

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 893**

Introduced by McGill, 26.

Read first time January 09, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to government; to amend sections 60-396 and  
2 60-3,104, Reissue Revised Statutes of Nebraska, and  
3 sections 60-301, 60-393, and 60-395, Revised Statutes  
4 Supplement, 2011; to provide for Nebraska Armed Forces  
5 Pride Plates; to create a fund; to provide for funding  
6 for Nebraska veterans homes; to harmonize provisions; and  
7 to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-301, Revised Statutes Supplement,  
2   2011, is amended to read:

3           60-301 Sections 60-301 to 60-3,222 and sections 6 and 7  
4 of this act shall be known and may be cited as the Motor Vehicle  
5 Registration Act.

6           Sec. 2. Section 60-393, Revised Statutes Supplement,  
7   2011, is amended to read:

8           60-393 Any owner who has two or more motor vehicles or  
9 trailers required to be registered under the Motor Vehicle  
10 Registration Act may register all such motor vehicles or trailers on  
11 a calendar-year basis or on an annual basis for the same registration  
12 period beginning in a month chosen by the owner. When electing to  
13 establish the same registration period for all such motor vehicles or  
14 trailers, the owner shall pay the registration fee, the motor vehicle  
15 tax imposed in section 60-3,185, the motor vehicle fee imposed in  
16 section 60-3,190, and the alternative fuel fee imposed in section  
17 60-3,191 on each motor vehicle for the number of months necessary to  
18 extend its current registration period to the registration period  
19 under which all such motor vehicles or trailers will be registered.  
20 Credit shall be given for registration paid on each motor vehicle or  
21 trailer when the motor vehicle or trailer has a later expiration date  
22 than that chosen by the owner except as otherwise provided in  
23 sections 60-3,121, 60-3,122.02, and 60-3,128 and section 7 of this  
24 act. Thereafter all such motor vehicles or trailers shall be  
25 registered on an annual basis starting in the month chosen by the

1 owner.

2           Sec. 3. Section 60-395, Revised Statutes Supplement,  
3 2011, is amended to read:

4           60-395 (1) Except as otherwise provided in subsection (2)  
5 of this section and sections 60-3,121, 60-3,122.02, and 60-3,128 and  
6 section 7 of this act, the registration shall expire and the  
7 registered owner or lessee may, by returning the registration  
8 certificate, the license plates, and, when appropriate, the  
9 validation decals and by either making application on a form  
10 prescribed by the department to the county treasurer or designated  
11 county official of the occurrence of an event described in  
12 subdivisions (a) through (e) of this subsection or, in the case of a  
13 change in situs, displaying to the county treasurer or designated  
14 county official the registration certificate of such other state as  
15 evidence of a change in situs, receive a refund of that part of the  
16 unused fees and taxes on motor vehicles or trailers based on the  
17 number of unexpired months remaining in the registration period from  
18 the date of any of the following events:

19           (a) Upon transfer of ownership of any motor vehicle or  
20 trailer;

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

23           (c) When a salvage branded certificate of title is  
24 issued;

25           (d) Whenever a type or class of motor vehicle or trailer

1 previously registered is subsequently declared by legislative act or  
2 court decision to be illegal or ineligible to be operated or towed on  
3 the public roads and no longer subject to registration fees, the  
4 motor vehicle tax imposed in section 60-3,185, the motor vehicle fee  
5 imposed in section 60-3,190, and the alternative fuel fee imposed in  
6 section 60-3,191;

7 (e) Upon a trade-in or surrender of a motor vehicle under  
8 a lease; or

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

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

14 (3) If the transferor or lessee acquires another motor  
15 vehicle at the time of the transfer, trade-in, or surrender, the  
16 transferor or lessee shall have the credit provided for in this  
17 section applied toward payment of the motor vehicle fees and taxes  
18 then owing. Otherwise, the transferor or lessee shall file a claim  
19 for refund with the county treasurer or designated county official  
20 upon an application form prescribed by the department.

21 (4) The registered owner or lessee shall make a claim for  
22 refund or credit of the fees and taxes for the unexpired months in  
23 the registration period within sixty days after the date of the event  
24 or shall be deemed to have forfeited his or her right to such refund  
25 or credit.

