership is founded, shall be considered satisfactory proof of
24 ownership and right of possession, except that if the applicant
25 cannot produce such proof of ownership, he or she may submit
26 to the department such evidence as he or she may have, and the
27 department may thereupon, if it finds the evidence sufficient,

1 issue the certificate of title or authorize ~~the~~ any county clerk or
2 designated county official to issue a certificate of title, as the
3 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 comply
7 with section 60-164 or 60-165 regarding such liens unless the
8 application is accompanied by proper evidence of their satisfaction
9 or extinction.

10 Sec. 7. Section 60-168, Reissue Revised Statutes of
11 Nebraska, is amended to read:

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

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

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

22 Sec. 8. Section 60-169, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-169 (1) (a) Except as otherwise provided in subdivision
25 (b) of this subsection, each owner of a vehicle and each person
26 mentioned as owner in the last certificate of title, when the
27 vehicle is dismantled, destroyed, or changed in such a manner

1 that it loses its character as a vehicle or changed in such a
2 manner that it is not the vehicle described in the certificate of
3 title, shall surrender his or her certificate of title to ~~the~~ any
4 county clerk or designated county official ~~of the county where such~~
5 ~~certificate of title was issued or, if issued by the department,~~
6 to the department. If the certificate of title is surrendered to
7 ~~the~~ a county clerk or designated county official, he or she shall,
8 with the consent of any holders of any liens noted thereon, enter
9 a cancellation upon ~~his or her~~ the records and shall notify the
10 department of such cancellation. If the certificate is surrendered
11 to the department, it shall, with the consent of any holder of any
12 lien noted thereon, enter a cancellation upon its records.

13 (b) (i) In the case of a mobile home or manufactured
14 home for which a certificate of title has been issued, if such
15 mobile home or manufactured home is affixed to real property in
16 which each owner of the mobile home or manufactured home has any
17 ownership interest, the certificate of title may be surrendered for
18 cancellation to the county clerk or designated county official of
19 the county where such ~~certificate of title is issued or, if issued~~
20 ~~by the department, to the department,~~ mobile home or manufactured
21 home is affixed to real property if at the time of surrender
22 the owner submits to the county clerk, ~~the~~ or designated county
23 official, ~~or the department~~ an affidavit of affixture on a form
24 provided by the department that contains all of the following, as
25 applicable:

26 (A) The names and addresses of all of the owners of
27 record of the mobile home or manufactured home;

1 (B) A description of the mobile home or manufactured
2 home that includes the name of the manufacturer, the year of
3 manufacture, the model, and the manufacturer's serial number;

4 (C) The legal description of the real property upon which
5 the mobile home or manufactured home is affixed and the names of
6 all of the owners of record of the real property;

7 (D) A statement that the mobile home or manufactured home
8 is affixed to the real property;

9 (E) The written consent of each holder of a lien duly
10 noted on the certificate of title to the release of such lien and
11 the cancellation of the certificate of title;

12 (F) A copy of the certificate of title surrendered for
13 cancellation; and

14 (G) The name and address of an owner, a financial
15 institution, or another entity to which notice of cancellation of
16 the certificate of title may be delivered.

17 (ii) The person submitting an affidavit of affixture
18 pursuant to subdivision (b)(i) of this subsection shall swear or
19 affirm that all statements in the affidavit are true and material
20 and further acknowledge that any false statement in the affidavit
21 may subject the person to penalties relating to perjury under
22 section 28-915.

23 (2) If a certificate of title of a mobile home or
24 manufactured home is surrendered to the county clerk or designated
25 county official, along with the affidavit required by subdivision
26 (1)(b) of this section, he or she shall enter a cancellation upon
27 his or her records, notify the department of such cancellation,

1 forward a duplicate original of the affidavit to the department,
2 and deliver a duplicate original of the executed affidavit under
3 subdivision (1)(b) of this section to the register of deeds for the
4 county in which the real property is located to be filed by the
5 register of deeds. The county clerk or designated county official
6 shall be entitled to collect fees from the person submitting the
7 affidavit in accordance with sections 33-109 and 33-112 to cover
8 the costs of filing such affidavit. If the certificate of title is
9 surrendered to the department, along with the affidavit required by
10 subdivision (1)(b) of this section, the department shall enter a
11 cancellation upon its records and deliver a duplicate original of
12 the executed affidavit under subdivision (1)(b) of this section to
13 the register of deeds for the county in which the real property
14 is located to be filed by the register of deeds. The department
15 shall be entitled to collect fees from the person submitting the
16 affidavit in accordance with sections 33-109 and 33-112 to cover
17 the costs of filing such affidavit. Following the cancellation of
18 a certificate of title for a mobile home or manufactured home,
19 neither the county clerk, the or designated county official, ~~nor~~
20 the department shall not issue a certificate of title for such
21 mobile home or manufactured home, except as provided in subsection
22 (5) of this section.

23 (3) If a mobile home or manufactured home is affixed to
24 real estate before June 1, 2006, a person who is the holder of a
25 lien or security interest in both the mobile home or manufactured
26 home and the real estate to which it is affixed on such date may
27 enforce its liens or security interests by accepting a deed in lieu

1 of foreclosure or in the manner provided by law for enforcing liens
2 on the real estate.

3 (4) A mobile home or manufactured home for which the
4 certificate of title has been canceled and for which an affidavit
5 of affixture has been duly recorded pursuant to subsection (2) of
6 this section shall be treated as part of the real estate upon which
7 such mobile home or manufactured home is located. Any lien thereon
8 shall be perfected and enforced in the same manner as a lien on
9 real estate. The owner of such mobile home or manufactured home may
10 convey ownership of the mobile home or manufactured home only as a
11 part of the real estate to which it is affixed.

12 (5)(a) If each owner of both the mobile home or
13 manufactured home and the real estate described in subdivision
14 (1)(b) of this section intends to detach the mobile home or
15 manufactured home from the real estate, the owner shall do both of
16 the following: (i) Before detaching the mobile home or manufactured
17 home, record an affidavit of detachment in the office of the
18 register of deeds in the county in which the affidavit is recorded
19 under subdivision (1)(b) of this section; and (ii) apply for a
20 certificate of title for the mobile home or manufactured home
21 pursuant to section 60-147.

22 (b) The affidavit of detachment shall contain all of the
23 following:

24 (i) The names and addresses of all of the owners of
25 record of the mobile home or manufactured home;

26 (ii) A description of the mobile home or manufactured
27 home that includes the name of the manufacturer, the year of

1 manufacture, the model, and the manufacturer's serial number;

2 (iii) The legal description of the real estate from which
3 the mobile home or manufactured home is to be detached and the
4 names of all of the owners of record of the real estate;

5 (iv) A statement that the mobile home or manufactured
6 home is to be detached from the real property;

7 (v) A statement that the certificate of title of the
8 mobile home or manufactured home has previously been canceled;

9 (vi) The name of each holder of a lien of record against
10 the real estate from which the mobile home or manufactured home
11 is to be detached, with the written consent of each holder to the
12 detachment; and

13 (vii) The name and address of an owner, a financial
14 institution, or another entity to which the certificate of title
15 may be delivered.

16 (6) An owner of an affixed mobile home or manufactured
17 home for which the certificate of title has previously been
18 canceled pursuant to subsection (2) of this section shall not
19 detach the mobile home or manufactured home from the real estate
20 before a certificate of title for the mobile home or manufactured
21 home is issued by the county clerk, designated county official,
22 or department. If a certificate of title is issued by the county
23 clerk, designated county official, or department, the mobile home
24 or manufactured home is no longer considered part of the real
25 property. Any lien thereon shall be perfected pursuant to section
26 60-164. The owner of such mobile home or manufactured home may
27 convey ownership of the mobile home or manufactured home only by

1 way of a certificate of title.

2 (7) For purposes of this section:

3 (a) A mobile home or manufactured home is affixed to real
4 estate if the wheels, towing hitches, and running gear are removed
5 and it is permanently attached to a foundation or other support
6 system; and

7 (b) Ownership interest means the fee simple interest in
8 real estate or an interest as the lessee under a lease of the real
9 property that has a term that continues for at least twenty years
10 after the recording of the affidavit under subsection (2) of this
11 section.

12 (8) Upon cancellation of a certificate of title in the
13 manner prescribed by this section, the county clerk or designated
14 county official and the department may cancel and destroy all
15 certificates and all memorandum certificates in that chain of
16 title.

17 Sec. 9. Section 60-180, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-180 (1) A person who operates in this state a vehicle
20 for which a certificate of title is required without having such
21 certificate in accordance with the Motor Vehicle Certificate of
22 Title Act or upon which the certificate of title has been canceled
23 is guilty of a Class III misdemeanor.

24 (2) A person who is a dealer or acting on behalf of a
25 dealer and who acquires, purchases, holds, or displays for sale a
26 new vehicle without having obtained a manufacturer's or importer's
27 certificate or a certificate of title therefor as provided for in

1 the Motor Vehicle Certificate of Title Act is guilty of a Class III
2 misdemeanor.

3 (3) A person who fails to surrender any certificate of
4 title or any certificate of registration or license plates or tags
5 upon cancellation of the same by the department and notice thereof
6 as prescribed in the Motor Vehicle Certificate of Title Act is
7 guilty of a Class III misdemeanor.

8 (4) A person who fails to surrender the certificate
9 of title to the county clerk, ~~or~~ designated county official, or
10 department as provided in section 60-169 in case of the destruction
11 or dismantling or change of a vehicle in such respect that it is
12 not the vehicle described in the certificate of title is guilty of
13 a Class III misdemeanor.

14 (5) A person who purports to sell or transfer a vehicle
15 without delivering to the purchaser or transferee thereof a
16 certificate of title or a manufacturer's or importer's certificate
17 thereto duly assigned to such purchaser as provided in the
18 Motor Vehicle Certificate of Title Act is guilty of a Class
19 III misdemeanor.

20 (6) A person who knowingly alters or defaces a
21 certificate of title or manufacturer's or importer's certificate is
22 guilty of a Class III misdemeanor.

23 (7) Except as otherwise provided in section 60-179, a
24 person who violates any of the other provisions of the Motor
25 Vehicle Certificate of Title Act or any rules or regulations
26 adopted and promulgated pursuant to the act is guilty of a Class
27 III misdemeanor.

1 Sec. 10. Section 60-365, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-365 Any person purchasing a motor vehicle or trailer
4 in this state other than from a licensed dealer in motor vehicles
5 or trailers shall not operate or tow such motor vehicle or trailer
6 in this state without registration except as provided in this
7 section. Such purchaser may operate or tow such motor vehicle or
8 trailer without registration for a period not to exceed thirty
9 days. Upon demand of proper authorities, there shall be presented
10 by the person in charge of such motor vehicle or trailer, for
11 examination, a ~~certificate~~ bill of sale showing the date of
12 transfer or the certificate of title to such motor vehicle or
13 trailer with assignment thereof duly executed. When such motor
14 vehicle or trailer is purchased from a nonresident, the person
15 in charge of such motor vehicle or trailer shall present upon
16 demand proper evidence of ownership from the state where such motor
17 vehicle or trailer was purchased.

18 Sec. 11. Section 60-3,113.04, Revised Statutes
19 Supplement, 2011, is amended to read:

20 60-3,113.04 (1) This section applies beginning on the
21 implementation date designated by the director under section
22 60-3,113.01.

23 (2) A handicapped or disabled parking permit shall be of
24 a design, size, configuration, color, and construction and contain
25 such information as specified in the regulations adopted by the
26 United States Department of Transportation in the Uniform System
27 for Parking for Persons with Disabilities, 23 C.F.R. part 1235, as

1 such regulations existed on January 1, ~~2011~~, 2012.

2 (3) No handicapped or disabled parking permit shall be
3 issued to any person or for any motor vehicle if any permit has
4 been issued to such person or for such motor vehicle and such
5 permit has been suspended pursuant to section 18-1741.02. At the
6 expiration of such suspension, a permit may be renewed in the
7 manner provided for renewal in sections 60-3,113.02, 60-3,113.03,
8 and 60-3,113.05.

9 (4) A duplicate handicapped or disabled parking permit
10 may be provided up to two times during any single permit period if
11 a permit is destroyed, lost, or stolen. Such duplicate permit shall
12 be issued as provided in section 60-3,113.02 or 60-3,113.03,
13 whichever is applicable, except that a new certification by
14 a physician, a physician assistant, or an advanced practice
15 registered nurse need not be provided. A duplicate permit shall be
16 valid for the remainder of the period for which the original permit
17 was issued. If a person has been issued two duplicate permits
18 under this subsection and needs another permit, such person shall
19 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
20 whichever is applicable.

21 Sec. 12. Section 60-3,193.01, Revised Statutes
22 Supplement, 2011, is amended to read:

23 60-3,193.01 For purposes of the Motor Vehicle
24 Registration Act, the International Registration Plan is adopted
25 and incorporated by reference as the plan existed on January 1,
26 ~~2011~~, 2012.

