

LEGISLATIVE BILL 207

Approved by the Governor March 7, 2013

Introduced by McCoy, 39.

FOR AN ACT relating to motor vehicle registration; to amend section 60-1515, Reissue Revised Statutes of Nebraska, and sections 60-386, 60-3,141, 60-3,156, 60-3,186, and 60-3,190, Revised Statutes Cumulative Supplement, 2012; to transfer powers and duties from county treasurers to the Department of Motor Vehicles; to change the distribution of certain motor vehicle registration fees; to provide for postage and handling fees as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-386, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-386 Each new application shall contain, in addition to other information as may be required by the department, the name and residential and mailing address of the applicant and a description of the motor vehicle or trailer, including the color, the manufacturer, the identification number, and the weight of the motor vehicle or trailer required by the Motor Vehicle Registration Act. With the application the applicant shall pay the proper registration fee and shall state whether the motor vehicle is propelled by alternative fuel and, if alternative fuel, the type of fuel. ~~The form application shall also contain a notice notification that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing the notice, for supplying the information for motor vehicles to be registered. The county treasurer shall include the form in each mailing made pursuant to include such notification in the notices required by section 60-3,186.~~

Sec. 2. Section 60-3,141, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-3,141 (1) The various county treasurers shall act as agents for the department in the collection of all motor vehicle taxes, motor vehicle fees, and registration fees.

(2) While acting as agents pursuant to subsection (1) of this section, the county treasurers shall in addition to the taxes and registration fees collect ~~and retain for the county two dollars one dollar and fifty cents~~ for each registration of a motor vehicle or trailer of a resident of the State of Nebraska and ~~five dollars~~ four dollars and fifty cents for each registration of a motor vehicle or trailer of a nonresident. ~~from the funds collected for the registration issued. The county treasurer shall credit the such additional fees collected for the county to the county general fund.~~

(3) The county treasurers shall transmit all motor vehicle fees and registration fees collected to the State Treasurer on or before the twenty-fifth day of each month and at such other times as the State Treasurer requires for credit to the Motor Vehicle Fee Fund and the Highway Trust Fund, respectively, except as provided in section 60-3,156. Any county treasurer who fails to transfer to the State Treasurer the amount due the state at the times required in this section shall pay interest at the rate specified in section 45-104.02, as such rate may be adjusted from time to time, from the time the motor vehicle fees and registration fees become due until paid.

(4) If a registrant requests delivery of license plates, registration certificates, or validation decals by mail, the county treasurer may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant.

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

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

(1) ~~One dollar and fifty cents~~ Two dollars for each certificate issued and shall remit ~~one dollar and fifty cents~~ two dollars of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund;

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

(3) One dollar and fifty cents for each certificate issued and shall

remit the fee to the State Treasurer for credit to the State Recreation Road Fund.

Sec. 4. Section 60-3,186, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-3,186 (1) The ~~county treasurer~~ department shall annually determine the motor vehicle tax on each motor vehicle registered ~~in the county based on the age of the motor vehicle~~ pursuant to section 60-3,187 and shall cause a notice of the amount of the tax to be mailed delivered to the registrant. The notice may be delivered to the registrant at the address shown upon his or her registration certificate or the registrant's most recent address according to information received by the department from the National Change of Address program of the United States Postal Service or delivered electronically to the registrant if the registrant has provided electronic contact information to the department. The notice shall be ~~printed on a form prescribed by the department~~ and shall be mailed provided on or before the first day of the last month of the registration period.

(2) (a) The motor vehicle tax, motor vehicle fee, registration fee, sales tax, and any other applicable taxes and fees shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. If the motor vehicle being registered has been transferred as a gift or for a nominal amount, any sales tax owed by the transferor on the purchase of the motor vehicle shall have been paid or be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period.

(b) After retaining one percent of the motor vehicle tax proceeds collected for costs, the remaining motor vehicle tax proceeds shall be allocated to each county, local school system, school district, city, and village in the tax district in which the motor vehicle has situs.

(c) (i) Twenty-two percent of the remaining motor vehicle tax proceeds shall be allocated to the county, (ii) sixty percent shall be allocated to the local school system or school district, and (iii) eighteen percent shall be allocated to the city or village, except that (A) if the tax district is not in a city or village, forty percent shall be allocated to the county, and (B) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city or village.