1           (5) For purposes of this section, the date of the event  
2 shall be: (a) In the case of a transfer or loss, the date of the  
3 transfer or loss; (b) in the case of a change in the situs, the date  
4 of registration in another state; (c) in the case of a trade-in or  
5 surrender under a lease, the date of trade-in or surrender; (d) in  
6 the case of a legislative act, the effective date of the act; and (e)  
7 in the case of a court decision, the date the decision is rendered.

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

12           (7) If a motor vehicle or trailer was reported stolen  
13 under section 60-178, a refund under this section shall not be  
14 reduced for a lost plate charge and a credit under this section may  
15 be reduced for a lost plate charge but the applicant shall not be  
16 required to pay the plate fee for new plates.

17           (8) The county treasurer or designated county official  
18 shall refund the motor vehicle fee and registration fee from the fees  
19 which have not been transferred to the State Treasurer. The county  
20 treasurer shall make payment to the claimant from the undistributed  
21 motor vehicle taxes of the taxing unit where the tax money was  
22 originally distributed. No refund of less than two dollars shall be  
23 paid.

24           Sec. 4. Section 60-396, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   60-396 Whenever the registered owner files an application  
2 with the county treasurer or designated county official showing that  
3 a motor vehicle or trailer is disabled and has been removed from  
4 service, the registered owner may, by returning the registration  
5 certificate, the license plates, and, when appropriate, the  
6 validation decals or, in the case of the unavailability of such  
7 registration certificate or certificates, license plates, or  
8 validation decals, then by making an affidavit to the county  
9 treasurer or designated county official of such disablement and  
10 removal from service, receive a credit for a portion of the  
11 registration fee from the fee deposited with the State Treasurer at  
12 the time of registration based upon the number of unexpired months  
13 remaining in the registration year except as otherwise provided in  
14 sections 60-3,121, 60-3,122.02, and 60-3,128 and section 7 of this  
15 act. The owner shall also receive a credit for the unused portion of  
16 the motor vehicle tax and fee based upon the number of unexpired  
17 months remaining in the registration year. When the owner registers a  
18 replacement motor vehicle or trailer at the time of filing such  
19 affidavit, the credit may be immediately applied against the  
20 registration fee and the motor vehicle tax and fee for the  
21 replacement motor vehicle or trailer. When no such replacement motor  
22 vehicle or trailer is so registered, the county treasurer or  
23 designated county official shall forward the application and  
24 affidavit, if any, to the State Treasurer who shall determine the  
25 amount, if any, of the allowable credit for the registration fee and

1 issue a credit certificate to the owner. For the motor vehicle tax  
2 and fee, the county treasurer or designated county official shall  
3 determine the amount, if any, of the allowable credit and issue a  
4 credit certificate to the owner. When such motor vehicle or trailer  
5 is removed from service within the same month in which it was  
6 registered, no credits shall be allowed for such month. The credits  
7 may be applied against taxes and fees for new or replacement motor  
8 vehicles or trailers incurred within one year after cancellation of  
9 registration of the motor vehicle or trailer for which the credits  
10 were allowed. When any such motor vehicle or trailer is reregistered  
11 within the same registration year in which its registration has been  
12 canceled, the taxes and fees shall be that portion of the  
13 registration fee and the motor vehicle tax and fee for the remainder  
14 of the registration year.

15           Sec. 5. Section 60-3,104, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           60-3,104 The department shall issue the following types  
18 of license plates:

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

21           (2) Apportionable vehicle license plates issued pursuant  
22 to section 60-3,203;

23           (3) Boat dealer license plates issued pursuant to section  
24 60-379;