27 Sec. 13. Section 60-3,198, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-3,198 (1) Any owner engaged in operating a fleet of
3 apportionable vehicles in this state in interjurisdiction commerce
4 may, in lieu of registration of such apportionable vehicles under
5 the general provisions of the Motor Vehicle Registration Act,
6 register and license such fleet for operation in this state
7 by filing a statement and the application required by section
8 60-3,203 with the Division of Motor Carrier Services of the
9 department. The statement shall be in such form and contain such
10 information as the division requires, declaring the total mileage
11 operated by such vehicles in all jurisdictions and in this state
12 during the preceding year and describing and identifying each
13 such apportionable vehicle to be operated in this state during
14 the ensuing license year. Upon receipt of such statement and
15 application, the division shall determine the total fee payment,
16 which shall be equal to the amount of fees due pursuant to
17 section 60-3,203 and the amount obtained by applying the formula
18 provided in section 60-3,204 to a fee of thirty-two dollars per
19 ton based upon gross vehicle weight of the empty weights of a
20 truck or truck-tractor and the empty weights of any trailer or
21 combination thereof with which it is to be operated in combination
22 at any one time plus the weight of the maximum load to be
23 carried thereon at any one time, and shall notify the applicant
24 of the amount of payment required to be made. Mileage operated in
25 noncontracting reciprocity jurisdictions by apportionable vehicles
26 based in Nebraska shall be applied to the portion of the formula
27 for determining the Nebraska injurisdiction fleet distance.

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

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

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

25 The right of applicants to proportional registration
26 under this section shall be subject to the terms and conditions
27 of any reciprocity agreement, contract, or consent made by the

1 division.

2 When a nonresident fleet owner has registered his or her
3 apportionable vehicles, his or her apportionable vehicles shall
4 be considered as fully registered for both interjurisdiction
5 and intrajurisdiction commerce when the jurisdiction of base
6 registration for such fleet accords the same consideration for
7 fleets with a base registration in Nebraska. Each apportionable
8 vehicle of a fleet registered by a resident of Nebraska shall
9 be considered as fully registered for both interjurisdiction and
10 intrajurisdiction commerce.

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

19 (3) Any owner complying with and being granted
20 proportional registration shall preserve the records on which the
21 application is made for a period of three years following the
22 current registration year. Upon request of the division, the owner
23 shall make such records available to the division at its office for
24 audit as to accuracy of computation and payments or pay the costs
25 of an audit at the home office of the owner by a duly appointed
26 representative of the division if the office where the records
27 are maintained is not within the State of Nebraska. The division

1 may enter into agreements with agencies of other jurisdictions
2 administering motor vehicle registration laws for joint audits of
3 any such owner. All payments received to cover the costs of an
4 audit shall be remitted by the division to the State Treasurer
5 for credit to the Motor Carrier Division Cash Fund. No deficiency
6 shall be assessed and no claim for credit shall be allowed for
7 any license registration year for which records on which the
8 application was made are no longer required to be maintained.

9 (4) If the division claims that a greater amount of fee
10 is due under this section than was paid, the division shall notify
11 the owner of the additional amount claimed to be due. The owner may
12 accept such claim and pay the amount due, or he or she may dispute
13 the claim and submit to the division any information which he or
14 she may have in support of his or her position. If the dispute
15 cannot otherwise be resolved within the division, the owner may
16 petition for an appeal of the matter. The director shall appoint
17 a hearing officer who shall hear the dispute and issue a written
18 decision. Any appeal shall be in accordance with the Administrative
19 Procedure Act. Upon expiration of the time for perfecting an appeal
20 if no appeal is taken or upon final judicial determination if an
21 appeal is taken, the division shall deny the owner the right to
22 further registration for a fleet license until the amount finally
23 determined to be due, together with any costs assessed against the
24 owner, has been paid.

25 (5) Every applicant who licenses any apportionable
26 vehicles under this section and section 60-3,203 shall have his
27 or her registration certificates issued only after all fees under

1 such sections are paid and, if applicable, proof has been furnished
2 of payment, in the form prescribed by the director as directed by
3 the United States Secretary of the Treasury, of the federal heavy
4 vehicle use tax imposed by 26 U.S.C. 4481 of the Internal Revenue
5 Code as defined in section 49-801.01.

6 (6) (a) In the event of the transfer of ownership of
7 any registered apportionable vehicle, (b) in the case of loss
8 of possession because of fire, theft, or wrecking, junking, or
9 dismantling of any registered apportionable vehicle, (c) when a
10 salvage branded certificate of title is issued for any registered
11 apportionable vehicle, (d) whenever a type or class of registered
12 apportioned vehicle is subsequently declared by legislative act or
13 court decision to be illegal or ineligible to be operated or towed
14 on the public roads and no longer subject to registration fees and
15 taxes, (e) upon trade-in or surrender of a registered apportionable
16 vehicle under a lease, or (f) in case of a change in the situs of
17 a registered apportionable vehicle to a location outside of this
18 state, its registration shall expire, except that if the registered
19 owner or lessee applies to the division after such transfer or loss
20 of possession and accompanies the application with a fee of one
21 dollar and fifty cents, he or she may have any remaining credit of
22 vehicle fees and taxes from the previously registered apportionable
23 vehicle applied toward payment of any vehicle fees and taxes due
24 and owing on another registered apportionable vehicle. If such
25 registered apportionable vehicle has a greater gross vehicle weight
26 than that of the previously registered apportionable vehicle, the
27 registered owner or lessee of the registered apportionable vehicle

1 shall additionally pay only the registration fee for the increased
2 gross vehicle weight for the remaining months of the registration
3 year based on the factors determined by the division in the
4 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 (a)
8 because of a transfer of ownership of the registered apportionable
9 vehicle, (b) because of loss of possession due to fire, theft, or
10 wrecking, junking, or dismantling of the registered apportionable
11 vehicle, (c) because a salvage branded certificate of title is
12 issued for the registered apportionable vehicle, (d) because a type
13 or class of registered apportioned vehicle is subsequently declared
14 by legislative act or court decision to be illegal or ineligible to
15 be operated or towed on the public roads and no longer subject to
16 registration fees and taxes, (e) because of a trade-in or surrender
17 of the registered apportionable vehicle under a lease, or (f)
18 because of a change in the situs of the registered apportionable
19 vehicle to a location outside of this state, the registered owner
20 may, by returning the registration certificate or certificates
21 and such other evidence of registration used by the division or,
22 if such certificate or certificates or such other evidence of
23 registration is unavailable, then by making an affidavit to the
24 division of such transfer or loss, receive a refund of that portion
25 of the unused registration fee based upon the number of unexpired
26 months remaining in the registration year from the date of transfer
27 or loss. No refund shall be allowed for any fees paid under section

1 60-3,203. When such apportionable vehicle is transferred or lost
2 within the same month as acquired, no refund shall be allowed for
3 such month. Such refund may be in the form of a credit against any
4 registration fees that have been incurred or are, at the time of
5 the refund, being incurred by the registered apportionable vehicle
6 owner. The Nebraska-based fleet owner shall make a claim for a
7 refund under this subsection within the registration period or
8 shall be deemed to have forfeited his or her right to the refund.

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

1 any such apportionable vehicle is reregistered within the same
2 registration year in which its registration has been canceled,
3 the fee shall be that portion of the registration fee provided
4 to be deposited in the Highway Trust Fund for the remainder of
5 the registration year. The Nebraska-based fleet owner shall make a
6 claim for a credit under this subsection within the registration
7 period or shall be deemed to have forfeited his or her right to the
8 credit.

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

20 (10) In lieu of registration under subsections (1)
21 through (9) of this section, the title holder of record may
22 apply to the division for special registration, to be known as an
23 unladen-weight registration, for any commercial motor vehicle or
24 combination of vehicles. Such registration shall be valid only for
25 a period of thirty days and shall give no authority to operate the
26 vehicle except when empty. The fee for such registration shall be
27 twenty dollars for each vehicle, which fee shall be remitted to the

1 State Treasurer for credit to the Highway Trust Fund. The issuance
2 of such permits shall be governed by section 60-3,179.

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

22 Sec. 14. Section 60-3,205, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-3,205 (1) (a) The director may suspend, revoke, cancel,
25 or refuse to issue or renew a registration certificate under the
26 International Registration Plan Act:

27 (i) If the applicant or certificate holder has had his or

1 her license issued under the International Fuel Tax Agreement Act
2 revoked or the director refused to issue or refused to renew such
3 license; or

4 (ii) If the applicant or certificate holder is in
5 violation of sections 75-392 to 75-399.

6 (b) Prior to taking action under this section, the
7 director shall notify and advise the applicant or certificate
8 holder of the proposed action and the reasons for such action in
9 writing, by ~~registered or certified~~ regular United States mail, to
10 his or her last-known business address as shown on the application
11 for the certificate or renewal. The notice shall also include an
12 advisement of the procedures in subdivision (c) of this subsection.

13 (c) The applicant or certificate holder may, within
14 thirty days after the date of the mailing of the notice,
15 petition the director for a hearing to contest the proposed
16 action. The hearing shall be commenced in accordance with the rules
17 and regulations adopted and promulgated by the department. If a
18 petition is filed, the director shall, within twenty days after
19 receipt of the petition, set a hearing date at which the applicant
20 or certificate holder may show cause why the proposed action should
21 not be taken. The director shall give the applicant or certificate
22 holder reasonable notice of the time and place of the hearing. If
23 the director's decision is adverse to the applicant or certificate
24 holder, the applicant or certificate holder may appeal the decision
25 in accordance with the Administrative Procedure Act.

26 (d) Except as provided in subsections (2) and (3) of this
27 section, the filing of the petition shall stay any action by the

1 director until a hearing is held and a final decision and order is
2 issued.

3 (e) Except as provided in subsections (2) and (3) of this
4 section, if no petition is filed at the expiration of thirty days
5 after the date on which the notification was mailed, the director
6 may take the proposed action described in the notice.

7 (f) If, in the judgment of the director, the applicant or
8 certificate holder has complied with or is no longer in violation
9 of the provisions for which the director took action under this
10 subsection, the director may reinstate the registration certificate
11 without delay.

12 (2) (a) The director may suspend, revoke, cancel, or
13 refuse to issue or renew a registration certificate under the
14 International Registration Plan Act or a license under the
15 International Fuel Tax Agreement Act if the applicant, licensee, or
16 certificate holder has issued to the department a check or draft
17 which has been returned because of insufficient funds, no funds, or
18 a stop-payment order. The director may take such action no sooner
19 than seven days after the written notice required in subdivision
20 (1) (b) of this section has been provided. Any petition to contest
21 such action filed pursuant to subdivision (1) (c) of this section
22 shall not stay such action of the director.

23 (b) If the director takes an action pursuant to
24 this subsection, the director shall reinstate the registration
25 certificate or license without delay upon the payment of certified
26 funds by the applicant, licensee, or certificate holder for
27 any fees due and reasonable administrative costs, not to exceed

1 twenty-five dollars, incurred in taking such action.

2 (c) The rules, regulations, and orders of the director
3 and the department that pertain to hearings commenced in accordance
4 with this section and that are in effect prior to March 17,
5 2006, shall remain in effect, unless changed or eliminated by the
6 director or the department, except for those portions involving a
7 stay upon the filing of a petition to contest any action taken
8 pursuant to this subsection, in which case this subsection shall
9 supersede those provisions.

10 (3) Any person who receives notice from the director
11 of action taken pursuant to subsection (1) or (2) of this
12 section shall, within three business days, return such registration
13 certificate and license plates to the department as provided in
14 this section. If any person fails to return the registration
15 certificate and license plates to the department, the department
16 shall notify the Nebraska State Patrol that any such person is in
17 violation of this section.

18 Sec. 15. Section 60-462.01, Revised Statutes Supplement,
19 2011, is amended to read:

20 60-462.01 For purposes of the Motor Vehicle Operator's
21 License Act, the following federal regulations are adopted as
22 Nebraska law as they existed on January 1, ~~2011~~ 2012:

23 The parts, subparts, and sections of Title 49 of the
24 Code of Federal Regulations, as referenced in the Motor Vehicle
25 Operator's License Act.

26 Sec. 16. Section 60-486, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 60-486 (1) No person shall be licensed to operate a motor
2 vehicle by the State of Nebraska if such person has an operator's
3 license currently under suspension or revocation in this state or
4 any other state or jurisdiction in the United States.

5 (2) If a license is issued to a person while his or
6 her operator's license was suspended or revoked in this state
7 or any other state or jurisdiction, the Department of Motor
8 Vehicles may cancel the license upon forty-five days' written
9 notice by ~~registered or certified~~ regular United States mail to the
10 licensee's last-known address. The cancellation may be appealed as
11 provided in section 60-4,105.

12 (3) When such a person presents to the department an
13 official notice from the state or jurisdiction that suspended or
14 revoked his or her motor vehicle operator's license that such
15 suspension or revocation has been terminated, he or she may then be
16 licensed to operate a motor vehicle by the State of Nebraska.

17 Sec. 17. Section 60-498.02, Revised Statutes Supplement,
18 2011, is amended to read:

19 60-498.02 (1) At the expiration of fifteen days after the
20 date of arrest as described in subsection (2) of section 60-6,197
21 or if after a hearing pursuant to section 60-498.01 the director
22 finds that the operator's license should be revoked, the director
23 shall (a) revoke the operator's license of a person arrested for
24 refusal to submit to a chemical test of blood, breath, or urine
25 as required by section 60-6,197 for a period of one year and
26 (b) revoke the operator's license of a person who submits to a
27 chemical test pursuant to such section which discloses the presence

1 of a concentration of alcohol specified in section 60-6,196 for
2 a period of one hundred eighty days unless the person's driving
3 record abstract maintained in the department's computerized records
4 shows one or more prior administrative license revocations on which
5 final orders have been issued during the immediately preceding
6 fifteen-year period at the time the order of revocation is issued,
7 in which case the period of revocation shall be one year. Except
8 as otherwise provided in section 60-6,211.05, a new operator's
9 license shall not be issued to such person until the period of
10 revocation has elapsed. If the person subject to the revocation is
11 a nonresident of this state, the director shall revoke only the
12 nonresident's operating privilege as defined in section 60-474 of
13 such person and shall immediately forward the operator's license
14 and a statement of the order of revocation to the person's state
15 of residence.

