

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 250
Final Reading

Introduced by Dubas, 34.

Read first time January 16, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 66-1418,
2 Reissue Revised Statutes of Nebraska, and section
3 60-3,198, Revised Statutes Cumulative Supplement, 2012;
4 to change provisions relating to the issuance of trip
5 permits; and to repeal the original sections.

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

1 Section 1. Section 60-3,198, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

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

1 shall be applied to the portion of the formula for determining the
2 Nebraska injurisdiction fleet distance.

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

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

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

1 plates issued under section 60-3,203.

2 The right of applicants to proportional registration
3 under this section shall be subject to the terms and conditions of
4 any reciprocity agreement, contract, or consent made by the division.

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

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

20 (3) Any owner complying with and being granted
21 proportional registration shall preserve the records on which the
22 application is made for a period of three years following the current
23 registration year. Upon request of the division, the owner shall make
24 such records available to the division at its office for audit as to
25 accuracy of computation and payments or pay the costs of an audit at

1 the home office of the owner by a duly appointed representative of
2 the division if the office where the records are maintained is not
3 within the State of Nebraska. The division may enter into agreements
4 with agencies of other jurisdictions administering motor vehicle
5 registration laws for joint audits of any such owner. All payments
6 received to cover the costs of an audit shall be remitted by the
7 division to the State Treasurer for credit to the Motor Carrier
8 Division Cash Fund. No deficiency shall be assessed and no claim for
9 credit shall be allowed for any license registration year for which
10 records on which the application was made are no longer required to
11 be maintained.

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

1 with any costs assessed against the owner, has been paid.

2 (5) Every applicant who licenses any apportionable
3 vehicles under this section and section 60-3,203 shall have his or
4 her registration certificates issued only after all fees under such
5 sections are paid and, if applicable, proof has been furnished of
6 payment, in the form prescribed by the director as directed by the
7 United States Secretary of the Treasury, of the federal heavy vehicle
8 use tax imposed by 26 U.S.C. 4481 of the Internal Revenue Code as
9 defined in section 49-801.01.

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

1 fees and taxes from the previously registered apportionable vehicle
2 applied toward payment of any vehicle fees and taxes due and owing on
3 another registered apportionable vehicle. If such registered
4 apportionable vehicle has a greater gross vehicle weight than that of
5 the previously registered apportionable vehicle, the registered owner
6 or lessee of the registered apportionable vehicle shall additionally
7 pay only the registration fee for the increased gross vehicle weight
8 for the remaining months of the registration year based on the
9 factors determined by the division in the original fleet application.

10 (7) Whenever a Nebraska-based fleet owner files an
11 application with the division to delete a registered apportionable
12 vehicle from a fleet of registered apportionable vehicles (a) because
13 of a transfer of ownership of the registered apportionable vehicle,
14 (b) because of loss of possession due to fire, theft, or wrecking,
15 junking, or dismantling of the registered apportionable vehicle, (c)
16 because a salvage branded certificate of title is issued for the
17 registered apportionable vehicle, (d) because a type or class of
18 registered apportioned vehicle is subsequently declared by
19 legislative act or court decision to be illegal or ineligible to be
20 operated or towed on the public roads and no longer subject to
21 registration fees and taxes, (e) because of a trade-in or surrender
22 of the registered apportionable vehicle under a lease, or (f) because
23 of a change in the situs of the registered apportionable vehicle to a
24 location outside of this state, the registered owner may, by
25 returning the registration certificate or certificates and such other

1 evidence of registration used by the division or, if such certificate
2 or certificates or such other evidence of registration is
3 unavailable, then by making an affidavit to the division of such
4 transfer or loss, receive a refund of that portion of the unused
5 registration fee based upon the number of unexpired months remaining
6 in the registration year from the date of transfer or loss. No refund
7 shall be allowed for any fees paid under section 60-3,203. When such
8 apportionable vehicle is transferred or lost within the same month as
9 acquired, no refund shall be allowed for such month. Such refund may
10 be in the form of a credit against any registration fees that have
11 been incurred or are, at the time of the refund, being incurred by
12 the registered apportionable vehicle owner. The Nebraska-based fleet
13 owner shall make a claim for a refund under this subsection within
14 the registration period or shall be deemed to have forfeited his or
15 her right to the refund.

16 (8) Whenever a Nebraska-based fleet owner files an
17 application with the division to delete a registered apportionable
18 vehicle from a fleet of registered apportionable vehicles because the
19 apportionable vehicle is disabled and has been removed from service,
20 the registered owner may, by returning the registration certificate
21 or certificates and such other evidence of registration used by the
22 division or, in the case of the unavailability of such certificate or
23 certificates or such other evidence of registration, then by making
24 an affidavit to the division of such disablement and removal from
25 service, receive a credit for that portion of the unused registration

1 fee deposited in the Highway Trust Fund based upon the number of
2 unexpired months remaining in the registration year. No credit shall
3 be allowed for any fees paid under section 60-3,203. When such
4 apportionable vehicle is removed from service within the same month
5 in which it was registered, no credit shall be allowed for such
6 month. Such credit may be applied against registration fees for new
7 or replacement vehicles incurred within one year after cancellation
8 of registration of the apportionable vehicle for which the credit was
9 allowed. When any such apportionable vehicle is reregistered within
10 the same registration year in which its registration has been
11 canceled, the fee shall be that portion of the registration fee
12 provided to be deposited in the Highway Trust Fund for the remainder
13 of the registration year. The Nebraska-based fleet owner shall make a
14 claim for a credit under this subsection within the registration
15 period or shall be deemed to have forfeited his or her right to the
16 credit.

