

## LEGISLATIVE BILL 783

Approved by the Governor April 06, 2016

Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-316, 60-317, 60-3,101, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for registration of public power district vehicles as prescribed; to provide fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to increase of gross vehicle weight and trailer towing restrictions; 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 60-301, Revised Statutes Supplement, 2015, is amended to read:

60-301 Sections 60-301 to 60-3,225 and sections 5, 11, and 12 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 2. Section 60-302, Revised Statutes Supplement, 2015, is amended to read:

60-302 For purposes of the Motor Vehicle Registration Act, unless the context otherwise requires, the definitions found in sections 60-302.01 to 60-360 and section 5 of this act shall be used.

Sec. 3. Section 60-316, Reissue Revised Statutes of Nebraska, is amended to read:

60-316 Commercial motor vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks or public power district motor vehicles.

Sec. 4. Section 60-317, Reissue Revised Statutes of Nebraska, is amended to read:

60-317 Commercial trailer means any trailer or semitrailer which has a gross weight, including load thereon, of more than nine thousand pounds and which is designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Commercial trailer does not include cabin trailers, farm trailers, fertilizer trailers, ~~or~~ utility trailers, or public power district trailers.

Sec. 5. Public power district means a district as defined by section 70-601 receiving annual gross revenue of at least forty million dollars as determined by the Nebraska Power Review Board.

Sec. 6. Section 60-3,101, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,101 Except for license plates issued pursuant to section 60-3,203 and section 11 of this act, license plates shall be issued every six years beginning with the license plates issued in the year 2005. Except for plates issued pursuant to such sections ~~section~~, in the years in which plates are not issued, in lieu of issuing such license plates, the department shall furnish to every person whose motor vehicle or trailer is registered one or two validation decals, as the case may be, which validation decals shall bear the year for which issued and be so constructed as to permit them to be permanently affixed to the plates.

Sec. 7. Section 60-3,104, Revised Statutes Supplement, 2015, is amended to read:

60-3,104 The department shall issue the following types of license plates:

(1) Amateur radio station license plates issued pursuant to section 60-3,126;

(2) Apportionable vehicle license plates issued pursuant to section 60-3,203;

(3) Autocycle license plates issued pursuant to section 60-3,100;

(4) Boat dealer license plates issued pursuant to section 60-379;

(5) Bus license plates issued pursuant to section 60-3,144;

(6) Commercial motor vehicle license plates issued pursuant to section 60-3,147;

(7) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;

(8) Disabled veteran license plates issued pursuant to section 60-3,124;

(9) Farm trailer license plates issued pursuant to section 60-3,151;

(10) Farm truck license plates issued pursuant to section 60-3,146;

(11) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;

(12) Fertilizer trailer license plates issued pursuant to section 60-3,151;

(13) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;

