

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 362

Introduced by Avery, 28; Harms, 48.

Read first time January 18, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 37-434,
2 37-436, 37-441, 37-442, 37-443, 37-446, and 60-1513,
3 Reissue Revised Statutes of Nebraska, and sections 37-438
4 and 60-3,156, Revised Statutes Cumulative Supplement,
5 2012; to change provisions relating to park entry
6 permits; to provide fees for motor vehicle registration;
7 to provide for distribution and use of the fees; to
8 harmonize provisions; to provide an operative date; and
9 to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-434, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-434 For the purpose of supplying additional revenue to
4 better accommodate the increasing public use of the Nebraska state
5 park system by providing improved operation and maintenance, (1) the
6 commission shall establish an entry permit program for entry into
7 areas of the Nebraska state park system which are designated as
8 permit areas by the commission by vehicles which are not registered
9 in Nebraska and not exempt under section 37-436 and (2) a
10 registration fee shall be imposed on residents as provided in section
11 60-3,156.

12 Sec. 2. Section 37-436, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 37-436 The commission shall provide for the issuance of
15 permits. All motor vehicles which are not registered in Nebraska and
16 which are entering permit areas shall have a permit except:

17 (1) Motor vehicles bearing state licenses;

18 (2) Motor vehicles in use for law enforcement or
19 emergency purposes;

20 (3) Motor vehicles engaged in the servicing, enforcement,
21 administration, repair, maintenance, or construction of facilities or
22 property and motor vehicles engaged in the delivery of commodities or
23 materials to the permit areas;

24 (4) Motor vehicles being operated on a federal, state, or
25 county highway which crosses a permit area, entering at one point and

1 exiting at another;

2 (5) Motor vehicles which are traveling directly between
3 the permit boundary and the site within the area where permits are
4 vended; and

5 (6) Motor vehicles being operated by the holders of
6 easements across permit areas or their agents, employees, or
7 contractors.

8 Sec. 3. Section 37-438, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 37-438 (1) The commission shall devise permits in two
11 forms: Annual and temporary.

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

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

1 which are either valid for any area or valid for a single area.

2 Sec. 4. Section 37-441, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-441 The commission shall evaluate the areas of the
5 Nebraska state park system and designate those areas, or portions of
6 areas, for which a permit shall be required for vehicles which are
7 not registered in Nebraska and not exempt under section 37-436. The
8 commission shall periodically reevaluate the Nebraska state park
9 system and designate additional permit areas or reclassify permit
10 areas as nonpermit areas as conditions and public use warrant.

11 Sec. 5. Section 37-442, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-442 The commission shall post signs at all entrances
14 to permit areas and the text of such signs shall clearly convey the
15 fact that motor vehicles which are not registered in Nebraska, which
16 are not exempt under section 37-436, and which are using the area are
17 required to display a permit. ~~The commission may issue free permits~~
18 ~~for the private motor vehicles of its employees who are required to~~
19 ~~reside on a permit area by the terms of their employment.~~

20 Sec. 6. Section 37-443, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-443 It is unlawful for a motor vehicle which is not
23 registered in Nebraska and which is not exempt under section 37-436
24 to enter a permit area unless a valid permit is displayed in or on
25 the vehicle in the manner prescribed by the commission. A permit

1 shall be required for entry by such vehicles at any time of the year.
2 A permit shall be nontransferable and valid only for the motor
3 vehicle for which issued. Any person who operates a motor vehicle in
4 violation of this section shall be guilty of a Class V misdemeanor,
5 and the court shall order the confiscation of any permit purchased or
6 used in violation of this section. If the identity of the operator of
7 a motor vehicle in violation of this section cannot be determined,
8 the owner or person in whose name such vehicle is registered shall be
9 held prima facie responsible for such violation and shall be guilty
10 of a Class V misdemeanor.

11 Sec. 7. Section 37-446, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 37-446 The permit fees charged under sections 37-438 and
14 37-439 and the fees as provided under subdivision (4) of section
15 60-3,156 shall be credited to the State Park Cash Revolving Fund and
16 shall be disbursed for the administration, improvement, operation,
17 and maintenance of those areas, or portion of areas, of the state
18 park system which are designated as permit areas.

19 Sec. 8. Section 60-3,156, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-3,156 In addition to the registration fees for motor
22 vehicles and trailers, the county treasurer or his or her agent shall
23 collect:

24 (1) One dollar and fifty cents for each certificate
25 issued and shall remit one dollar and fifty cents of each additional

1 fee collected to the State Treasurer for credit to the Department of
2 Motor Vehicles Cash Fund;

3 (2) Fifty cents for each certificate issued and shall
4 remit the fee to the State Treasurer for credit to the Nebraska
5 Emergency Medical System Operations Fund; and

6 (3) One dollar and fifty cents for each certificate
7 issued and shall remit the fee to the State Treasurer for credit to
8 the State Recreation Road Fund; and -

9 (4) Seven dollars for each certificate issued for motor
10 vehicles and trailers, other than buses registered under subsection
11 (1) of section 60-3,144, trucks registered under section 60-3,145 or
12 60-3,146, vehicles registered under section 60-3,149, truck-tractors
13 and semitrailers registered under section 60-3,150, trailers
14 registered under subsection (1) or (2) of section 60-3,151,
15 ambulances and hearses registered under section 60-3,152, taxicabs
16 registered under section 60-3,154, well-boring apparatus and well-
17 servicing equipment registered under section 60-3,155, and vehicles
18 exempt under section 60-3,160 or 60-3,185, and shall remit the fee to
19 the State Treasurer for credit to the State Park Cash Revolving Fund,
20 except that for calendar year 2014, the State Treasurer shall credit
21 ninety-eight percent of the fee to such fund and two percent of the
22 fee to the Department of Motor Vehicles Cash Fund.

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

25 60-1513 The Department of Motor Vehicles Cash Fund is

1 hereby created. The fund shall be administered by the Director of
2 Motor Vehicles. The department shall use the money credited to the
3 fund pursuant to subdivision (4) of section 60-3,156 for point-of-
4 collection activities associated with implementing such subdivision.
5 The remaining money in the fund shall be used by the Department of
6 Motor Vehicles to carry out its duties as deemed necessary by the
7 Director of Motor Vehicles, except that transfers from the fund to
8 the General Fund may be made at the direction of the Legislature. Any
9 money in the Department of Motor Vehicles Cash Fund available for
10 investment shall be invested by the state investment officer pursuant
11 to the Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.

13 Sec. 10. This act becomes operative on January 1, 2014.

14 Sec. 11. Original sections 37-434, 37-436, 37-441,
15 37-442, 37-443, 37-446, and 60-1513, Reissue Revised Statutes of
16 Nebraska, and sections 37-438 and 60-3,156, Revised Statutes
17 Cumulative Supplement, 2012, are repealed.