16 (2) A person operating a motor vehicle under an ignition
17 interlock permit issued pursuant to sections 60-498.01 to 60-498.04
18 who has no previous convictions under section 60-6,196, 60-6,197,
19 or 60-6,197.06 and no previous administrative license revocation
20 shall only operate the motor vehicle to and from his or her
21 residence for purposes of his or her employment, his or her school,
22 a substance abuse treatment program, his or her parole or probation
23 officer, his or her continuing health care or the continuing health
24 care of another person who is dependent upon the person, his or her
25 court-ordered community service responsibilities, or an ignition
26 interlock service facility. A person operating a motor vehicle
27 under an ignition interlock permit issued pursuant to sections

1 60-498.01 to 60-498.04 who has a previous conviction under section
2 60-6,196, 60-6,197, or 60-6,197.06 or a previous administrative
3 license revocation shall only operate the motor vehicle equipped
4 with an ignition interlock device to and from his or her residence,
5 ~~for purposes of~~ his or her place of employment, his or her school,
6 ~~or~~ a substance abuse treatment program, or an ignition interlock
7 service facility. Such permit shall indicate for which purposes the
8 permit may be used. All permits issued pursuant to this subsection
9 shall indicate that the permit is not valid for the operation of
10 any commercial motor vehicle.

11 (3) A person may have his or her eligibility for a
12 license reinstated upon payment of a reinstatement fee as required
13 by section 60-694.01.

14 (4) (a) A person whose operator's license is subject to
15 revocation pursuant to subsection (3) of section 60-498.01 shall
16 have all proceedings dismissed or his or her operator's license
17 immediately reinstated without payment of the reinstatement fee
18 upon receipt of suitable evidence by the director that:

19 (i) The prosecuting attorney responsible for the matter
20 declined to file a complaint alleging a violation of section
21 60-6,196;

22 (ii) The defendant, after trial, was found not guilty
23 of violating section 60-6,196 or such charge was dismissed on the
24 merits by the court; or

25 (iii) In the criminal action on the charge of a violation
26 of section 60-6,196 arising from the same incident, the court held
27 one of the following:

1 (A) The peace officer did not have probable cause to
2 believe the person was operating or in the actual physical control
3 of a motor vehicle in violation of section 60-6,196 or a city or
4 village ordinance enacted in conformance with such section; or

5 (B) The person was not operating or in the actual
6 physical control of a motor vehicle while having an alcohol
7 concentration in violation of section 60-6,196 or a city or village
8 ordinance enacted in conformance with such section.

9 (b) The director shall adopt and promulgate rules and
10 regulations establishing standards for the presentation of suitable
11 evidence of compliance with subdivision (a) of this subsection.

12 (c) If a criminal charge is filed or refiled for a
13 violation of section 60-6,196 pursuant to an arrest for which all
14 administrative license revocation proceedings were dismissed under
15 this subsection, the director, upon notification or discovery,
16 may reinstate an administrative license revocation under this
17 section as of the date that the director receives notification of
18 the filing or refiling of the charge, except that a revocation
19 shall not be reinstated if it was dismissed pursuant to section
20 60-498.01.

21 Sec. 18. Section 60-4,100, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-4,100 (1) The director shall suspend the operator's
24 license of any resident of this state:

25 (a) Who has violated a promise to comply with the terms
26 of a traffic citation issued by a law enforcement officer for a
27 moving violation in any jurisdiction outside this state pursuant

1 to the Nonresident Violator Compact of 1977 until satisfactory
2 evidence of compliance with the terms of the citation has been
3 furnished to the director; or

4 (b) Who has violated a promise to comply with the terms
5 of a traffic citation issued by a law enforcement officer for
6 a moving violation in any jurisdiction inside this state until
7 satisfactory evidence of compliance with the terms of the citation
8 has been furnished to the director.

9 (2) The court having jurisdiction over the offense for
10 which the citation has been issued shall notify the director of a
11 violation of a promise to comply with the terms of the citation
12 only after twenty working days have elapsed from the date of the
13 failure to comply.

14 (3) Upon notice to the director that a resident has
15 violated a promise to comply with the terms of a traffic citation
16 as provided in this section, the director shall not suspend such
17 resident's license until he or she has sent written notice to such
18 resident by first-class mail to the person's last-known mailing
19 address or, if such address is unknown, to the last-known residence
20 address of such person as shown by the records of the Department
21 of Motor Vehicles. Such notice shall state that such resident has
22 twenty working days after the date of the notice to show the
23 director that the resident has complied with the terms of such
24 traffic citation. No suspension shall be entered by the director
25 if the resident complies with the terms of a citation during such
26 twenty working days. If the resident fails to comply on or before
27 twenty working days after the date of notice, the director shall

1 summarily suspend the operator's license and issue an order. The
2 order shall be sent by ~~registered or certified~~ regular United
3 States mail to the person's last-known mailing address as shown by
4 the records of the department.

5 (4) The reinstatement fee required under section
6 60-4,100.01 shall be waived if five years have passed since
7 issuance of the license suspension order under this section.

8 Sec. 19. Section 60-4,114, Revised Statutes Supplement,
9 2011, is amended to read:

10 60-4,114 (1) The county treasurer may employ such
11 additional clerical help as may be necessary to assist him or her
12 in the performance of the ministerial duties required of him or
13 her under the Motor Vehicle Operator's License Act and, for such
14 additional expense, shall be reimbursed as set out in section
15 60-4,115.

16 (2) The director may, in his or her discretion, appoint
17 department personnel to examine all applicants who apply for an
18 initial license or whose licenses have been revoked or canceled to
19 ascertain such person's ability to operate a motor vehicle properly
20 and safely.

21 (3) Except as otherwise provided in section 60-4,122, the
22 application process, in addition to the other requisites of the
23 act, shall include the following:

24 (a) An inquiry into the medical condition and visual
25 ability of the applicant to operate a motor vehicle;

26 (b) An inquiry into the applicant's ability to drive and
27 maneuver a motor vehicle; and

1 (c) An inquiry touching upon the applicant's knowledge
2 of the motor vehicle laws of this state, which shall include
3 sufficient questions to indicate familiarity with the provisions
4 thereof.

5 (4) If an applicant is denied or refused a certificate
6 for license, such applicant shall have the right to an immediate
7 appeal to the director from the decision. It shall be the duty of
8 the director to review the appeal and issue a final order, to be
9 made not later than ten days after the receipt of the appeal by
10 the director, except that if the director requests the advice of
11 the Health Advisory Board on the matter, the director shall have
12 up to forty-five days after the day a medical or vision problem
13 is referred to him or her to consult with members of the board
14 to obtain the medical opinion necessary to make a decision and
15 shall issue a final order not later than ten days following receipt
16 of the medical opinion. After consideration of the advice of the
17 board, the director shall make a determination of the applicant's
18 physical or mental ability to operate a motor vehicle and shall
19 issue a final order. The order shall be in writing, shall be
20 accompanied by findings of fact and conclusions of law, and shall
21 be sent by ~~registered or certified~~ regular United States mail to
22 the applicant's last-known address. The order may be appealed as
23 provided in section 60-4,105.

24 Sec. 20. Section 60-4,116, Revised Statutes Supplement,
25 2011, is amended to read:

26 60-4,116 Prior to the issuance of any original or renewal
27 operator's license, the issuance of a replacement or duplicate

1 operator's license, or the reissuance of any such license with
2 a change of any classification, endorsement, or restriction, the
3 department shall:

4 (1) Check the driving record of the applicant as
5 maintained by the department or by any other state which has
6 issued an operator's license to the applicant;

7 (2) Contact the Commercial Driver License Information
8 System to determine whether the applicant possesses any valid
9 commercial driver's license issued by any other state, whether such
10 license or the applicant's privilege to operate a commercial motor
11 vehicle has been suspended, revoked, or canceled, or whether the
12 applicant has been disqualified from operating a commercial motor
13 vehicle; and

14 (3) Contact the National Driver Register to determine if
15 the applicant (a) has been disqualified from operating any motor
16 vehicle, (b) has had an operator's license suspended, revoked, or
17 canceled, (c) is not eligible, or (d) is deceased.

18 Sec. 21. Section 60-4,118.06, Revised Statutes
19 Supplement, 2011, is amended to read:

20 60-4,118.06 (1) Upon receipt by the director of (a)
21 a certified copy of a court order issued pursuant to section
22 60-6,211.05, a certified copy of an order for installation of an
23 ignition interlock device and issuance of an ignition interlock
24 permit pursuant to section 60-6,197.03, or a copy of an order
25 from the Board of Pardons pursuant to section 83-1,127.02, (b)
26 sufficient evidence that the person has surrendered his or her
27 operator's license to the department and installed an approved

1 ignition interlock device in accordance with such order, and (c)
2 payment of the fee provided in section 60-4,115, such person
3 may apply for an ignition interlock permit. A person subject
4 to administrative license revocation under sections 60-498.01 to
5 60-498.04 shall be eligible for an ignition interlock permit as
6 provided in such sections. The director shall issue an ignition
7 interlock permit for the operation of a motor vehicle equipped
8 with an ignition interlock device. Any person issued an ignition
9 interlock permit pursuant to a court order who has no previous
10 convictions under section 60-6,196, 60-6,197, or 60-6,197.06 and no
11 previous administrative license revocation shall only operate the
12 motor vehicle equipped with an ignition interlock device to and
13 from his or her residence for purposes of his or her employment,
14 his or her school, a substance abuse treatment program, his or her
15 parole or probation officer, his or her continuing health care or
16 the continuing health care of another person who is dependent
17 upon the person, his or her court-ordered community service
18 responsibilities, or an ignition interlock service facility. Any
19 person issued an ignition interlock permit pursuant to a court
20 order who has a previous conviction under section 60-6,196,
21 60-6,197, or 60-6,197.06 ~~and no~~ or a previous administrative
22 license revocation shall only operate the motor vehicle equipped
23 with an ignition interlock device to and from his or her residence,
24 ~~for purposes of~~ his or her place of employment, his or her school,
25 ~~or~~ a substance abuse treatment program, or an ignition interlock
26 service facility. The permit shall indicate for which purposes the
27 permit may be used. All permits issued pursuant to this subsection

1 shall indicate that the permit is not valid for the operation of
2 any commercial motor vehicle.

3 (2) Upon expiration of the revocation period or upon
4 expiration of an order issued by the Board of Pardons pursuant
5 to section 83-1,127.02, a person may apply to the department
6 in writing for issuance of an operator's license. Regardless of
7 whether the license surrendered by such person under subsection
8 (1) of this section has expired, the person shall apply for a new
9 operator's license pursuant to the Motor Vehicle Operator's License
10 Act.

11 (3) (a) An ignition interlock permit shall not be issued
12 under this section or sections 60-498.01 to 60-498.04 to any person
13 except in cases of a violation of subdivision (3) (b) or (c) of
14 section 28-306, subdivision (3) (b) or (c) of section 28-394, or
15 section 28-1254, 60-6,196, 60-6,197, or 60-6,197.06.

16 (b) An ignition interlock permit shall only be available
17 to a holder of a Class M or O operator's license.

18 (4) The director shall revoke a person's ignition
19 interlock permit issued under this section or sections 60-498.01 to
20 60-498.04 upon receipt of an (a) abstract of conviction indicating
21 that the person had his or her operating privileges revoked or
22 canceled or (b) administrative order revoking or canceling the
23 person's operating privileges, if such conviction or order resulted
24 from an incident other than the incident which resulted in the
25 application for the ignition interlock permit.

26 Sec. 22. Section 60-4,120, Revised Statutes Supplement,
27 2011, is amended to read:

1 60-4,120 (1) Except as provided in subsection (4) of
2 this section for persons temporarily out of the state, any person
3 duly licensed or holding a valid state identification card issued
4 under the Motor Vehicle Operator's License Act who loses his or
5 her operator's license or card may ~~obtain a duplicate upon filing~~
6 ~~with~~ make application to the county treasurer or the department
7 ~~an application showing reporting~~ such loss and furnishing proof of
8 identification in accordance with section 60-484. ~~If satisfied that~~
9 ~~the loss is genuine, the issuer~~ The department shall cause to be
10 issued, upon the payment of the fee prescribed in section 60-4,115,
11 a duplicate license or card. Upon the issuance of any duplicate or
12 replacement license or card, the license or card from which the
13 duplicate or replacement is issued shall be void.

14 (2) If any person changes his or her name because of
15 marriage or divorce or by court order or a common-law name change,
16 he or she shall apply to the ~~county treasurer~~ department for a
17 replacement operator's license or state identification card and
18 furnish proof of identification in accordance with section 60-484.
19 If any person changes his or her address, the person shall apply
20 to the ~~county treasurer~~ department for a replacement operator's
21 license or state identification card and furnish satisfactory
22 evidence of such change. The application shall be made within sixty
23 days after the change of name or address. The license or card shall
24 be issued upon payment of the fee prescribed in section 60-4,115.

