

AMENDMENTS TO LB 362

(Amendments to Standing Committee amendments, AM455)

Introduced by Coash

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and all amendments
4 thereto and insert the following new sections:

5 Section 1. Section 37-438, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 37-438 (1) The commission shall devise permits in two
8 forms: Annual and temporary.

9 (2) The annual permit may be purchased by any person and
10 shall be valid through December 31 in the year for which the permit
11 is issued. The fee for the annual permit for a resident motor
12 vehicle shall be ~~not more than~~ twenty-five dollars per permit. The
13 fee for the annual permit for a nonresident motor vehicle shall not
14 be more than thirty dollars. The commission shall establish ~~such~~
15 fees for nonresidents by the adoption and promulgation of rules and
16 regulations.

17 (3) A temporary permit may be purchased by any person and
18 shall be valid until noon of the day following the date of issue.
19 The fee for the temporary permit for a resident motor vehicle
20 shall be not more than five dollars. The fee for the temporary
21 permit for a nonresident motor vehicle shall not be more than six
22 dollars. The commission shall establish such fees by the adoption

1 and promulgation of rules and regulations. The commission may issue
2 temporary permits which are either valid for any area or valid for
3 a single area.

4 Sec. 2. Section 37-440, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 37-440 (1) The commission shall prescribe the type and
7 design of permits and the method for displaying permits on the
8 driver's side of the windshield of motor vehicles. The commission
9 may provide for the electronic issuance of permits and may enter
10 into contracts to procure necessary services and supplies for the
11 electronic issuance of permits.

12 (2) The permits may be procured from the Department
13 of Motor Vehicles when registering a motor vehicle in person
14 or electronically, from the central and district offices of the
15 commission, at areas of the Nebraska state park system where
16 commission offices are maintained, from self-service vending
17 stations at designated park areas, from designated commission
18 employees, through Internet sales from the commission's web
19 site, from appropriate offices of county government, and from
20 various private persons, firms, or corporations designated by the
21 commission as permit agents. The department shall be entitled
22 to retain two dollars of each fee collected for a permit as
23 reimbursement for the clerical work and postage, if any, associated
24 with issuing the permit and remitting the remainder of the fee to
25 the State Treasurer. The commission and county offices or private
26 persons, firms, or corporations designated by the commission as
27 permit agents shall be entitled to collect and retain a fee of not

1 more than one dollar, as established by the commission pursuant to
2 section 37-327, for each permit as reimbursement for the clerical
3 work of issuing the permits and remitting therefor. The commission
4 shall be entitled to collect and retain a fee of one dollar for
5 each permit sold through its web site as reimbursement for the
6 clerical work and postage associated with issuing the permit.

7 Sec. 3. Section 37-445, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 37-445 The (1) Except as otherwise provided in subsection
10 (2) of this section, the county clerks or permit agents entitled to
11 issue permits as provided by sections 37-434 to 37-446 shall remit
12 the fees for the permits to the commission in the manner and at the
13 times prescribed by the rules and regulations of the commission.
14 Any permit agent who receives permit fees under sections 37-434 to
15 37-446 and who fails to remit the fees to the commission within
16 a reasonable time after demand by the commission shall be liable
17 to the commission in damages for double the amount of the funds
18 wrongfully withheld. A permit agent who purposefully fails to remit
19 such fees with the intention of converting them is guilty of theft.
20 The penalty for such violation shall be determined by the amount
21 converted as specified in section 28-518.

22 (2) The Department of Motor Vehicles issuing permits as a
23 part of the registration of motor vehicles shall remit the fees to
24 the State Treasurer. The State Treasurer shall credit two dollars
25 of each fee to the Department of Motor Vehicles Cash Fund and the
26 remainder of each fee to the State Park Cash Revolving Fund.

27 Sec. 4. Section 37-446, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 37-446 ~~The~~ Except as otherwise provided in subsection (2)
3 of section 37-440 and subsection (2) of section 37-445, the permit
4 fees charged under sections 37-438 and 37-439 shall be credited to
5 the State Park Cash Revolving Fund and shall be disbursed for the
6 administration, improvement, operation, and maintenance of those
7 areas, or portion of areas, of the state park system which are
8 designated as permit areas.

9 Sec. 5. Section 60-1513, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-1513 The Department of Motor Vehicles Cash Fund is
12 hereby created. The fund shall be administered by the Director
13 of Motor Vehicles. The department shall use the money credited
14 to the fund pursuant to subsection (2) of section 37-445 for
15 point-of-collection activities associated with issuing state park
16 motor vehicle entry permits pursuant to section 37-440. The
17 remaining money in the fund shall be used by the Department
18 of Motor Vehicles to carry out its duties as deemed necessary
19 by the Director of Motor Vehicles, except that transfers from
20 the fund to the General Fund may be made at the direction of
21 the Legislature. Any money in the Department of Motor Vehicles
22 Cash Fund available for investment shall be invested by the state
23 investment officer pursuant to the Nebraska Capital Expansion Act
24 and the Nebraska State Funds Investment Act.

25 Sec. 6. This act becomes operative on January 1, 2014.

26 Sec. 7. Original sections 37-445, 37-446, and 60-1513,
27 Reissue Revised Statutes of Nebraska, and sections 37-438 and

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- 1 37-440, Revised Statutes Cumulative Supplement, 2012, are repealed.