25           (4) Bus license plates issued pursuant to section

- 1 60-3,144;
- 2 (5) Commercial motor vehicle license plates issued  
3 pursuant to section 60-3,147;
- 4 (6) Dealer or manufacturer license plates issued pursuant  
5 to sections 60-3,114 and 60-3,115;
- 6 (7) Disabled veteran license plates issued pursuant to  
7 section 60-3,124;
- 8 (8) Farm trailer license plates issued pursuant to  
9 section 60-3,151;
- 10 (9) Farm truck license plates issued pursuant to section  
11 60-3,146;
- 12 (10) Farm trucks with a gross weight of over sixteen tons  
13 license plates issued pursuant to section 60-3,146;
- 14 (11) Fertilizer trailer license plates issued pursuant to  
15 section 60-3,151;
- 16 (12) Film vehicle license plates issued pursuant to  
17 section 60-383;
- 18 (13) Gold Star Family license plates issued pursuant to  
19 sections 60-3,122.01 and 60-3,122.02;
- 20 (14) Handicapped or disabled person license plates issued  
21 pursuant to section 60-3,113;
- 22 (15) Historical vehicle license plates issued pursuant to  
23 sections 60-3,130 to 60-3,134;
- 24 (16) Local truck license plates issued pursuant to  
25 section 60-3,145;

1                   (17) Minitruck license plates issued pursuant to section  
2 60-3,100;

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

6                   (19) Motor vehicles exempt pursuant to section 60-3,107;

7                   (20) Motorcycle license plates issued pursuant to section  
8 60-3,100;

9                   (21) Nebraska Armed Forces Pride Plates issued pursuant  
10 to sections 6 and 7 of this act;

11                   ~~(21)~~—(22) Nebraska Cornhusker Spirit Plates issued  
12 pursuant to sections 60-3,127 to 60-3,129;

13                   ~~(22)~~—(23) Nonresident owner thirty-day license plates  
14 issued pursuant to section 60-382;

15                   ~~(23)~~—(24) Passenger car having a seating capacity of ten  
16 persons or less and not used for hire issued pursuant to section  
17 60-3,143;

18                   ~~(24)~~—(25) Passenger car having a seating capacity of ten  
19 persons or less and used for hire issued pursuant to section  
20 60-3,143;

21                   ~~(25)~~—(26) Pearl Harbor license plates issued pursuant to  
22 section 60-3,122;

23                   ~~(26)~~—(27) Personal-use dealer license plates issued  
24 pursuant to section 60-3,116;

25                   ~~(27)~~—(28) Personalized message license plates for motor

1 vehicles and cabin trailers, except commercial motor vehicles  
2 registered for over ten tons gross weight, issued pursuant to  
3 sections 60-3,118 to 60-3,121;

4 ~~(28)~~ (29) Prisoner-of-war license plates issued pursuant  
5 to section 60-3,123;

6 ~~(29)~~ (30) Purple Heart license plates issued pursuant to  
7 section 60-3,125;

8 ~~(30)~~ (31) Recreational vehicle license plates issued  
9 pursuant to section 60-3,151;

10 ~~(31)~~ (32) Repossession license plates issued pursuant to  
11 section 60-375;

12 ~~(32)~~ (33) Specialty license plates issued pursuant to  
13 sections 60-3,104.01 and 60-3,104.02;

14 ~~(33)~~ (34) Trailer license plates issued for trailers  
15 owned or operated by the state, counties, municipalities, or school  
16 districts issued pursuant to section 60-3,106;

17 ~~(34)~~ (35) Trailer license plates issued pursuant to  
18 section 60-3,100;

19 ~~(35)~~ (36) Trailers exempt pursuant to section 60-3,108;

20 ~~(36)~~ (37) Transporter license plates issued pursuant to  
21 section 60-378;

22 ~~(37)~~ (38) Trucks or combinations of trucks, truck-  
23 tractors, or trailers which are not for hire and engaged in soil and  
24 water conservation work and used for the purpose of transporting pipe  
25 and equipment exclusively used by such contractors for soil and water

1 conservation construction license plates issued pursuant to section  
2 60-3,149;

3 ~~(38)~~(39) Utility trailer license plates issued pursuant  
4 to section 60-3,151; and

5 ~~(39)~~(40) Well-boring apparatus and well-servicing  
6 equipment license plates issued pursuant to section 60-3,109.