25 (3) In the event a mutilated and unreadable operator's
26 license is held by any person duly licensed under the act or a
27 mutilated and unreadable state identification card which was issued

1 under the act is held by a person, such person may obtain a
2 replacement license or card upon showing the original mutilated or
3 unreadable license or card to the ~~county treasurer,~~ department. A
4 replacement license or card may be issued, without a photograph,
5 to any person who is out of the state at the time of application
6 for the replacement license or card. Such license or card shall
7 state on its face that it shall become invalid thirty days after
8 such person resumes residence in the state. If the ~~county treasurer~~
9 department is satisfied that the license or card is mutilated
10 or unreadable, the ~~county treasurer~~ department shall cause to be
11 issued, upon the payment of the fee prescribed in section 60-4,115,
12 a replacement license or card.

13 (4) If any person duly licensed under the act loses
14 his or her operator's license or if any holder of a state
15 identification card loses his or her card while temporarily out of
16 the state, he or she may ~~apply~~ make application to the department
17 for a duplicate operator's license or card without a photograph
18 by ~~filing with the county treasurer an application and affidavit~~
19 ~~showing~~ applying to the department and reporting such loss. Upon
20 ~~the officer being satisfied that the loss is genuine,~~ receipt of
21 a correctly completed application, ~~the officer~~ department shall
22 cause to be issued, upon the payment of the fee prescribed in
23 section 60-4,115, a duplicate operator's license or card without
24 a photograph. Upon the issuance of the duplicate, the original
25 license or card shall be void.

26 (5) Any person holding a valid operator's license or
27 state identification card without a photograph shall surrender such

1 license or card to the ~~treasurer of his or her county of residence~~
2 department within thirty days after resuming residency in this
3 state. After the thirty-day period, such license or card shall be
4 considered invalid. Upon the timely surrender of the license or
5 card and payment of the fee prescribed in section 60-4,115, such
6 person shall be issued an operator's license or card with a color
7 photograph or digital image of the licensee included.

8 (6) An application form for a replacement or duplicate
9 operator's license or state identification card shall include a
10 voter registration portion pursuant to section 32-308 and the
11 following specific question: Do you wish to register to vote as
12 part of this application process?

13 (7) An applicant may obtain a replacement or duplicate
14 operator's license or state identification card pursuant to
15 subsection (1), (3), or (4) of this section by electronic means
16 in a manner prescribed by the department. If the applicant has
17 a digital image and digital signature preserved in the digital
18 system, the replacement or duplicate shall be issued with the
19 preserved digital image and digital signature.

20 Sec. 23. Section 60-4,130.03, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-4,130.03 (1) Any person less than twenty-one years of
23 age who holds an operator's license or a provisional operator's
24 permit and who has accumulated, within any twelve-month period,
25 a total of six or more points on his or her driving record
26 pursuant to section 60-4,182 shall be notified by the Department of
27 Motor Vehicles of that fact and ordered to attend and successfully

1 complete a driver improvement course consisting of at least eight
2 hours of department-approved instruction. Notice shall be sent by
3 regular United States mail to the last-known address as shown in
4 the records of the department. If such person fails to complete
5 the driver improvement course within three months after the date of
6 notification, he or she shall have his or her operator's license
7 suspended by the department.

8 (2) The director shall issue an order summarily
9 suspending an operator's license until the licensee turns
10 twenty-one years of age. Such order shall be sent by ~~certified or~~
11 ~~registered~~ regular United States mail to the last-known address
12 as shown in the records of the department. Such person shall not
13 have his or her operator's license reinstated until he or she (a)
14 has successfully completed the driver improvement course or has
15 attained the age of twenty-one years and (b) has complied with
16 section 60-4,100.01.

17 Sec. 24. Section 60-4,142, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-4,142 Any resident may obtain, ~~on a form to be~~
20 ~~prescribed by the director,~~ an LPC-learner's permit from the
21 ~~county treasurer~~ department by making application to an examiner
22 of the ~~Department of Motor Vehicles.~~ department. An applicant
23 shall present proof to the examiner that he or she holds a
24 valid Class O license or commercial driver's license or shall
25 successfully complete the requirements for the Class O license
26 before an LPC-learner's permit is issued. An applicant shall
27 also successfully complete the commercial driver's license general

1 knowledge examination under section 60-4,155. Upon application, the
2 examination may be waived if the applicant presents a Nebraska
3 commercial driver's license which is valid or has been expired for
4 less than one year, presents a valid commercial driver's license
5 from another state, or is renewing an LPC-learner's permit. The
6 LPC-learner's permit shall be valid for a period of six months and
7 shall be renewed only once within any two-year period. The county
8 treasurer shall charge the fee prescribed in section 60-4,115 for
9 the issuance or renewal of an LPC-learner's permit.

10 Sec. 25. Section 60-4,144, Revised Statutes Supplement,
11 2011, is amended to read:

12 60-4,144 (1) An applicant for any original or renewal
13 commercial driver's license or an applicant for a change of
14 class of commercial motor vehicle, endorsement, or restriction
15 shall demonstrate his or her knowledge and skills for operating
16 a commercial motor vehicle as prescribed in the Motor Vehicle
17 Operator's License Act. An applicant for a commercial driver's
18 license shall provide the information and documentation required
19 by this section and sections 60-484 and 60-4,144.01 and also,
20 beginning on an implementation date designated by the director
21 on or before January 1, 2014, the information and documentation
22 required by section 60-484.04. Such information and documentation
23 shall include any additional information required by 49 C.F.R.
24 parts 383 and 391 and also include:

25 (a) Certification that the commercial motor vehicle
26 in which the applicant takes any driving skills examination is
27 representative of the class of commercial motor vehicle that the

1 applicant operates or expects to operate; and

2 (b) The names of all states where the applicant has been
3 licensed to operate any type of motor vehicle in the ten years
4 prior to the date of application.

5 (2) Any person applying for any commercial driver's
6 license on or before December 31, 2011, must present the
7 certification required pursuant to section 60-4,145 or 60-4,146.

8 (3) Any person applying for any commercial driver's
9 license on or after January 1, 2012, must make one of the
10 certifications in section 60-4,144.01 and any certification
11 required under section 60-4,146 and must provide such certification
12 certifications to the department in order to be issued a commercial
13 driver's license.

14 (4) On or after January 1, 2012, but no later than
15 January 30, 2014, every person who holds any commercial driver's
16 license must provide to the department medical certification
17 as required by section 60-4,144.01. The department may provide
18 notice and prescribe medical certification compliance requirements
19 for all holders of commercial driver's licenses. Holders of
20 commercial driver's licenses who fail to meet the prescribed
21 medical certification compliance requirements may be subject to
22 downgrade.

23 Sec. 26. Section 60-4,146, Revised Statutes Supplement,
24 2011, is amended to read:

25 60-4,146 (1) Beginning January 1, 2012, in addition to
26 certifying himself or herself under this section, an applicant
27 shall also certify himself or herself under ~~subsections (2) and (4)~~

1 of section 60-4,144.01.

2 (2) Upon making application pursuant to section 60-4,144,
3 any applicant who operates or expects to operate a commercial
4 motor vehicle in interstate or foreign commerce and who is not
5 subject to 49 C.F.R. part 391 shall certify that he or she is not
6 subject to 49 C.F.R. part 391. Any applicant making certification
7 pursuant to this subsection shall meet the physical and vision
8 requirements established in section 60-4,118 and shall be subject
9 to the provisions of such section relating to the Health Advisory
10 Board.

11 (3) Upon making application pursuant to section 60-4,144,
12 any applicant who operates or expects to operate a commercial
13 motor vehicle solely in intrastate commerce and who is subject
14 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall
15 certify that the applicant meets the qualification requirements of
16 49 C.F.R. part 391.

17 ~~(2)~~ (4) Upon making application pursuant to section
18 60-4,144, any applicant who operates or expects to operate a
19 commercial motor vehicle solely in intrastate commerce and who is
20 not subject to 49 C.F.R. part 391 adopted pursuant to section
21 75-363 shall certify that he or she is not subject to 49 C.F.R.
22 part 391. Any applicant making certification pursuant to this
23 ~~section~~ subsection shall meet the physical and vision requirements
24 established in section 60-4,118 and shall be subject to the
25 provisions of such section relating to the Health Advisory Board.

26 ~~(3) An applicant who certifies that he or she is exempt~~
27 ~~from the physical qualifications and examination requirements of 49~~

1 ~~C.F.R. part 391~~ pursuant to subsection ~~(4)~~ of section 75-363 shall
2 meet the physical and vision requirements established in section
3 ~~60-4,118~~ and shall be subject to the provisions of such section
4 relating to the Health Advisory Board. A successful applicant
5 shall be issued a commercial driver's license which restricts the
6 holder to operating a commercial motor vehicle solely in intrastate
7 commerce and which also indicates that the holder is exempt from
8 the physical qualifications and examination requirements prescribed
9 by ~~49 C.F.R. part 391~~. Two years after the initial issuance of
10 such license and upon renewal, and every two years following
11 renewal, the holder of the commercial driver's license shall
12 present to the department upon request, on a form to be prescribed
13 by the department, a statement from a physician detailing that
14 based upon his or her examination of the applicant the medical
15 or physical condition in existence prior to July 30, 1996,
16 which would otherwise render the individual not qualified under
17 federal standards, has not significantly worsened or that another
18 nonqualifying medical or physical condition has not developed.

19 ~~(4)~~ (5) An applicant who certifies that he or she is not
20 subject to 49 C.F.R. part 391 under subsection (2) or (4) of this
21 section ~~or who certifies that he or she is exempt from 49 C.F.R.~~
22 ~~part 391 under subsection (3) of this section~~ shall answer the
23 following questions on the application:

24 (a) Have you within the last three months (e.g. due
25 to diabetes, epilepsy, mental illness, head injury, stroke, heart
26 condition, neurological disease, etc.):

27 (i) lost voluntary control or consciousness ... yes ...

1 no

2 (ii) experienced vertigo or multiple episodes of
3 dizziness or fainting ... yes ... no

4 (iii) experienced disorientation ... yes ... no

5 (iv) experienced seizures ... yes ... no

6 (v) experienced impairment of memory, memory loss ... yes
7 ... no

8 Please explain:

9 (b) Do you experience any condition which affects your
10 ability to operate a motor vehicle? (e.g. due to loss of, or
11 impairment of, foot, leg, hand, arm; neurological or neuromuscular
12 disease, etc.) ... yes ... no

13 Please explain:

14 (c) Since the issuance of your last driver's
15 license/permit has your health or medical condition changed or
16 worsened? ... yes ... no

17 Please explain, including how the above affects your
18 ability to drive:

19 Sec. 27. Section 60-4,147.02, Revised Statutes
20 Supplement, 2011, is amended to read:

21 60-4,147.02 No endorsement authorizing the driver to
22 operate a commercial motor vehicle transporting hazardous materials
23 shall be issued, renewed, or transferred by the Department of Motor
24 Vehicles unless the endorsement is issued, renewed, or transferred
25 in conformance with the requirements of section 1012 of the federal
26 Uniting and Strengthening America by Providing Appropriate Tools
27 Required to Intercept and Obstruct Terrorism Act of 2001, USA

1 PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal
2 regulations adopted pursuant thereto as of January 1, ~~2011~~, 2012,
3 for the issuance of licenses to operate commercial motor vehicles
4 transporting hazardous materials.

5 Sec. 28. Section 60-4,167, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-4,167 Upon receipt of a law enforcement officer's
8 sworn report provided for in section 60-4,164, the director shall
9 serve the notice of disqualification to the person who is the
10 subject of the report by ~~registered or certified~~ regular United
11 States mail to the person's last-known address appearing on the
12 records of the director. If the address on the director's records
13 differs from the address on the arresting officer's report, the
14 notice of disqualification shall be sent to both addresses. The
15 notice of disqualification shall contain a statement explaining
16 the operation of the disqualification procedure and the rights
17 of the person. The director shall also provide to the person
18 a self-addressed envelope and a petition form which the person
19 may use to request a hearing before the director to contest the
20 disqualification. The petition form shall clearly state on its face
21 that the petition must be completed and delivered to the department
22 or postmarked within ten days after receipt or the person's right
23 to a hearing to contest the disqualification will be foreclosed.
24 The director shall prescribe and approve the form for the petition,
25 the self-addressed envelope, and the notice of disqualification.
26 If not contested, the disqualification shall automatically take
27 effect thirty days after the date of mailing of the notice of

1 disqualification by the director. Any chemical test or tests made
2 under section 60-4,164, if made in conformity with the requirements
3 of section 60-6,201 shall be competent evidence of the alcoholic
4 content of such person's blood or breath. The commercial driver's
5 license of the person who is the subject of the report shall be
6 automatically disqualified upon the expiration of thirty days after
7 the date of the mailing of the notice of disqualification by the
8 director. The director shall conduct the hearing in the county in
9 which the violation occurred or in any county agreed to by the
10 parties. Upon receipt of a petition, the director shall notify the
11 petitioner of the date and location for the hearing by ~~certified~~
12 ~~or registered~~ regular United States mail postmarked at least seven
13 days prior to the hearing date.