- (14) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
- (15) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
- (16) Local truck license plates issued pursuant to section 60-3,145;
- (17) Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;
- (18) Minitruck license plates issued pursuant to section 60-3,100;
- (19) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
- (20) Motor vehicles exempt pursuant to section 60-3,107;
- (21) Motorcycle license plates issued pursuant to section 60-3,100;
- (22) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
- (23) Nebraska 150 Sesquicentennial Plates issued pursuant to sections 60-3,223 to 60-3,225;
- (24) Nonresident owner thirty-day license plates issued pursuant to section 60-382;
- (25) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143 other than autocycles;
- (26) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143 other than autocycles;
- (27) Pearl Harbor license plates issued pursuant to section 60-3,122;
- (28) Personal-use dealer license plates issued pursuant to section 60-3,116;
- (29) Personalized message license plates for motor vehicles and cabin trailers, except commercial motor vehicles registered for over ten tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;
- (30) Prisoner-of-war license plates issued pursuant to section 60-3,123;
- (31) Public power district license plates issued pursuant to section 11 of this act;
- (~~32~~ ~~31~~) Purple Heart license plates issued pursuant to section 60-3,125;
- (~~33~~ ~~32~~) Recreational vehicle license plates issued pursuant to section 60-3,151;
- (~~34~~ ~~33~~) Repossession license plates issued pursuant to section 60-375;
- (~~35~~ ~~34~~) Special interest motor vehicle license plates issued pursuant to section 60-3,135.01;
- (~~36~~ ~~35~~) Specialty license plates issued pursuant to sections 60-3,104.01 and 60-3,104.02;
- (~~37~~ ~~36~~) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;
- (~~38~~ ~~37~~) Trailer license plates issued pursuant to section 60-3,100;
- (~~39~~) Trailer license plates issued for trailers owned or operated by a public power district pursuant to section 11 of this act;
- (~~40~~ ~~38~~) Trailers exempt pursuant to section 60-3,108;
- (~~41~~ ~~39~~) Transporter license plates issued pursuant to section 60-378;
- (~~42~~ ~~40~~) Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;
- (~~43~~ ~~41~~) Utility trailer license plates issued pursuant to section 60-3,151; and
- (~~44~~ ~~42~~) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 8. Section 60-3,147, Revised Statutes Cumulative Supplement, 2014, is amended to read:

60-3,147 (1) The registration fee on commercial motor vehicles and public power district motor vehicles, except those motor vehicles registered under section 60-3,198, shall be based upon the gross vehicle weight, not to exceed the maximum authorized by section 60-6,294.

(2) The registration fee on commercial motor vehicles and public power district motor vehicles, except for motor vehicles and trailers registered under section 60-3,198, shall be based on the gross vehicle weight on such commercial motor vehicles or public power district motor vehicles plus the gross vehicle weight of any trailer or combination with which it is operated, except that for the purpose of determining the registration fee, the gross vehicle weight of a commercial motor vehicle towing or hauling a disabled or wrecked motor vehicle properly registered for use on the highways shall be only the gross vehicle weight of the towing commercial motor vehicle fully equipped and not including the weight of the motor vehicle being towed or hauled.

(3) Except as provided in subsection (4) of this section, the registration fee on such commercial motor vehicles and public power district motor vehicles shall be at the following rates:

- (a) For a gross vehicle weight of three tons or less, eighteen dollars;
- (b) For a gross vehicle weight exceeding three tons and not exceeding four tons, twenty-five dollars;
- (c) For a gross vehicle weight exceeding four tons and not exceeding five tons, thirty-five dollars;
- (d) For a gross vehicle weight exceeding five tons and not exceeding six tons, sixty dollars;

(e) For a gross vehicle weight exceeding six tons but not exceeding seven tons, eighty-five dollars; and

(f) For a gross vehicle weight in excess of seven tons, the fee shall be that for a commercial motor vehicle or public power district motor vehicle having a gross vehicle weight of seven tons and, in addition thereto, twenty-five dollars for each ton of gross vehicle weight over seven tons.

(4)(a) For fractional tons in excess of the twenty percent or the tolerance of one thousand pounds, as provided in section 60-6,300, the fee shall be computed on the basis of the next higher bracket.

(b) The fees provided by this section shall be reduced ten percent for motor vehicles used exclusively for the transportation of agricultural products.

(c) Fees for commercial motor vehicles or public power district motor vehicles with a gross vehicle weight in excess of thirty-six tons shall be increased by twenty percent for all such commercial motor vehicles or public power district motor vehicles operated on any highway not a part of the National System of Interstate and Defense Highways.

(5)(a) Such fee may be paid one-half at the time of registration and one-half on the first day of the seventh month of the registration period when the license fee exceeds two hundred ten dollars. When the second half is paid, the county treasurer shall furnish a registration certificate and license plates issued by the department which shall be displayed on such commercial motor vehicle in the manner provided by law. In addition to the registration fee, the department shall collect a sufficient fee to cover the cost of issuing the certificate and license plates.