7 Sec. 6. (1) The department shall design license plates to  
8 be known as Nebraska Armed Forces Pride Plates. The department shall  
9 design the plates in consultation with the Department of Veterans'  
10 Affairs, the Military Department, and related military organizations.  
11 The Department of Veterans' Affairs shall recommend the design of the  
12 plate to the Department of Motor Vehicles. The department shall  
13 ensure that the design provides for:

14 (a) The prominent display on the left side or center of  
15 the license plate of the seal or symbol of one of the following armed  
16 forces: Army, Navy, Marine Corps, Coast Guard, Air Force, or Nebraska  
17 National Guard;

18 (b) The notable display of the words Active Duty,  
19 Veteran, Reservist, or Retired preceded by the applicable armed force  
20 under the license plate number;

21 (c) Common background colors determined to best provide  
22 suitable reflection and contrast and blend well with the design and  
23 colors of each armed service seal or symbol;

24 (d) A reflection of support for Nebraskans who have or  
25 are serving in the armed forces; and

1           (e) Enhanced desirability of Nebraska Armed Forces Pride  
2 Plates to former and present armed forces personnel. The design shall  
3 be selected on the basis of limiting the manufacturing cost of each  
4 plate to an amount less than or equal to the amount charged for  
5 license plates pursuant to section 60-3,102. The department shall  
6 make applications available for this type of plate when it is  
7 designed. The department may adopt and promulgate rules and  
8 regulations to carry out this section and section 60-3,122.02.

9           (2) One type of Nebraska Armed Forces Pride Plate shall  
10 be consecutively numbered plates. The department shall:

11           (a) Number the plates consecutively for each armed force  
12 beginning with the number zero zero zero one, using numerals the size  
13 of which maximizes legibility and limiting the numerals to five  
14 characters or less; and

15           (b) Not use a county designation or any characters other  
16 than numbers on the plates.

17           (3) One type of Nebraska Armed Forces Pride Plate shall  
18 be personalized message plates. Such plates shall be issued subject  
19 to the same conditions specified for personalized message license  
20 plates in section 60-3,118, except that a maximum of five characters  
21 may be used.

22           Sec. 7. (1) Beginning January 2, 2013, an eligible person  
23 may apply to the department for Nebraska Armed Forces Pride Plates in  
24 lieu of regular license plates on an application prescribed and  
25 provided by the department for any motor vehicle, trailer,

1 semitrailer, or cabin trailer, except for a motor vehicle or trailer  
2 registered under section 60-3,198. An applicant receiving a Nebraska  
3 Armed Forces Pride Plate for a farm truck with a gross weight of over  
4 sixteen tons shall affix the appropriate tonnage decal to the plate.  
5 The department shall make forms available for such applications  
6 through the county treasurers. The license plates shall be issued  
7 upon payment of the license fee described in subsection (2) of this  
8 section and furnishing proof satisfactory to the department that the  
9 applicant is (a) an honorably serving active duty armed forces  
10 personnel serving in any of the armed forces listed in subdivision  
11 (1)(a) of section 6 of this act, (b) an honorably serving armed  
12 forces reservist of any of such armed forces, (c) an honorably  
13 discharged veteran of any of such armed forces, (d) an honorably  
14 discharged retiree of any of such armed forces, or (e) the surviving  
15 spouse of any of such eligible armed forces personnel. An honorably  
16 retired armed forces personnel may select either the word Veteran or  
17 Retired preceded by the applicable armed force. A veteran or retiree  
18 or the surviving spouse of a veteran or retiree who served in more  
19 than one of the armed forces may, upon proof of such service  
20 satisfactory to the department, select the armed force to be  
21 represented on the Nebraska Armed Forces Pride Plates. Any person  
22 using Nebraska Armed Forces Pride Plates shall surrender the plates  
23 to the county treasurer if such person is no longer eligible for the  
24 plates or is convicted of a felony which would result in the loss of  
25 military benefits. An active duty nonresident armed forces personnel

1 shall surrender the Nebraska Armed Forces Pride Plates to the county  
2 treasurer when such person is in receipt of permanent change of  
3 station orders which transfer such person out of Nebraska. Regular  
4 plates shall be issued to any such person upon surrender of the  
5 Nebraska Armed Forces Pride Plates for a three-dollar transfer fee  
6 and forfeiture of any of the remaining annual fee. The three-dollar  
7 transfer fee shall be remitted to the State Treasurer for credit to  
8 the Department of Motor Vehicles Cash Fund.