14 After granting the petitioner an opportunity to be heard
15 on such issue, if it is not shown to the director that the
16 petitioner's refusal to submit to such chemical test or tests
17 was reasonable or unless it is shown to the director that the
18 petitioner was not operating or in the actual physical control of
19 a commercial motor vehicle with an alcoholic concentration in his
20 or her blood or breath equal to or in excess of that specified
21 in subsection (5) of section 60-4,164, the director shall enter
22 an order pursuant to section 60-4,169 revoking the petitioner's
23 commercial driver's license and privilege to operate a commercial
24 motor vehicle in this state and disqualifying the person from
25 operating a commercial motor vehicle for the period specified by
26 section 60-4,168.

27 Sec. 29. Section 60-4,167.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-4,167.01 (1) The director shall reduce the decision
3 disqualifying a commercial driver from operating a commercial
4 motor vehicle pursuant to a hearing under section 60-4,167 to
5 writing and the director shall notify the person in writing of
6 the disqualification within seven days following a hearing. The
7 decision shall set forth the period of disqualification and be
8 served by mailing it to such person by ~~certified or registered~~
9 regular United States mail to the address provided to the director
10 at the hearing or, if the person does not appear at the hearing,
11 to the address appearing on the records of the director. If the
12 address on the director's records differs from the address on the
13 arresting peace officer's report, the notice shall be sent to both
14 addresses.

15 (2) If the director does not disqualify the commercial
16 driver from operating a commercial motor vehicle, the director
17 shall notify the person in writing of the decision within seven
18 days following a hearing. The notice shall be mailed by ~~certified~~
19 ~~or registered~~ regular United States mail as provided in subsection
20 (1) of this section. No reinstatement fee shall be charged.

21 Sec. 30. Section 60-4,168, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-4,168 (1) Except as provided in subsections (2) and
24 (3) of this section, a person shall be disqualified from driving
25 a commercial motor vehicle for one year upon his or her first
26 conviction, after April 1, 1992, in this or any other state for:

27 (a) Driving a commercial motor vehicle in violation of

1 section 60-6,196 or 60-6,197 or under the influence of a controlled
2 substance or, beginning September 30, 2005, driving any motor
3 vehicle in violation of section 60-6,196 or 60-6,197 or under the
4 influence of a controlled substance;

5 (b) Driving a commercial motor vehicle in violation of
6 section 60-4,163 or 60-4,164;

7 (c) Leaving the scene of an accident involving a
8 commercial motor vehicle driven by the person or, beginning
9 September 30, 2005, leaving the scene of an accident involving
10 any motor vehicle driven by the person;

11 (d) Using a commercial motor vehicle in the commission
12 of a felony other than a felony described in subdivision (3)(b)
13 of this section or, beginning September 30, 2005, using any motor
14 vehicle in the commission of a felony other than a felony described
15 in subdivision (3)(b) of this section;

16 (e) Beginning September 30, 2005, driving a commercial
17 motor vehicle after his or her commercial driver's license has been
18 suspended, revoked, or canceled or the driver is disqualified from
19 driving a commercial motor vehicle; or

20 (f) Beginning September 30, 2005, causing a fatality
21 through the negligent or criminal operation of a commercial motor
22 vehicle.

23 (2) Except as provided in subsection (3) of this section,
24 if any of the offenses described in subsection (1) of this section
25 occurred while a person was transporting hazardous material in
26 a commercial motor vehicle which required placarding pursuant to
27 section 75-364, the person shall, upon conviction or administrative

1 determination, be disqualified from driving a commercial motor
2 vehicle for three years.

3 (3) A person shall be disqualified from driving a
4 commercial motor vehicle for life if, after April 1, 1992, he
5 or she:

6 (a) Is convicted of or administratively determined to
7 have committed a second or subsequent violation of any of the
8 offenses described in subsection (1) of this section or any
9 combination of those offenses arising from two or more separate
10 incidents; or

11 (b) Beginning September 30, 2005, used a commercial motor
12 vehicle in the commission of a felony involving the manufacturing,
13 distributing, or dispensing of a controlled substance.

14 (4) (a) A person is disqualified from driving a commercial
15 motor vehicle for a period of not less than sixty days if he or
16 she is convicted in this or any other state of two serious traffic
17 violations, or not less than one hundred twenty days if he or she
18 is convicted in this or any other state of three serious traffic
19 violations, arising from separate incidents occurring within a
20 three-year period while operating a commercial motor vehicle.

21 (b) A person is disqualified from driving a commercial
22 motor vehicle for a period of not less than sixty days if he or
23 she is convicted in this or any other state of two serious traffic
24 violations, or not less than one hundred twenty days if he or she
25 is convicted in this or any other state of three serious traffic
26 violations, arising from separate incidents occurring within a
27 three-year period while operating a motor vehicle other than a

1 commercial motor vehicle if the convictions have resulted in the
2 revocation, cancellation, or suspension of the person's operator's
3 license or driving privileges.

4 (5)(a) A person who is convicted of operating a
5 commercial motor vehicle in violation of a federal, state, or local
6 law or regulation pertaining to one of the following six offenses
7 at a highway-rail grade crossing shall be disqualified for the
8 period of time specified in subdivision (5)(b) of this section:

9 (i) For drivers who are not required to always stop,
10 failing to slow down and check that the tracks are clear of an
11 approaching train;

12 (ii) For drivers who are not required to always stop,
13 failing to stop before reaching the crossing, if the tracks are not
14 clear;

15 (iii) For drivers who are always required to stop,
16 failing to stop before driving onto the crossing;

17 (iv) For all drivers, failing to have sufficient space to
18 drive completely through the crossing without stopping;

19 (v) For all drivers, failing to obey a traffic control
20 device or the directions of an enforcement official at the
21 crossing; or

22 (vi) For all drivers, failing to negotiate a crossing
23 because of insufficient undercarriage clearance.

24 (b)(i) A person shall be disqualified for not less
25 than sixty days if the person is convicted of a first violation
26 described in this subsection.

27 (ii) A person shall be disqualified for not less than one

1 hundred twenty days if, during any three-year period, the person
2 is convicted of a second violation described in this subsection in
3 separate incidents.

4 (iii) A person shall be disqualified for not less than
5 one year if, during any three-year period, the person is convicted
6 of a third or subsequent violation described in this subsection in
7 separate incidents.

8 (6) For purposes of this section, controlled substance
9 has the same meaning as in section 28-401.

10 (7) For purposes of this section, conviction means an
11 unvacated adjudication of guilt, or a determination that a person
12 has violated or failed to comply with the law, in a court of
13 original jurisdiction or by an authorized administrative tribunal,
14 an unvacated forfeiture of bail or collateral deposited to secure
15 the person's appearance in court, a plea of guilty or nolo
16 contendere accepted by the court, the payment of a fine or court
17 costs, or a violation of a condition of release without bail,
18 regardless of whether or not the penalty is rebated, suspended, or
19 probated.

20 (8) For purposes of this section, serious traffic
21 violation means:

22 (a) Speeding at or in excess of fifteen miles per hour
23 over the legally posted speed limit;

24 (b) Willful reckless driving as described in section
25 60-6,214 or reckless driving as described in section 60-6,213;

26 (c) Improper lane change as described in section
27 60-6,139;

1 (d) Following the vehicle ahead too closely as described
2 in section 60-6,140;

3 (e) A violation of any law or ordinance related to
4 motor vehicle traffic control, other than parking violations or
5 overweight or vehicle defect violations, arising in connection with
6 an accident or collision resulting in death to any person;

7 (f) Beginning September 30, 2005, driving a commercial
8 motor vehicle without a commercial driver's license;

9 (g) Beginning September 30, 2005, driving a commercial
10 motor vehicle without a commercial driver's license in the
11 operator's possession; and

12 (h) Beginning September 30, 2005, driving a commercial
13 motor vehicle without the proper class of commercial driver's
14 license and any endorsements, if required, for the specific vehicle
15 group being operated or for the passengers or type of cargo being
16 transported on the vehicle; and -

17 (i) Beginning October 27, 2013, texting while driving as
18 described in section 37 of this act.

19 Sec. 31. Section 60-4,170, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-4,170 Within ten days after the revocation provided
22 for by section 60-4,169, the director shall notify in writing the
23 person whose commercial driver's license or privilege to operate
24 a commercial motor vehicle has been revoked that such license or
25 privilege has been revoked. Such notice shall: (1) Contain a list
26 of the disqualifying convictions or administrative determinations
27 upon which the director relies as his or her authority for the

1 revocation, with the dates on which such disqualifying violations
2 occurred and the dates of such convictions or administrative
3 determinations and the trial courts or administrative agencies
4 in which such convictions or administrative determinations were
5 rendered; (2) state the term of revocation; (3) include a demand
6 that the commercial driver's license be returned to the director
7 immediately; and (4) be served by mailing the notice to such
8 person by ~~registered or certified~~ regular United States mail to
9 the address of such person. If any person fails to return a
10 commercial driver's license following a demand by the director, the
11 director shall immediately direct any peace officer or authorized
12 representative of the director to secure possession of such license
13 and return the license to the director. Any person refusing or
14 failing to surrender a commercial driver's license as required by
15 this section shall, upon conviction, be guilty of a Class III
16 misdemeanor.

17 Any person who feels himself or herself aggrieved because
18 of a revocation pursuant to section 60-4,169 may appeal from
19 such revocation in the manner set forth in section 60-4,105. Such
20 appeal shall not suspend the order of revocation unless a stay
21 of such revocation shall be allowed by the court pending a final
22 determination of the review. The license of any person claiming to
23 be aggrieved shall not be restored to such person, in the event of
24 a final judgment of a court against such person, until the full
25 time of revocation, as fixed by the director, has elapsed.

26 Sec. 32. Section 60-4,182, Revised Statutes Supplement,
27 2011, is amended to read:

1 60-4,182 In order to prevent and eliminate successive
2 traffic violations, there is hereby provided a point system dealing
3 with traffic violations as disclosed by the files of the director.

4 The following point system shall be adopted:

5 (1) Conviction of motor vehicle homicide - 12 points;

6 (2) Third offense drunken driving in violation of any
7 city or village ordinance or of section 60-6,196, as disclosed by
8 the records of the director, regardless of whether the trial court
9 found the same to be a third offense - 12 points;

10 (3) Failure to stop and render aid as required under
11 section 60-697 in the event of involvement in a motor vehicle
12 accident resulting in the death or personal injury of another - 6
13 points;

14 (4) Failure to stop and report as required under section
15 60-696 or any city or village ordinance in the event of a motor
16 vehicle accident resulting in property damage - 6 points;

17 (5) Driving a motor vehicle while under the influence
18 of alcoholic liquor or any drug or when such person has a
19 concentration of eight-hundredths of one gram or more by weight of
20 alcohol per one hundred milliliters of his or her blood or per two
21 hundred ten liters of his or her breath in violation of any city or
22 village ordinance or of section 60-6,196 - 6 points;

23 (6) Willful reckless driving in violation of any city or
24 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

25 (7) Careless driving in violation of any city or village
26 ordinance or of section 60-6,212 - 4 points;

27 (8) Negligent driving in violation of any city or village

1 ordinance - 3 points;

2 (9) Reckless driving in violation of any city or village
3 ordinance or of section 60-6,213 - 5 points;

4 (10) Speeding in violation of any city or village
5 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

6 (a) Not more than five miles per hour over the speed
7 limit - 1 point;

8 (b) More than five miles per hour but not more than ten
9 miles per hour over the speed limit - 2 points;

10 (c) More than ten miles per hour but not more than
11 thirty-five miles per hour over the speed limit - 3 points, except
12 that one point shall be assessed upon conviction of exceeding by
13 not more than ten miles per hour, two points shall be assessed
14 upon conviction of exceeding by more than ten miles per hour but
15 not more than fifteen miles per hour, and three points shall be
16 assessed upon conviction of exceeding by more than fifteen miles
17 per hour but not more than thirty-five miles per hour the speed
18 limits provided for in subdivision (1)(e), (f), (g), or (h) of
19 section 60-6,186; and

20 (d) More than thirty-five miles per hour over the speed
21 limit - 4 points;

22 (11) Failure to yield to a pedestrian not resulting in
23 bodily injury to a pedestrian - 2 points;

24 (12) Failure to yield to a pedestrian resulting in bodily
25 injury to a pedestrian - 4 points;

26 (13) Using a handheld wireless communication device in
27 violation of section 60-6,179.01 or texting while driving in

1 violation of section 37 of this act - 3 points;

2 (14) Unlawful obstruction or interference of the view of
3 an operator in violation of section 60-6,256 - 1 point; and

4 (15) All other traffic violations involving the operation
5 of motor vehicles by the operator for which reports to the
6 Department of Motor Vehicles are required under sections 60-497.01
7 and 60-497.02 - 1 point.

8 Subdivision (15) of this section does not include
9 violations involving an occupant protection system pursuant to
10 section 60-6,270, parking violations, violations for operating
11 a motor vehicle without a valid operator's license in the
12 operator's possession, muffler violations, overwidth, overheight,
13 or overlength violations, motorcycle or moped protective helmet
14 violations, or overloading of trucks.

15 All such points shall be assessed against the driving
16 record of the operator as of the date of the violation for which
17 conviction was had. Points may be reduced by the department under
18 section 60-4,188.

19 In all cases, the forfeiture of bail not vacated shall be
20 regarded as equivalent to the conviction of the offense with which
21 the operator was charged.