(b) If such second half is not paid within thirty days following the first day of the seventh month, the registration of such commercial motor vehicle shall be canceled and the registration certificate and license plates shall be returned to the county treasurer.

(c) Such fee shall be paid prior to any subsequent registration or renewal of registration.

(6) Except as provided in section 11 of this act, license ~~license~~ plates issued under this section shall be the same size and of the same basic design as regular license plates issued under section 60-3,100.

(7) A license plate or plates issued to a commercial motor vehicle with a gross weight of five tons or over shall display, in addition to the registration number, the weight that the commercial motor vehicle is licensed for, using a decal on the license plate or plates of the commercial motor vehicle in letters and numerals of such size and design as shall be determined and issued by the department.

Sec. 9. Section 60-3,148, Revised Statutes Cumulative Supplement, 2014, is amended to read:

60-3,148 No owner of a commercial motor vehicle or public power district motor vehicle shall be permitted to increase the gross vehicle weight for which such commercial motor vehicle or public power district motor vehicle is registered except at the office of the county treasurer in the county where such commercial motor vehicle or public power district motor vehicle is currently registered unless the need for such increase occurs when such commercial motor vehicle is more than one hundred miles from the county seat of such county or the public power district motor vehicle is more than one hundred miles from its base location, unless authorized to do so by the Nebraska State Patrol or authorized state scale examiner as an emergency.

Sec. 10. Section 60-3,151, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,151 (1) For the registration of any commercial trailer or semitrailer, the fee shall be one dollar.

(2) The fee for utility trailers shall be one dollar for each one thousand pounds gross vehicle weight or fraction thereof, up to and including nine thousand pounds. Except as provided in section 11 of this act, utility Utility trailer license plates shall display, in addition to the registration number, the letter X. Trailers other than farm trailers or trailers registered under section 11 of this act of more than nine thousand pounds must be registered as commercial trailers.

(3) The fee for cabin trailers having gross vehicle weight of one thousand pounds or less shall be nine dollars and more than one thousand pounds, but less than two thousand pounds, shall be twelve dollars. Cabin trailers having a gross vehicle weight of two thousand pounds or more shall be registered for a fee of fifteen dollars.

(4) Recreational vehicles having a gross vehicle weight of eight thousand pounds or less shall be registered for a fee of eighteen dollars, those having a gross vehicle weight of more than eight thousand pounds but less than twelve thousand pounds shall be registered for thirty dollars, and those having a gross vehicle weight of twelve thousand pounds or over shall be registered for forty-two dollars. When living quarters are added to a registered truck, a recreational vehicle registration may be obtained without surrender of the truck registration, in which event both the truck and recreational vehicle license plates shall be displayed on the vehicle. Recreational vehicle license plates shall be the same size and of the same basic design as regular license plates issued pursuant to section 60-3,100.

(5) Farm trailers shall be licensed for a fee of one dollar, except that when a farm trailer is used with a registered farm truck, such farm trailer may, at the option of the owner, be registered as a separate unit for a fee of three dollars per ton gross vehicle weight and, if so registered, shall not be

considered a truck and trailer combination for purposes of sections 60-3,145 and 60-3,146. Farm trailer license plates shall display, in addition to the registration number, the letter X.

(6) Fertilizer trailers shall be registered for a fee of one dollar. Fertilizer trailer license plates shall display, in addition to the registration number, the letter X.

(7) Trailers used to haul poles and cable reels owned and operated exclusively by public utility companies or trailers used by public power districts and registered pursuant to section 11 of this act shall be licensed at a fee based on two dollars for each one-thousand-pound load to be hauled or any fraction thereof, and such load shall not exceed sixteen thousand pounds.

Sec. 11. (1) Upon application and payment of the fees required pursuant to this section and section 12 of this act, each motor vehicle and trailer operated by a public power district shall be issued permanent public power district license plates. The public power district license plates shall be issued by the county in which the public power district is headquartered.

(2) Public power district vehicles shall display a distinctive license plate provided by the department pursuant to this section.