(d) The amount allocated to a local school system shall be distributed to school districts in the same manner as property taxes.

(3) Proceeds from the motor vehicle tax shall be treated as property tax revenue for purposes of expenditure limitations, matching of state or federal funds, and other purposes.

Sec. 5. Section 60-3,190, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles registered for operation in this state. An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to section 60-3,185 shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.

(2) The ~~county treasurer~~ department shall annually determine the motor vehicle fee on each motor vehicle registered ~~in the county based on the age of the motor vehicle~~ pursuant to this section and shall cause a notice of the amount of the fee to be mailed delivered to the registrant, at the address shown upon his or her registration certificate. The notice shall be printed on a form prescribed by the department, shall be combined with the notice of the motor vehicle tax, and shall be mailed ~~on or before the first day of the last month of the registration period.~~ required by section 60-3,186.

(3) The motor vehicle fee schedules are set out in this subsection and subsection (4) of this section. Except for automobiles with a value when new of less than \$20,000, and for assembled automobiles, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the automobile as shown in the following table:

YEAR	FRACTION
First through fifth	1.00
Sixth through tenth	.70
Eleventh and over	.35

(4) The base fee shall be:

(a) Automobiles, with a value when new of less than \$20,000, and assembled automobiles - \$5

(b) Automobiles, with a value when new of \$20,000 through \$39,999 - \$20

(c) Automobiles, with a value when new of \$40,000 or more - \$30

(d) Motorcycles - \$10

(e) Recreational vehicles and cabin trailers - \$10

(f) Trucks over seven tons and buses - \$30

(g) Trailers other than semitrailers - \$10

(h) Semitrailers - \$30

(i) Minitrucks - \$10

(j) Low-speed vehicles - \$10.

(5) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer which are needed for refunds or credits authorized by law.

(6) (a) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (ii) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(b) Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources.

(c) All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes.

(7) For purposes of subdivisions (4) (a), (b), (c), and (f) of this section, automobiles or trucks includes all trucks and combinations of trucks or truck-tractors, except those trucks, trailers, or semitrailers registered under section 60-3,198, and the fee is based on the gross vehicle weight rating as reported by the manufacturer.

(8) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(9) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle fee for six registration periods.

(10) Assembled vehicles other than assembled automobiles shall follow the schedules for the motor vehicle body type.

Sec. 6. Section 60-1515, Reissue Revised Statutes of Nebraska, is amended to read:

60-1515 (1) The Legislature hereby finds and declares that a statewide system for the collection, storage, and transfer of data on vehicle titles and registration and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in vehicle titling and registration. The Legislature hereby finds and declares that the electronic issuance of operators' licenses and state identification cards using a digital system as described in section 60-484.01 and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in issuing operators' licenses and state identification cards.

(2) It is therefor the intent of the Legislature that the Department of Motor Vehicles shall use a portion of the fees appropriated by the Legislature to the Department of Motor Vehicles Cash Fund as follows:

(a) To pay for the cost of issuing motor vehicle titles and registrations on a system designated by the department. The costs shall include, but not be limited to, software and software maintenance, programming, processing charges, and equipment including such terminals, printers, or other devices as deemed necessary by the department after consultation with the county to support the issuance of motor vehicle titles and registrations. The costs shall not include the cost of county personnel or physical facilities provided by the counties;

(b) To fund the centralization of renewal notices for motor vehicle registration and to furnish to the counties the certificate of registration forms specified in section 60-390. The certificate of registration form shall be prescribed by the department;

(c) To pay for the costs of an operator's license system as specified in sections 60-484.01 and 60-4,119 and designated by the department.

The costs shall be limited to such terminals, printers, software, programming, and other equipment or devices as deemed necessary by the department to support the issuance of such licenses and state identification cards in the counties and by the department; and

(d) To pay for the motor vehicle insurance data base created under section 60-3,136.

Sec. 7. This act becomes operative on October 1, 2013.

Sec. 8. Original section 60-1515, Reissue Revised Statutes of Nebraska, and sections 60-386, 60-3,141, 60-3,156, 60-3,186, and 60-3,190, Revised Statutes Cumulative Supplement, 2012, are repealed.