22 The point system shall not apply to persons convicted
23 of traffic violations committed while operating a bicycle or an
24 electric personal assistive mobility device as defined in section
25 60-618.02.

26 Sec. 33. Section 60-4,184, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 60-4,184 Within ten days after the revocation provided
2 for by section 60-4,183, the director shall notify in writing the
3 person whose operator's license has been revoked that such license
4 has been revoked. Such notice shall:

5 (1) Contain a list of the convictions for violations
6 upon which the director relies as his or her authority for
7 the revocation, with the dates of such violations upon which
8 convictions were had and the dates of such convictions, the trial
9 courts in which such judgments of conviction were rendered, and the
10 points charged for each conviction;

11 (2) State the term of such revocation;

12 (3) Include a demand that the license be returned to the
13 director immediately; and

14 (4) Be served by mailing it to such person by ~~either~~
15 ~~registered or certified~~ regular United States mail to the
16 last-known residence of such person or, if such address is unknown,
17 to the last-known business address of such person.

18 If any person fails to return his or her license to
19 the director as demanded, the director shall immediately direct
20 any peace officer or authorized representative of the director to
21 secure possession of such license and return the license to the
22 director. A refusal to surrender an operator's license on demand
23 shall be unlawful, and any person failing to surrender his or her
24 license as required by this section shall be guilty of a Class III
25 misdemeanor.

26 Any person who feels aggrieved because of such revocation
27 may appeal from such revocation in the manner set forth in section

1 60-4,105. Such appeal shall not suspend the order of revocation of
2 such license unless a stay of such order is allowed by a judge of
3 such court pending a final determination of the review. The license
4 of any person claiming to be aggrieved shall not be restored to
5 such person, in the event the final judgment of a court finds
6 against such person, until the full time of revocation, as fixed by
7 the Department of Motor Vehicles, has elapsed.

8 Sec. 34. Section 60-507, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-507 (1) Within ninety days after the receipt by the
11 Department of Roads of a report of a motor vehicle accident within
12 this state which has resulted in bodily injury or death, or damage
13 to the property of any one person, including such operator, to an
14 apparent extent in excess of one thousand dollars, the Department
15 of Motor Vehicles shall suspend (a) the license of each operator
16 of a motor vehicle in any manner involved in such accident and
17 (b) the privilege, if such operator is a nonresident, of operating
18 a motor vehicle within this state, unless such operator deposits
19 security in a sum which shall be sufficient, in the judgment of the
20 Department of Motor Vehicles, to satisfy any judgment or judgments
21 for damages resulting from such accident which may be recovered
22 against such operator and unless such operator gives proof of
23 financial responsibility.

24 Notice of such suspension shall be sent by the Department
25 of Motor Vehicles by first-class mail to such operator not less
26 than twenty days prior to the effective date of such suspension
27 at his or her last-known mailing address as shown by the records

1 of the department and shall state the amount required as security
2 and the requirement of proof of financial responsibility. In the
3 event a person involved in a motor vehicle accident within this
4 state fails to make a report to the Department of Motor Vehicles
5 indicating the extent of his or her injuries or the damage to
6 his or her property within thirty days after the accident, and
7 the department does not have sufficient information on which to
8 base an evaluation of such injury or damage, the department, after
9 reasonable notice to such person, may not require any deposit
10 of security for the benefit or protection of such person. If
11 the operator fails to respond to the notice on or before twenty
12 days after the date of the notice, the director shall summarily
13 suspend the operator's license or privilege and issue an order of
14 suspension.

15 (2) The order of suspension provided for in subsection
16 (1) of this section shall not be entered by the Department of Motor
17 Vehicles if the department determines that in its judgment there is
18 no reasonable possibility of a judgment being rendered against such
19 operator.

20 (3) In determining whether there is a reasonable
21 possibility of judgment being rendered against such operator, the
22 department shall consider all reports and information filed in
23 connection with the accident.

24 (4) The order of suspension provided for in subsection
25 (1) of this section shall advise the operator that he or she has
26 a right to appeal the order of suspension in accordance with the
27 provisions set forth in section 60-503.

1 (5) The order of suspension provided for in subsection
2 (1) of this section shall be sent by ~~registered or certified~~
3 regular United States mail to the person's last-known mailing
4 address as shown by the records of the department.

5 Sec. 35. Section 60-601, Revised Statutes Supplement,
6 2011, is amended to read:

7 60-601 Sections 60-601 to 60-6,380 and section 37 of this
8 act shall be known and may be cited as the Nebraska Rules of the
9 Road.

10 Sec. 36. Section 60-6,179.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-6,179.01 (1) This section does not apply to an
13 operator of a commercial motor vehicle if section 37 of this
14 act applies.

15 ~~(1)~~ (2) Except as otherwise provided in subsection ~~(2)~~
16 (3) of this section, no person shall use a handheld wireless
17 communication device to read a written communication, manually type
18 a written communication, or send a written communication while
19 operating a motor vehicle which is in motion.

20 ~~(2)~~ (3) The prohibition in subsection ~~(1)~~ (2) of this
21 section does not apply to:

22 (a) A person performing his or her official duties as a
23 law enforcement officer, a firefighter, an ambulance driver, or an
24 emergency medical technician; or

25 (b) A person operating a motor vehicle in an emergency
26 situation.

27 ~~(3)~~ (4) Enforcement of this section by state or local

1 law enforcement agencies shall be accomplished only as a secondary
2 action when a driver of a motor vehicle has been cited or charged
3 with a traffic violation or some other offense.

4 ~~(4)~~ (5) Any person who violates this section shall be
5 guilty of a traffic infraction. Any person who is found guilty of
6 a traffic infraction under this section shall be assessed points
7 on his or her motor vehicle operator's license pursuant to section
8 60-4,182 and shall be fined:

- 9 (a) Two hundred dollars for the first offense;
10 (b) Three hundred dollars for a second offense; and
11 (c) Five hundred dollars for a third and subsequent
12 offense.

13 ~~(5)~~ (6) For purposes of this section:

14 (a) (i) Handheld wireless communication device means any
15 device that provides for written communication between two or more
16 parties and is capable of receiving, displaying, or transmitting
17 written communication.

18 (ii) Handheld wireless communication device includes,
19 but is not limited to, a mobile or cellular telephone, a text
20 messaging device, a personal digital assistant, a pager, or a
21 laptop computer.

22 (iii) Handheld wireless communication device does not
23 include an electronic device that is part of the motor vehicle or
24 permanently attached to the motor vehicle or a handsfree wireless
25 communication device; and

26 (b) Written communication includes, but is not limited
27 to, a text message, an instant message, electronic mail, and

1 Internet web sites.

2 Sec. 37. (1) Beginning October 27, 2013, except as
3 otherwise provided in subsection (2) of this section, no operator
4 of a commercial motor vehicle shall engage in texting while
5 driving.

6 (2) Texting while driving is permissible by an operator
7 of a commercial motor vehicle if such texting is necessary to
8 communicate with law enforcement officials or other emergency
9 services.

10 (3) Any person who violates this section shall be guilty
11 of a traffic infraction. Any person who is found guilty of
12 a traffic infraction under this section shall be subject to
13 disqualification as provided in section 60-4,168, shall be assessed
14 points on his or her motor vehicle operator's license pursuant to
15 section 60-4,182, and shall be fined:

- 16 (a) Two hundred dollars for the first offense;
17 (b) Three hundred dollars for a second offense; and
18 (c) Five hundred dollars for a third and subsequent
19 offense.

20 (4) For purposes of this section:
21 (a) Driving means operating a commercial motor vehicle,
22 with the motor running, including while temporarily stationary
23 because of traffic, a traffic control device, or other momentary
24 delays. Driving does not include operating a commercial motor
25 vehicle with or without the motor running when the operator moves
26 the vehicle to the side of, or off, a highway and halts in a
27 location where the vehicle can safely remain stationary;

1 (b) Electronic device includes, but is not limited to,
2 a cellular telephone; a personal digital assistant; a pager; a
3 computer; or any other device used to input, write, send, receive,
4 or read text; and

5 (c) (i) Texting means manually entering alphanumeric text
6 into, or reading text from, an electronic device. Texting includes,
7 but is not limited to, short message service, emailing, instant
8 messaging, a command or request to access an Internet web page,
9 pressing more than a single button to initiate or terminate a voice
10 communication using a mobile telephone, or engaging in any other
11 form of electronic text retrieval or electronic text entry for
12 present or future communication.

13 (ii) Texting does not include:

14 (A) Inputting, selecting, or reading information on a
15 global positioning system or navigation system;

16 (B) Pressing a single button to initiate or terminate a
17 voice communication using a mobile telephone; or

18 (C) Using a device capable of performing multiple
19 functions, including, but not limited to, fleet management systems,
20 dispatching devices, smartphones, citizens band radios, and music
21 players, for a purpose other than texting.

22 Sec. 38. Section 60-6,211.05, Revised Statutes
23 Supplement, 2011, is amended to read:

24 60-6,211.05 (1) If an order is granted under section
25 60-6,196 or 60-6,197 and sections 60-6,197.02 and 60-6,197.03, the
26 court may order that the defendant install an ignition interlock
27 device of a type approved by the Director of Motor Vehicles on

1 each motor vehicle operated by the defendant during the period of
2 revocation. Upon sufficient evidence of installation, the defendant
3 may apply to the director for an ignition interlock permit pursuant
4 to section 60-4,118.06. The device shall, without tampering or
5 the intervention of another person, prevent the defendant from
6 operating the motor vehicle when the defendant has an alcohol
7 concentration greater than three-hundredths of one gram or more
8 by weight of alcohol per one hundred milliliters of his or her
9 blood or three-hundredths of one gram or more by weight of alcohol
10 per two hundred ten liters of his or her breath. The Department
11 of Motor Vehicles shall issue an ignition interlock permit to the
12 defendant under section 60-4,118.06 only upon sufficient proof that
13 a defendant has installed an ignition interlock device on any motor
14 vehicle that the defendant will operate during his or her release.

15 (2) If the court orders installation of an ignition
16 interlock device and issuance of an ignition interlock permit
17 pursuant to subsection (1) of this section, the court may also
18 order the use of a continuous alcohol monitoring device and
19 abstention from alcohol use at all times. The device shall, without
20 tampering or the intervention of another person, test and record
21 the alcohol consumption level of the defendant on a periodic basis
22 and transmit such information to probation authorities.

23 (3) Any order issued by the court pursuant to this
24 section shall not take effect until the defendant is eligible
25 to operate a motor vehicle pursuant to subsection (8) of section
26 60-498.01. A person shall be eligible to be issued an ignition
27 interlock permit allowing operation of a motor vehicle equipped

1 with an ignition interlock device if he or she is not subject to
2 any other suspension, cancellation, required no-driving period,
3 or period of revocation and has successfully completed the
4 ignition interlock permit application process. The Department of
5 Motor Vehicles shall review its records and the driving record
6 abstract of any person who applies for an ignition interlock permit
7 allowing operation of a motor vehicle equipped with an ignition
8 interlock device to determine (a) the applicant's eligibility
9 for an ignition interlock permit, (b) the applicant's previous
10 convictions under section 60-6,196, 60-6,197, or 60-6,197.06 or
11 any previous administrative license revocation, if any, (c) if the
12 applicant is subject to any required no-drive periods before the
13 ignition interlock permit may be issued, and (d) the permitted
14 driving uses to be allowed to that person on his or her ignition
15 interlock permit.

16 (4) (a) If the court orders an ignition interlock device
17 or the Board of Pardons orders an ignition interlock device under
18 section 83-1,127.02, the court or the Board of Pardons shall order
19 the defendant to apply for an ignition interlock permit as provided
20 in section 60-4,118.06 which indicates that the defendant is only
21 allowed to operate a motor vehicle equipped with an ignition
22 interlock device.

23 (b) Such court order shall remain in effect for a period
24 of time as determined by the court not to exceed the maximum
25 term of revocation which the court could have imposed according
26 to the nature of the violation and shall allow operation by the
27 defendant of an ignition-interlock-equipped motor vehicle only (i)

1 if the defendant has no previous conviction under section 60-6,196,
2 60-6,197, or 60-6,197.06 and no previous administrative license
3 revocation, to and from his or her residence for purposes of his
4 or her employment, his or her school, a substance abuse treatment
5 program, his or her probation officer, his or her continuing
6 health care or the continuing health care of another person who
7 is dependent upon the person, his or her court-ordered community
8 service responsibilities, or an ignition interlock service facility
9 or (ii) if the defendant has a previous conviction under section
10 60-6,196, 60-6,197, or 60-6,197.06 or a previous administrative
11 license revocation, to and from his or her residence, ~~for purposes~~
12 ~~of~~ his or her place of employment, his or her school, ~~or~~ a
13 substance abuse treatment program, or an ignition interlock service
14 facility.

15 (c) Such Board of Pardons order shall remain in effect
16 for a period of time not to exceed any period of revocation the
17 applicant is subject to at the time the application for a reprieve
18 is made.

19 (5) Any person restricted to operating a motor vehicle
20 equipped with an ignition interlock device, pursuant to a Board of
21 Pardons order, who operates upon the highways of this state a motor
22 vehicle without such device or if the device has been disabled,
23 bypassed, or altered in any way, shall be punished as provided in
24 subsection (3) of section 83-1,127.02.