(3) Any license plate issued pursuant to this section shall remain affixed to the front and rear of the motor vehicle and to the rear of the trailer as long as the public power district vehicle is registered pursuant to this section by the owner or lessor making the original application pursuant to subsection (1) of this section.

Sec. 12. The registration fee for a public power district motor vehicle shall be the fee provided for commercial motor vehicles in section 60-3,147. The registration fee for a public power district trailer shall be the fee provided for a trailer in subsection (2) or (7), as applicable, of section 60-3,151.

Sec. 13. Section 60-3,221, Revised Statutes Cumulative Supplement, 2014, is amended to read:

60-3,221 (1) Except as otherwise provided in the Motor Vehicle Registration Act:

(a) A cabin trailer shall only be towed by a properly registered:

- (i) Passenger car;
- (ii) Commercial motor vehicle or apportionable vehicle;
- (iii) Farm truck;
- (iv) Local truck;
- (v) Minitruck;
- (vi) Recreational vehicle; or
- (vii) Bus;

(b) A utility trailer shall only be towed by:

- (i) A properly registered passenger car;
- (ii) A properly registered commercial motor vehicle or apportionable vehicle;

(iii) A properly registered farm truck;

(iv) A properly registered local truck;

(v) A properly registered minitruck;

(vi) A properly registered recreational vehicle;

(vii) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;

(viii) A properly registered well-boring apparatus;

(ix) A dealer-plated vehicle;

(x) A personal-use dealer-plated vehicle; ~~or~~

(xi) A properly registered bus; or

(xii) A properly registered public power district motor vehicle;

(c) A farm trailer shall only be towed by a properly registered:

(i) Passenger car;

(ii) Commercial motor vehicle;

(iii) Farm truck; or

(iv) Minitruck;

(d) A commercial trailer shall only be towed by:

(i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;

(ii) A properly registered local truck;

(iii) A properly registered well-boring apparatus;

(iv) A properly registered commercial motor vehicle or apportionable vehicle;

(v) A dealer-plated vehicle;

(vi) A personal-use dealer-plated vehicle;

(vii) A properly registered bus; ~~or~~

(viii) A properly registered farm truck; or

(ix) A properly registered public power district motor vehicle;

(e) A fertilizer trailer shall only be towed by a properly registered:

(i) Passenger car;

(ii) Commercial motor vehicle or apportionable vehicle;

(iii) Farm truck; or

(iv) Local truck;

(f) A pole and cable reel trailer shall only be towed by a properly registered:

(i) Commercial motor vehicle or apportionable vehicle; ~~or~~

(ii) Local truck; or

(iii) Public power district motor vehicle;

(g) A dealer-plated trailer shall only be towed by:

- (i) A dealer-plated vehicle;
- (ii) A properly registered passenger car;
- (iii) A properly registered commercial motor vehicle or apportionable vehicle;
- (iv) A properly registered farm truck;
- (v) A properly registered minitruck; or
- (vi) A personal-use dealer-plated vehicle; and
- (h) Trailers registered pursuant to section 60-3,198 as part of an apportioned fleet shall only be towed by:
  - (i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;
  - (ii) A properly registered local truck;
  - (iii) A properly registered well-boring apparatus;
  - (iv) A properly registered commercial motor vehicle or apportionable vehicle;
  - (v) A dealer-plated vehicle;
  - (vi) A personal-use dealer-plated vehicle;
  - (vii) A properly registered bus; or
  - (viii) A properly registered farm truck.

(2) Nothing in this section shall be construed to waive compliance with the Nebraska Rules of the Road or Chapter 75.

(3) Nothing in this section shall be construed to prohibit any motor vehicle or trailer from displaying dealer license plates or In Transit stickers authorized by section 60-376.

Sec. 14. This act becomes operative on January 1, 2017.

Sec. 15. Original sections 60-316, 60-317, 60-3,101, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015, are repealed.