17 (9) In case of addition to the registered fleet during
18 the registration year, the owner engaged in operating the fleet shall
19 pay the proportionate registration fee from the date the vehicle was
20 placed into service or, if the vehicle was previously registered, the
21 date the prior registration expired or the date Nebraska became the
22 base jurisdiction for the fleet, whichever is first, for the
23 remaining balance of the registration year. The fee for any permanent
24 license plate issued for such addition pursuant to section 60-3,203
25 shall be the full fee required by such section, regardless of the

1 number of months remaining in the license year.

2 (10) In lieu of registration under subsections (1)
3 through (9) of this section, the title holder of record may apply to
4 the division for special registration, to be known as an unladen-
5 weight registration, for any commercial motor vehicle or combination
6 of vehicles. Such registration shall be valid only for a period of
7 thirty days and shall give no authority to operate the vehicle except
8 when empty. The fee for such registration shall be twenty dollars for
9 each vehicle, which fee shall be remitted to the State Treasurer for
10 credit to the Highway Trust Fund. The issuance of such permits shall
11 be governed by section 60-3,179.

12 (11)(a) This subdivision applies until the implementation
13 date designated by the director pursuant to subdivision (b) of this
14 subsection. Any person may, in lieu of registration under subsections
15 (1) through (9) of this section or for other jurisdictions as
16 approved by the director, purchase a trip permit for any nonresident
17 truck, truck-tractor, bus, or truck or truck-tractor combination.
18 Such permit shall be valid for a period of seventy-two hours. The fee
19 for such permit shall be twenty-five dollars for each truck, truck-
20 tractor, bus, or truck or truck-tractor combination. Such permit
21 shall be available at weighing stations operated by the carrier
22 enforcement division and at various vendor stations as determined
23 appropriate by the carrier enforcement division. The carrier
24 enforcement division shall act as an agent for the Division of Motor
25 Carrier Services in collecting such fees and shall remit all such

1 fees collected to the State Treasurer for credit to the Highway Cash
2 Fund. Trip permits shall be obtained at the first available location
3 whether that is a weighing station or a vendor station. The vendor
4 stations shall be entitled to collect and retain an additional fee of
5 ten percent of the fee collected pursuant to this subsection as
6 reimbursement for the clerical work of issuing the permits.

7 (b) This subdivision applies beginning on an
8 implementation date designated by the director. The director shall
9 designate an implementation date which is on or before January 1,
10 2015. Any person may, in lieu of registration under subsections (1)
11 through (9) of this section or for other jurisdictions as approved by
12 the director, purchase a trip permit for any nonresident truck,
13 truck-tractor, bus, or truck or truck-tractor combination. A trip
14 permit shall be issued before any person required to obtain a trip
15 permit enters this state with such vehicle. The trip permit shall be
16 issued by the director through Internet sales from the department's
17 web site. The trip permit shall be valid for a period of seventy-two
18 hours. The fee for the trip permit shall be twenty-five dollars for
19 each truck, truck-tractor, bus, or truck or truck-tractor
20 combination. The fee collected by the director shall be remitted to
21 the State Treasurer for credit to the Highway Cash Fund.

22 Sec. 2. Section 66-1418, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 66-1418 (1) This subsection applies until the
25 implementation date designated by the director pursuant to subsection

1 (2) of this section. The department shall provide for a trip permit
2 to be issued. Such trip permits shall be issued for a fee of twenty
3 dollars and shall be valid for a period of seventy-two hours. The
4 carrier enforcement division designated under section 60-1303 shall
5 act as an agent for the department in collecting the fees prescribed
6 in this section and shall remit all such fees collected to the State
7 Treasurer for credit to the Highway Cash Fund. Such trip permits
8 shall be available at weighing stations operated by the carrier
9 enforcement division and at various vendor stations as determined
10 appropriate by the carrier enforcement division. Trip permits shall
11 be obtained at the first available location, whether that is a
12 weighing station or a vendor station. The vendor stations shall be
13 entitled to collect and retain an additional fee of ten percent of
14 the fee collected pursuant to this section as reimbursement for the
15 clerical work of issuing the permits.

16 (2) This subsection applies beginning on an
17 implementation date designated by the director. The director shall
18 designate an implementation date which is on or before January 1,
19 2015. A trip permit shall be issued before any person required to
20 obtain a trip permit enters this state. The trip permit shall be
21 issued by the director through Internet sales from the department's
22 web site. The trip permit shall be issued for a fee of twenty dollars
23 and shall be valid for a period of seventy-two hours. The fee
24 collected by the director shall be remitted to the State Treasurer
25 for credit to the Highway Cash Fund.

1 Sec. 3. Original section 66-1418, Reissue Revised
2 Statutes of Nebraska, and section 60-3,198, Revised Statutes
3 Cumulative Supplement, 2012, are repealed.