25 (6) If a person ordered to use a continuous alcohol
26 monitoring device and abstain from alcohol use pursuant to a court
27 order as provided in subsection (2) of this section violates the

1 provisions of such court order by removing, tampering with, or
2 otherwise bypassing the continuous alcohol monitoring device or
3 by consuming alcohol while required to use such device, he or
4 she shall have his or her ignition interlock permit revoked and
5 be unable to apply for reinstatement for the duration of the
6 revocation period imposed by the court.

7 (7) The director shall adopt and promulgate rules and
8 regulations regarding the approval of ignition interlock devices,
9 the means of installing ignition interlock devices, and the means
10 of administering the ignition interlock permit program.

11 (8) (a) The costs incurred in order to comply with the
12 ignition interlock requirements of this section shall be paid
13 directly to the ignition interlock provider by the person complying
14 with an order for an ignition interlock permit and installation of
15 an ignition interlock device.

16 (b) If the Department of Motor Vehicles has determined
17 the person to be indigent and incapable of paying for the cost
18 of installation, removal, or maintenance of the ignition interlock
19 device in accordance with this section, such costs shall be paid
20 out of the Department of Motor Vehicles Ignition Interlock Fund
21 if such funds are available, according to rules and regulations
22 adopted and promulgated by the department. Such costs shall also
23 be paid out of the Department of Motor Vehicles Ignition Interlock
24 Fund if such funds are available and if the court or the Board of
25 Pardons, whichever is applicable, has determined the person to be
26 indigent and incapable of paying for the cost of installation,
27 removal, or maintenance of the ignition interlock device in

1 accordance with this section. The Department of Motor Vehicles
2 Ignition Interlock Fund is created. Any money in the fund available
3 for investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 (9) (a) (i) An ignition interlock service facility shall
7 notify the appropriate district probation office or the appropriate
8 court, as applicable, of any evidence of tampering with or
9 circumvention of an ignition interlock device, or any attempts
10 to do so, when the facility becomes aware of such evidence.
11 Failure of the facility to provide notification as provided in this
12 subdivision is a Class V misdemeanor.

13 (ii) An ignition interlock service facility shall notify
14 the Department of Motor Vehicles, if the ignition interlock
15 permit is issued pursuant to sections 60-498.01 to 60-498.04,
16 of any evidence of tampering with or circumvention of an ignition
17 interlock device, or any attempts to do so, when the facility
18 becomes aware of such evidence. Failure of the facility to
19 provide notification as provided in this subdivision is a Class V
20 misdemeanor.

21 (b) If a district probation office receives evidence of
22 tampering with or circumvention of an ignition interlock device, or
23 any attempts to do so, from an ignition interlock service facility,
24 the district probation office shall notify the appropriate court of
25 such violation. The court shall immediately schedule an evidentiary
26 hearing to be held within fourteen days after receiving such
27 evidence, either from the district probation office or an ignition

1 interlock service facility, and the court shall cause notice of
2 the hearing to be given to the person operating a motor vehicle
3 pursuant to an order under subsection (1) of this section. If
4 the person who is the subject of such evidence does not appear
5 at the hearing and show cause why the order made pursuant to
6 subsection (1) of this section should remain in effect, the court
7 shall rescind the original order. Nothing in this subsection shall
8 apply to an order made by the Board of Pardons pursuant to section
9 83-1,127.02.

10 (10) Notwithstanding any other provision of law, the
11 issuance of an ignition interlock permit by the Department of Motor
12 Vehicles under section 60-498.01 or an order for the installation
13 of an ignition interlock device and ignition interlock permit made
14 pursuant to subsection (1) of this section as part of a conviction,
15 as well as the administration of such court order by the Office
16 of Probation Administration for the installation, maintenance, and
17 removal of such device, as applicable, shall not be construed to
18 create an order of probation when an order of probation has not
19 been issued.

20 Sec. 39. Section 66-1406.02, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 66-1406.02 (1) The director may suspend, revoke, cancel,
23 or refuse to issue or renew a license under the International Fuel
24 Tax Agreement Act:

25 (a) If the applicant's or licensee's registration
26 certificate issued pursuant to the International Registration Plan
27 Act has been suspended, revoked, or canceled or the director

1 refused to issue or renew such certificate;

2 (b) If the applicant or licensee is in violation of
3 sections 75-392 to 75-399;

4 (c) If the applicant's or licensee's security has been
5 canceled;

6 (d) If the applicant or licensee failed to provide
7 additional security as required;

8 (e) If the applicant or licensee failed to file any
9 report or return required by the motor fuel laws, filed an
10 incomplete report or return required by the motor fuel laws, did
11 not file any report or return required by the motor fuel laws
12 electronically, or did not file a report or return required by the
13 motor fuel laws on time;

14 (f) If the applicant or licensee failed to pay taxes
15 required by the motor fuel laws due within the time provided;

16 (g) If the applicant or licensee filed any false report,
17 return, statement, or affidavit, required by the motor fuel laws,
18 knowing it to be false;

19 (h) If the applicant or licensee would no longer be
20 eligible to obtain a license; or

21 (i) If the applicant or licensee committed any other
22 violation of the International Fuel Tax Agreement Act or the rules
23 and regulations adopted and promulgated under the act.

24 (2) Prior to taking any action pursuant to subsection
25 (1) of this section, the director shall notify and advise the
26 applicant or licensee of the proposed action and the reasons for
27 such action in writing, by ~~registered or certified~~ regular United

1 States mail, to his or her last-known business address as shown
2 on the application or license. The notice shall also include an
3 advisement of the procedures in subsection (3) of this section.

4 (3) The applicant or licensee may, within thirty days
5 after the mailing of the notice, petition the director in writing
6 for a hearing to contest the proposed action. The hearing shall be
7 commenced in accordance with the rules and regulations adopted and
8 promulgated by the Department of Motor Vehicles. If a petition is
9 filed, the director shall, within twenty days after receipt of the
10 petition, set a hearing date at which the applicant or licensee
11 may show cause why the proposed action should not be taken. The
12 director shall give the applicant or licensee reasonable notice of
13 the time and place of the hearing. If the director's decision is
14 adverse to the applicant or licensee, the applicant or licensee may
15 appeal the decision in accordance with the Administrative Procedure
16 Act.

17 (4) Except as provided in subsection (2) of section
18 60-3,205 and subsection (8) of this section, the filing of the
19 petition shall stay any action by the director until a hearing is
20 held and a final decision and order is issued.

21 (5) Except as provided in subsection (2) of section
22 60-3,205 and subsection (8) of this section, if no petition is
23 filed at the expiration of thirty days after the date on which the
24 notification was mailed, the director may take the proposed action
25 described in the notice.

26 (6) Except as provided in subsection (2) of section
27 60-3,205 and subsection (8) of this section, if, in the judgment of

1 the director, the applicant or licensee has complied with or is no
2 longer in violation of the provisions for which the director took
3 action under this section, the director may reinstate the license
4 without delay. An applicant for reinstatement, issuance, or renewal
5 of a license within three years after the date of suspension,
6 revocation, cancellation, or refusal to issue or renew shall submit
7 a fee of one hundred dollars to the director. The director shall
8 remit the fee to the State Treasurer for credit to the Highway Cash
9 Fund.

10 (7) Suspension of, revocation of, cancellation of, or
11 refusal to issue or renew a license by the director shall not
12 relieve any person from making or filing the reports or returns
13 required by the motor fuel laws in the manner or within the time
14 required.

15 (8) Any person who receives notice from the director of
16 action taken pursuant to subsection (1) of this section shall,
17 within three business days, return such registration certificate
18 and license plates issued pursuant to section 60-3,198 to the
19 department. If any person fails to return the registration
20 certificate and license plates to the department, the department
21 shall notify the Nebraska State Patrol that any such person is in
22 violation of this section.

23 Sec. 40. Section 71-4603, Revised Statutes Cumulative
24 Supplement, 2010, is amended to read:

25 71-4603 For purposes of the Uniform Standard Code for
26 Manufactured Homes and Recreational Vehicles, unless the context
27 otherwise requires:

1 (1) Camping trailer means a vehicular portable unit
2 mounted on wheels and constructed with collapsible partial side
3 walls which fold for towing by another vehicle and unfold at the
4 campsite to provide temporary living quarters for recreational,
5 camping, or travel use;

6 (2) Commission means the Public Service Commission;

7 (3) Dealer means a person licensed by the state pursuant
8 to the Motor Vehicle Industry Regulation Act as a dealer in
9 manufactured homes or recreational vehicles or any other person,
10 other than a manufacturer, who sells, offers to sell, distributes,
11 or leases manufactured homes or recreational vehicles primarily to
12 persons who in good faith purchase or lease a manufactured home or
13 recreational vehicle for purposes other than resale;

14 (4) Defect means a failure to conform to an applicable
15 construction standard that renders the manufactured home or
16 recreational vehicle or any component of the manufactured home or
17 recreational vehicle not fit for the ordinary use for which it was
18 intended but does not result in an unreasonable risk of injury or
19 death to occupants;

20 (5) Distributor means any person engaged in the sale and
21 distribution of manufactured homes or recreational vehicles for
22 resale;

23 (6) Failure to conform means a defect, a serious defect,
24 noncompliance, or an imminent safety hazard related to the code;

25 (7) Fifth-wheel trailer means a unit mounted on wheels,
26 designed to provide temporary living quarters for recreational,
27 camping, or travel use, of such size or weight as not to require

1 a special highway movement permit, of gross trailer area not to
2 exceed four hundred thirty square feet in the setup mode, and
3 designed to be towed by a motorized vehicle that contains a towing
4 mechanism that is mounted above or forward of the tow vehicle's
5 rear axle;

6 (8) Gross trailer area means the total plan area measured
7 on the exterior to the maximum horizontal projections of exterior
8 wall in the setup mode and includes all siding, corner trims,
9 moldings, storage spaces, expandable room sections regardless of
10 height, and areas enclosed by windows but does not include roof
11 overhangs. Storage lofts contained within the basic unit shall
12 have ceiling heights less than five feet and shall not constitute
13 additional square footage. Appurtenances, as defined in subdivision
14 (2)(k) of section 60-6,288, shall not be considered in calculating
15 the gross trailer area as provided in such subdivision;

16 (9) Imminent safety hazard means a hazard that presents
17 an imminent and unreasonable risk of death or severe personal
18 injury;

19 (10) Manufactured home means a structure, transportable
20 in one or more sections, which in the traveling mode is eight body
21 feet or more in width or forty body feet or more in length or when
22 erected on site is three hundred twenty or more square feet and
23 which is built on a permanent chassis and designed to be used as
24 a dwelling with or without a permanent foundation when connected
25 to the required utilities and includes the plumbing, heating, air
26 conditioning, and electrical systems contained in the structure,
27 except that manufactured home includes any structure that meets

1 all of the requirements of this subdivision other than the size
2 requirements and with respect to which the manufacturer voluntarily
3 files a certification required by the United States Secretary
4 of Housing and Urban Development and complies with the standards
5 established under the National Manufactured Housing Construction
6 and Safety Standards Act of 1974, as such act existed on September
7 1, 2001, 42 U.S.C. 5401 et seq.;

8 (11) Manufactured-home construction means all activities
9 relating to the assembly and manufacture of a manufactured home,
10 including, but not limited to, activities relating to durability,
11 quality, and safety;

12 (12) Manufactured-home safety means the performance of a
13 manufactured home in such a manner that the public is protected
14 against any unreasonable risk of the occurrence of accidents due
15 to the design or construction of such manufactured home or any
16 unreasonable risk of death or injury to the user or to the public
17 if such accidents do occur;

18 (13) Manufacturer means any person engaged in
19 manufacturing, assembling, or completing manufactured homes or
20 recreational vehicles;

21 (14) Motor home means a vehicular unit primarily designed
22 to provide temporary living quarters which are built into an
23 integral part of, or permanently attached to, a self-propelled
24 motor vehicle chassis or van, containing permanently installed
25 independent life-support systems that meet the state standard
26 for recreational vehicles and providing at least four of
27 the following facilities: Cooking; refrigeration or ice box;

1 self-contained toilet; heating, air conditioning, or both; a
2 potable water supply system including a faucet and sink; separate
3 one-hundred-twenty-nominal-volt electrical power supply; or LP gas
4 supply;

5 (15) Noncompliance means a failure to comply with an
6 applicable construction standard that does not constitute a defect,
7 a serious defect, or an imminent safety hazard;

8 (16) Park trailer means a vehicular unit which meets the
9 following criteria:

10 (a) Built on a single chassis mounted on wheels;

11 (b) Designed to provide seasonal or temporary living
12 quarters which may be connected to utilities necessary for
13 operation of installed fixtures and appliances;

14 (c) Constructed to permit setup by persons without
15 special skills using only hand tools which may include lifting,
16 pulling, and supporting devices; and

17 (d) Having a gross trailer area not exceeding four
18 hundred square feet when in the setup mode;

19 (17) Person means any individual, partnership, limited
20 liability company, company, corporation, or association engaged in
21 manufacturing, selling, offering to sell, or leasing manufactured
22 homes or recreational vehicles;

23 (18) Purchaser means the first person purchasing a
24 manufactured home or recreational vehicle in good faith for
25 purposes other than resale;

26 (19) Recreational vehicle means a vehicular type unit
27 primarily designed as temporary living quarters for recreational,

1 camping, or travel use, which unit either has its own motive power
2 or is mounted on or towed by another vehicle. Recreational vehicle
3 includes, but is not limited to, travel trailer, park trailer,
4 camping trailer, truck camper, motor home, and van conversion;

5 (20) Seal means a device or insignia issued by the
6 Department of Health and Human Services Regulation and Licensure
7 prior to May 1, 1998, or by the Public Service Commission on
8 or after May 1, 1998, to be displayed on the exterior of a
9 manufactured home or recreational vehicle to evidence compliance
10 with state standards. The federal manufactured-home label shall be
11 recognized as a seal;

12 (21) Serious defect means a failure to conform to an
13 applicable construction standard that renders the manufactured home
14 or recreational vehicle or any component of the manufactured home
15 or recreational vehicle not fit for the ordinary use for which it
16 was intended and which results in an unreasonable risk of injury or
17 death to the occupants;

18 (22) Travel trailer means a vehicular unit mounted
19 on wheels, designed to provide temporary living quarters for
20 recreational, camping, or travel use of such size or weight as
21 not to require special highway movement permits when towed by a
22 motorized vehicle and of gross trailer area less than four hundred
23 square feet;

24 (23) Truck camper means a portable unit constructed to
25 provide temporary living quarters for recreational, travel, or
26 camping use, consisting of a roof, floor, and sides and designed to
27 be loaded onto and unloaded from the bed of a pickup truck; and

1 (24) Van conversion means a completed vehicle permanently
2 altered cosmetically, structurally, or both which has been
3 recertified by the state as a multipurpose passenger vehicle
4 but which does not conform to or otherwise meet the definition
5 of a motor home in this section and which contains at
6 least one plumbing, heating, or one-hundred-twenty-nominal-volt
7 electrical component subject to the provisions of the state
8 standard for recreational vehicles. Van conversion does not
9 include any such vehicle that lacks any plumbing, heating, or
10 one-hundred-twenty-nominal-volt electrical system but contains an
11 extension of the low-voltage automotive circuitry.