9 (2)(a) Each application for initial issuance or renewal  
10 of consecutively numbered plates shall be accompanied by a fee of  
11 five dollars. County treasurers collecting fees for renewals pursuant  
12 to this subdivision shall remit them to the State Treasurer. The  
13 State Treasurer shall credit five dollars of the fee for initial  
14 issuance and renewal of such plates to the Nebraska Armed Forces  
15 Pride Plates Fund.

16 (b) Each application for initial issuance or renewal of  
17 personalized message Nebraska Armed Forces Pride Plates shall be  
18 accompanied by a fee of forty dollars. County treasurers collecting  
19 fees for renewals pursuant to this subdivision shall remit them to  
20 the State Treasurer. The State Treasurer shall credit twenty-five  
21 percent of the fee for initial issuance and renewal of such plates to  
22 the Department of Motor Vehicles Cash Fund and seventy-five percent  
23 of the fee to the Nebraska Armed Forces Pride Plates Fund.

24 (3) When the department receives an application for  
25 Nebraska Armed Forces Pride Plates, the department shall deliver the

1 plates to the county treasurer of the county in which the motor  
2 vehicle or cabin trailer is registered. The county treasurer shall  
3 issue Nebraska Armed Forces Pride Plates in lieu of regular license  
4 plates when the applicant complies with the other provisions of the  
5 Motor Vehicle Registration Act for registration of the motor vehicle  
6 or cabin trailer. If Nebraska Armed Forces Pride Plates are lost,  
7 stolen, or mutilated, the licensee shall be issued replacement  
8 license plates upon request and without charge.

9           (4) The owner of a motor vehicle or cabin trailer bearing  
10 Nebraska Armed Forces Pride Plates may apply to the county treasurer  
11 to have such plates transferred to a motor vehicle other than the  
12 vehicle for which such plates were originally purchased if such  
13 vehicle is owned by the owner of the plates. The owner may have the  
14 unused portion of the fee for the plates credited to the other  
15 vehicle which will bear the plates at the rate of eight and one-third  
16 percent per month for each full month left in the registration  
17 period. Application for such transfer shall be accompanied by a fee  
18 of three dollars. Fees collected pursuant to this subsection shall be  
19 remitted to the State Treasurer for credit to the Department of Motor  
20 Vehicles Cash Fund.

21           (5) If the cost of manufacturing Nebraska Armed Forces  
22 Pride Plates at any time exceeds the amount charged for license  
23 plates pursuant to section 60-3,102, any money to be credited to the  
24 Nebraska Armed Forces Pride Plates Fund shall instead be credited  
25 first to the Highway Trust Fund in an amount equal to the difference

1 between the manufacturing costs of Nebraska Armed Forces Pride Plates  
2 and the amount charged pursuant to section 60-3,102 with respect to  
3 such plates and the remainder shall be credited to the Nebraska Armed  
4 Forces Pride Plates Fund.

5           Sec. 8. The Nebraska Armed Forces Pride Plates Fund is  
6 created. The fund shall consist of fees credited pursuant to section  
7 7 of this act. Twenty-five percent of the fund shall be used to  
8 support operations and maintenance of the Nebraska veterans homes in  
9 addition to the funding normally provided by the Legislature for the  
10 Nebraska veterans homes, and seventy-five percent of the fund shall  
11 be used to support quality of life improvements, including, but not  
12 limited to, maintaining up-to-date electronic devices and equipment  
13 such as televisions, computers, computer accessories, and Internet  
14 fees, making them available for use by all veterans residing in the  
15 Nebraska veterans homes. Except as provided in this section, the  
16 Legislature shall not consider money in the fund when providing  
17 funding for the Nebraska veterans homes and the Department of  
18 Veterans' Affairs. The Director of Veterans' Affairs, the chief  
19 executive officer of the Department of Health and Human Services, and  
20 the director of each of the Nebraska veterans homes, or their  
21 designees, shall meet at least once annually to determine how the  
22 accumulated funds in the fund shall be spent in support of the  
23 Nebraska veterans homes. Any money in the fund available for  
24 investment shall be invested by the state investment officer pursuant  
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2                   Sec. 9. Original sections 60-396 and 60-3,104, Reissue  
3 Revised Statutes of Nebraska, and sections 60-301, 60-393, and  
4 60-395, Revised Statutes Supplement, 2011, are repealed.