

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 428

Introduced by Garrett, 3; Schnoor, 15.

Read first time January 16, 2015

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 60-3,185, Reissue Revised Statutes of Nebraska, and section
- 3 60-3,189, Revised Statutes Cumulative Supplement, 2014; to provide
- 4 an exemption from motor vehicle taxation for certain veterans and
- 5 their surviving spouses as prescribed; to provide for reimbursement
- 6 of political subdivisions as prescribed; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3,185, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 60-3,185 A motor vehicle tax is imposed on motor vehicles registered
4 for operation upon the highways of this state, except:

5 (1) Motor vehicles exempt from the registration fee in section
6 60-3,160;

7 (2) One motor vehicle owned and used for his or her personal
8 transportation by a disabled or blind veteran of the United States Armed
9 Forces as defined in section 77-202.23 whose disability or blindness is
10 recognized by the United States Department of Veterans Affairs and who
11 was discharged or otherwise separated with a characterization of
12 honorable if an application for the exemption has been approved under
13 subsection (1) of section 60-3,189;

14 (3) Motor vehicles owned by Indians as defined in 25 U.S.C. 479;

15 (4) Motor vehicles owned by a member of the United States Armed
16 Forces serving in this state in compliance with military or naval orders
17 if such person is a resident of a state other than Nebraska;

18 (5) Motor vehicles owned by the state and its governmental
19 subdivisions and exempt as provided in subdivision (1)(a) or (b) of
20 section 77-202;

21 (6) Motor vehicles owned and used exclusively by an organization or
22 society qualified for a tax exemption provided in subdivision (1)(c) or
23 (d) of section 77-202 if an application for the exemption provided in
24 this subdivision has been approved under subsection (2) of section
25 60-3,189; ~~and~~

26 (7) Trucks, trailers, or combinations thereof registered under
27 section 60-3,198; ~~and -~~

28 (8) One motor vehicle owned and used for his or her personal
29 transportation by a veteran of the United States Armed Forces who was
30 discharged or otherwise separated with a characterization of honorable or
31 general (under honorable conditions) and who is classified by the United

1 States Department of Veterans Affairs as one hundred percent service-
2 connected disabled or one motor vehicle owned and used for his or her
3 personal transportation by the unremarried surviving spouse of such
4 veteran if an application for the exemption has been approved under
5 subsection (3) of section 60-3,189.

6 Sec. 2. Section 60-3,189, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 60-3,189 (1) A veteran of the United States Armed Forces who
9 qualifies for an exemption from the motor vehicle tax under subdivision
10 (2) of section 60-3,185 shall apply for the exemption to the county
11 treasurer not more than fifteen days before and not later than thirty
12 days after the registration date for the motor vehicle. A renewal
13 application shall be made annually not sooner than the first day of the
14 last month of the registration period or later than the last day of the
15 registration period. The county treasurer shall approve or deny the
16 application and notify the applicant of his or her decision within twenty
17 days after the filing of the application. An applicant may appeal the
18 denial of an application to the county board of equalization within
19 twenty days after the date the notice was mailed.

20 (2) An organization which qualifies for an exemption from the motor
21 vehicle tax under subdivision (6) of section 60-3,185 shall apply for the
22 exemption to the county treasurer not more than fifteen days before and
23 not later than thirty days after the registration date for the motor
24 vehicle. For a newly acquired motor vehicle, an application for exemption
25 must be made within thirty days after the purchase date. A renewal
26 application shall be made annually not sooner than the first day of the
27 last month of the registration period or later than the last day of the
28 registration period. The county treasurer shall examine the application
29 and recommend either exempt or nonexempt status to the county board of
30 equalization within twenty days after receipt of the application. The
31 county board of equalization, after a hearing on ten days' notice to the

1 applicant and after considering the recommendation of the county
2 treasurer and any other information it may obtain, shall approve or deny
3 the exemption on the basis of law and of rules and regulations adopted
4 and promulgated by the Tax Commissioner within thirty days after the
5 hearing. The county board of equalization shall mail or deliver its final
6 decision to the applicant and the county treasurer within seven days
7 after the date of decision. The decision of the county board of
8 equalization may be appealed to the Tax Equalization and Review
9 Commission in accordance with the Tax Equalization and Review Commission
10 Act within thirty days after the final decision.

11 (3)(a) A veteran of the United States Armed Forces who qualifies for
12 an exemption from the motor vehicle tax under subdivision (8) of section
13 60-3,185 or the unremarried surviving spouse of such veteran shall apply
14 for the exemption provided in subdivision (8) of section 60-3,185 to the
15 county treasurer not more than fifteen days before and not later than
16 thirty days after the registration date for the motor vehicle. A renewal
17 application shall be made annually not sooner than the first day of the
18 last month of the registration period or later than the last day of the
19 registration period. Any such application or renewal application shall
20 include such documentation as required by the county treasurer to verify
21 that the applicant qualifies for such exemption. The county treasurer
22 shall approve or deny the application and notify the applicant of his or
23 her decision within twenty days after the filing of the application. An
24 applicant may appeal the denial of an application to the county board of
25 equalization within twenty days after the date the notice was mailed.

26 (b) The failure of an applicant to apply for an exemption or the
27 renewal of an exemption within the time periods specified in subdivision
28 (3)(a) of this section shall not preclude such applicant from receiving
29 the exemption or renewal if he or she is otherwise qualified.

30 (c) The county treasurer shall, on or before December 31 of each
31 year, certify to the Tax Commissioner the total motor vehicle tax revenue

1 that will be lost during that year because of the exemption allowed under
2 subdivision (8) of section 60-3,185. The Tax Commissioner shall, on or
3 before January 15 next following such certification, notify the Director
4 of Administrative Services of the amount so certified to be reimbursed by
5 the state. Reimbursement of the funds lost shall be made to each county
6 according to the certification and shall be distributed on the last
7 business day of January. The State Treasurer shall, on the business day
8 preceding the last business day of January, notify the Director of
9 Administrative Services of the amount of funds available in the General
10 Fund for payment purposes. The Director of Administrative Services shall,
11 on the last business day of January, draw warrants against funds
12 appropriated. The county treasurer shall allocate and distribute the
13 amount received pursuant to this subdivision in the same manner as the
14 proceeds from motor vehicle taxes are allocated and distributed pursuant
15 to section 60-3,186.

16 Sec. 3. Original section 60-3,185, Reissue Revised Statutes of
17 Nebraska, and section 60-3,189, Revised Statutes Cumulative Supplement,
18 2014, are repealed.