12 Sec. 41. Section 75-363, Revised Statutes Supplement,
13 2011, is amended to read:

14 75-363 (1) The parts, subparts, and sections of Title
15 49 of the Code of Federal Regulations listed below, as modified
16 in this section, or any other parts, subparts, and sections
17 referred to by such parts, subparts, and sections, in existence and
18 effective as of January 1, ~~2011~~, 2012, are adopted as Nebraska law.

19 (2) Except as otherwise provided in this section, the
20 regulations shall be applicable to:

21 (a) All motor carriers, drivers, and vehicles to which
22 the federal regulations apply; and

23 (b) All motor carriers transporting persons or property
24 in intrastate commerce to include:

25 (i) All vehicles of such motor carriers with a gross
26 vehicle weight rating, gross combination weight rating, gross
27 vehicle weight, or gross combination weight over ten thousand

1 pounds;

2 (ii) All vehicles of such motor carriers designed or
3 used to transport more than eight passengers, including the driver,
4 for compensation, or designed or used to transport more than
5 fifteen passengers, including the driver, and not used to transport
6 passengers for compensation;

7 (iii) All vehicles of such motor carriers transporting
8 hazardous materials required to be placarded pursuant to section
9 75-364; and

10 (iv) All drivers of such motor carriers if the drivers
11 are operating a commercial motor vehicle as defined in section
12 60-465 which requires a commercial driver's license.

13 (3) The Legislature hereby adopts, as modified in this
14 section, the following parts of Title 49 of the Code of Federal
15 Regulations:

16 (a) Part 382 - Controlled Substances And Alcohol Use And
17 Testing;

18 (b) Part 385 - Safety Fitness Procedures;

19 (c) Part 386 - Rules Of Practice For Motor Carrier,
20 Intermodal Equipment Provider, Broker, Freight Forwarder, And
21 Hazardous Materials Proceedings;

22 (d) Part 387 - Minimum Levels of Financial Responsibility
23 for Motor Carriers;

24 (e) Part 390 - Federal Motor Carrier Safety Regulations;
25 General;

26 (f) Part 391 - Qualifications Of Drivers And Longer
27 Combination Vehicle (LCV) Driver Instructors;

- 1 (g) Part 392 - Driving Of Commercial Motor Vehicles;
- 2 (h) Part 393 - Parts And Accessories Necessary For Safe
3 Operation;
- 4 (i) Part 395 - Hours Of Service Of Drivers;
- 5 (j) Part 396 - Inspection, Repair, And Maintenance;
- 6 (k) Part 397 - Transportation Of Hazardous Materials;
7 Driving And Parking Rules; and
- 8 (l) Part 398 - Transportation Of Migrant Workers.
- 9 (4) The provisions of subpart E - Physical Qualifications
10 And Examinations of 49 C.F.R. part 391 - Qualifications Of Drivers
11 And Longer Combination Vehicle (LCV) Driver Instructors shall not
12 apply to any driver subject to this section who: (a) Operates a
13 commercial motor vehicle exclusively in intrastate commerce; and
14 (b) holds, or has held, a commercial driver's license issued by
15 this state prior to July 30, 1996.
- 16 (5) The regulations adopted in subsection (3) of this
17 section shall not apply to farm trucks registered pursuant to
18 section 60-3,146 with a gross weight of sixteen tons or less. The
19 following parts and sections of 49 C.F.R. chapter III shall not
20 apply to drivers of farm trucks registered pursuant to section
21 60-3,146 and operated solely in intrastate commerce:
- 22 (a) All of part 391;
- 23 (b) Section 395.8 of part 395; and
- 24 (c) Section 396.11 of part 396.
- 25 (6) Part 393 - Parts And Accessories Necessary For Safe
26 Operation and Part 396 - Inspection, Repair, And Maintenance shall
27 not apply to fertilizer and agricultural chemical application and

1 distribution equipment transported in units with a capacity of
2 three thousand five hundred gallons or less.

3 (7) For purposes of this section, intrastate motor
4 carriers shall not include any motor carrier or driver excepted
5 from 49 C.F.R. chapter III by section 390.3(f) of part 390.

6 (8) (a) Part 395 - Hours Of Service Of Drivers shall apply
7 to motor carriers and drivers who engage in intrastate commerce as
8 defined in section 75-362, except that no motor carrier who engages
9 in intrastate commerce shall permit or require any driver used by
10 it to drive nor shall any driver drive:

11 (i) More than twelve hours following eight consecutive
12 hours off duty; or

13 (ii) For any period after having been on duty sixteen
14 hours following eight consecutive hours off duty.

15 (b) No motor carrier who engages in intrastate commerce
16 shall permit or require a driver of a commercial motor vehicle,
17 regardless of the number of motor carriers using the driver's
18 services, to drive, nor shall any driver of a commercial motor
19 vehicle drive, for any period after:

20 (i) Having been on duty seventy hours in any seven
21 consecutive days if the employing motor carrier does not operate
22 every day of the week; or

23 (ii) Having been on duty eighty hours in any period of
24 eight consecutive days if the employing motor carrier operates
25 motor vehicles every day of the week.

26 (9) Part 395 - Hours Of Service Of Drivers, as adopted
27 in subsections (3) and (8) of this section, shall not apply to

1 drivers transporting agricultural commodities or farm supplies for
2 agricultural purposes when the transportation of such commodities
3 or supplies occurs within a one-hundred-air-mile radius of
4 the source of the commodities or the distribution point for
5 the supplies when such transportation occurs during the period
6 beginning on February 15 up to and including December 15 of each
7 calendar year.

8 (10) 49 C.F.R. 390.21 - Marking Of ~~Commercial Motor~~
9 ~~Vehicles~~ Self-Propelled CMVs And Intermodal Equipment shall not
10 apply to farm trucks and farm truck-tractors registered pursuant to
11 section 60-3,146 and operated solely in intrastate commerce.

12 (11) 49 C.F.R. 392.9a - Operating Authority shall
13 not apply to Nebraska motor carriers operating commercial motor
14 vehicles solely in intrastate commerce.

15 (12) No motor carrier shall permit or require a driver
16 of a commercial motor vehicle to violate, and no driver of a
17 commercial motor vehicle shall violate, any out-of-service order.

18 Sec. 42. Section 75-364, Revised Statutes Supplement,
19 2011, is amended to read:

20 75-364 The parts, subparts, and sections of Title 49 of
21 the Code of Federal Regulations listed below, or any other parts,
22 subparts, and sections referred to by such parts, subparts, and
23 sections, in existence and effective as of January 1, ~~2011~~, 2012,
24 are adopted as part of Nebraska law and shall be applicable to
25 all motor carriers whether engaged in interstate or intrastate
26 commerce, drivers of such motor carriers, and vehicles of such
27 motor carriers:

1 (1) Part 107 - Hazardous Materials Program Procedures,
2 subpart F-Registration of Cargo Tank and Cargo Tank Motor Vehicle
3 Manufacturers, Assemblers, Repairers, Inspectors, Testers, and
4 Design Certifying Engineers;

5 (2) Part 107 - Hazardous Materials Program Procedures,
6 subpart G-Registration of Persons Who Offer or Transport Hazardous
7 Materials;

8 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND
9 DEFINITIONS;

10 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL
11 PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE
12 INFORMATION, ~~AND~~ TRAINING REQUIREMENTS, AND SECURITY PLANS;

13 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR
14 SHIPMENTS AND PACKAGINGS;

15 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

16 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

17 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE
18 OF PACKAGINGS.

19 Sec. 43. Section 75-366, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 75-366 ~~For the purpose of enforcing Chapter 75, article~~
22 ~~3, any officer of the carrier enforcement division of the Nebraska~~
23 ~~State Patrol or any officer of the Nebraska State Patrol may,~~
24 ~~upon demand, inspect the accounts, records, and equipment of any~~
25 ~~carrier or shipper. The carrier enforcement division shall enforce~~
26 ~~the provisions of Chapter 75, article 3. To promote uniformity~~
27 ~~of enforcement, the carrier enforcement division shall cooperate~~

1 and consult with the Public Service Commission and the Division
2 of Motor Carrier Services. For the purpose of enforcing sections
3 75-363 and 75-364, any officer of the carrier enforcement division
4 of the Nebraska State Patrol or any officer of the Nebraska State
5 Patrol shall have the authority of special agents of the Federal
6 Motor Carrier Safety Administration.

7 For the purpose of enforcing Chapter 75, article 3, any
8 officer of the Nebraska State Patrol may, upon demand, inspect the
9 accounts, records, and equipment of any motor carrier or shipper.
10 Any officer of the Nebraska State Patrol shall have the authority
11 to enforce the federal motor carrier safety regulations, as such
12 regulations existed on January 1, 2012, and federal hazardous
13 materials regulations, as such regulations existed on January 1,
14 2012, and is authorized to enter upon, inspect, and examine any and
15 all lands, buildings, and equipment of any motor carrier, shipper,
16 and any other person subject to the federal Interstate Commerce
17 Act, the federal Department of Transportation Act, and other
18 related federal laws, and to inspect and copy any and all accounts,
19 books, records, memoranda, correspondence, and other documents of
20 a motor carrier, shipper, and any other person subject to Chapter
21 75, article 3. To promote uniformity of enforcement, the carrier
22 enforcement division of the Nebraska State Patrol shall cooperate
23 and consult with the Public Service Commission and the Division of
24 Motor Carrier Services.

25 Sec. 44. Section 75-393, Revised Statutes Supplement,
26 2011, is amended to read:

27 75-393 The director may participate in the unified

1 carrier registration plan and agreement pursuant to the Unified
2 Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act
3 existed on January 1, ~~2011~~, 2012, and may file on behalf of this
4 state the plan required by such plan and agreement for enforcement
5 of the act in this state.

6 Sec. 45. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14,
7 16, 18, 19, 23, 28, 29, 31, 33, 34, 39, 40, 48, and 49 of this
8 act become operative three calendar months after the adjournment of
9 this legislative session. Sections 20, 22, 24, and 47 of this act
10 become operative on May 1, 2012. The other sections of this act
11 become operative on their effective date.

12 Sec. 46. Original sections 60-4,168, 60-6,179.01, and
13 75-366, Reissue Revised Statutes of Nebraska, and sections 18-1739,
14 60-3,113.04, 60-3,193.01, 60-462.01, 60-498.02, 60-4,118.06,
15 60-4,144, 60-4,146, 60-4,147.02, 60-4,182, 60-601, 60-6,211.05,
16 75-363, 75-364, and 75-393, Revised Statutes Supplement, 2011, are
17 repealed.

18 Sec. 47. Original section 60-4,142, Reissue Revised
19 Statutes of Nebraska, and sections 60-4,116 and 60-4,120, Revised
20 Statutes Supplement, 2011, are repealed.

21 Sec. 48. Original sections 37-1284, 37-1285, 60-154,
22 60-166, 60-168, 60-169, 60-180, 60-365, 60-3,198, 60-3,205,
23 60-486, 60-4,100, 60-4,130.03, 60-4,167, 60-4,167.01, 60-4,170,
24 60-4,184, 60-507, and 66-1406.02, Reissue Revised Statutes
25 of Nebraska, sections 37-1283 and 71-4603, Revised Statutes
26 Cumulative Supplement, 2010, and section 60-4,114, Revised Statutes
27 Supplement, 2011, are repealed.

1 Sec. 49. The following sections are outright repealed:
2 Sections 60-3,163 and 60-485, Reissue Revised Statutes of Nebraska.
3 Sec. 50. Since an emergency exists, this act takes effect
4 when passed and approved according to law.