

AMENDMENTS TO LB909

(Amendments to Standing Committee amendments, AM2284)

Introduced by Friesen, 34.

1           1. Strike amendment 1 and insert the following new amendment:

2           1. Strike the original sections and insert the following new  
3 sections:

4           Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska,  
5 is amended to read:

6           28-1204.04 (1) Any person who possesses a firearm in a school, on  
7 school grounds, in a school-owned vehicle, or at a school-sponsored  
8 activity or athletic event is guilty of the offense of unlawful  
9 possession of a firearm at a school. Unlawful possession of a firearm at  
10 a school is a Class IV felony. This subsection shall not apply to (a) the  
11 issuance of firearms to or possession by members of the armed forces of  
12 the United States, active or reserve, National Guard of this state, or  
13 Reserve Officers Training Corps or peace officers or other duly  
14 authorized law enforcement officers when on duty or training, (b) the  
15 possession of firearms by peace officers or other duly authorized law  
16 enforcement officers when contracted by a school to provide school  
17 security or school event control services, (c) firearms which may  
18 lawfully be possessed by the person receiving instruction, for  
19 instruction under the immediate supervision of an adult instructor, (d)  
20 firearms which may lawfully be possessed by a member of a college or  
21 university rifle team, within the scope of such person's duties as a  
22 member of the team, (e) firearms which may lawfully be possessed by a  
23 person employed by a college or university in this state as part of an  
24 agriculture or a natural resources program of such college or university,  
25 within the scope of such person's employment, (f) firearms contained  
26 within a private vehicle operated by a nonstudent adult which are not

1 loaded and (i) are encased or (ii) are in a locked firearm rack that is  
2 on a motor vehicle, (g) firearms which may lawfully be possessed by a  
3 person for the purpose of using them, with the approval of the school, in  
4 a historical reenactment, in a hunter education program, or as part of an  
5 honor guard, or (h) a handgun carried as a concealed handgun by a valid  
6 holder of a permit issued under the Concealed Handgun Permit Act in a  
7 vehicle or on his or her person while riding in or on a vehicle into or  
8 onto any parking area, which is open to the public and used by a school  
9 if, prior to exiting the vehicle, the handgun is locked inside the glove  
10 box, trunk, or other compartment of the vehicle, a storage box securely  
11 attached to the vehicle, or, if the vehicle is a motorcycle, other than  
12 an autocycle, a hardened compartment securely attached to the motorcycle  
13 while the vehicle is in or on such parking area, except as prohibited by  
14 federal law. For purposes of this subsection, encased means enclosed in a  
15 case that is expressly made for the purpose of containing a firearm and  
16 that is completely zipped, snapped, buckled, tied, or otherwise fastened  
17 with no part of the firearm exposed.

18 (2) Any firearm possessed in violation of subsection (1) of this  
19 section shall be confiscated without warrant by a peace officer or may be  
20 confiscated without warrant by school administrative or teaching  
21 personnel. Any firearm confiscated by school administrative or teaching  
22 personnel shall be delivered to a peace officer as soon as practicable.

23 (3) Any firearm confiscated by or given to a peace officer pursuant  
24 to subsection (2) of this section shall be declared a common nuisance and  
25 shall be held by the peace officer prior to his or her delivery of the  
26 firearm to the property division of the law enforcement agency which  
27 employs the peace officer. The property division of such law enforcement  
28 agency shall hold such firearm for as long as the firearm is needed as  
29 evidence. After the firearm is no longer needed as evidence, it shall be  
30 destroyed in such manner as the court may direct.

31 (4) Whenever a firearm is confiscated and held pursuant to this

1 section or section 28-1204.02, the peace officer who received such  
2 firearm shall cause to be filed within ten days after the confiscation a  
3 petition for destruction of such firearm. The petition shall be filed in  
4 the district court of the county in which the confiscation is made. The  
5 petition shall describe the firearm held, state the name of the owner, if  
6 known, allege the essential elements of the violation which caused the  
7 confiscation, and conclude with a prayer for disposition and destruction  
8 in such manner as the court may direct. At any time after the  
9 confiscation of the firearm and prior to court disposition, the owner of  
10 the firearm seized may petition the district court of the county in which  
11 the confiscation was made for possession of the firearm. The court shall  
12 release the firearm to such owner only if the claim of ownership can  
13 reasonably be shown to be true and either (a) the owner of the firearm  
14 can show that the firearm was taken from his or her property or place of  
15 business unlawfully or without the knowledge and consent of the owner and  
16 that such property or place of business is different from that of the  
17 person from whom the firearm was confiscated or (b) the owner of the  
18 firearm is acquitted of the charge of unlawful possession of a handgun in  
19 violation of section 28-1204, unlawful transfer of a firearm to a  
20 juvenile, or unlawful possession of a firearm at a school. No firearm  
21 having significant antique value or historical significance as determined  
22 by the Nebraska State Historical Society shall be destroyed. If a firearm  
23 has significant antique value or historical significance, it shall be  
24 sold at auction and the proceeds shall be remitted to the State Treasurer  
25 for distribution in accordance with Article VII, section 5, of the  
26 Constitution of Nebraska.

27 Sec. 2. Section 37-1280, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 37-1280 (1) The Department of Motor Vehicles shall adopt and  
30 promulgate rules and regulations necessary to carry out sections 37-1275  
31 to 37-1290, and the county treasurers shall conform to the rules and

1 regulations and act at the direction of the department. The department  
2 shall also provide the county treasurers with the necessary training for  
3 the proper administration of such sections. The department shall receive  
4 and file in its office all instruments forwarded to it by the county  
5 treasurers under such sections and shall maintain indices covering the  
6 entire state for the instruments so filed. These indices shall be by hull  
7 identification number and alphabetically by the owner's name and shall be  
8 for the entire state and not for individual counties. The department  
9 shall provide and furnish the forms required by section 37-1286 to the  
10 county treasurers except manufacturers' or importers' certificates. The  
11 department shall check with its records all duplicate certificates of  
12 title received from the county treasurers. If it appears that a  
13 certificate of title has been improperly issued, the department shall  
14 cancel the certificate of title. Upon cancellation of any certificate of  
15 title, the department shall notify the county treasurer who issued the  
16 certificate, and the county treasurer shall enter the cancellation upon  
17 his or her records. The department shall also notify the person to whom  
18 such certificate of title was issued and any lienholders appearing on the  
19 certificate of the cancellation and shall demand the surrender of the  
20 certificate of title, but the cancellation shall not affect the validity  
21 of any lien noted on the certificate. The holder of the certificate of  
22 title shall return the certificate to the department immediately. If a  
23 certificate of number has been issued pursuant to section 37-1216 to the  
24 holder of a certificate of title so canceled, the department shall notify  
25 the commission. Upon receiving the notice, the commission shall  
26 immediately cancel the certificate of number and demand the return of the  
27 certificate of number and the holder of the certificate of number shall  
28 return the certificate to the commission immediately.

29 (2) The department may remove a lien on a certificate of title when  
30 such lien was improperly noted if evidence of the improperly noted lien  
31 is submitted to the department and the department finds the evidence

1 sufficient to support removal of the lien. The department shall send  
2 notification prior to removal of the lien to the last-known address of  
3 the lienholder. The lienholder must respond within thirty days after the  
4 date on the notice and provide sufficient evidence to support that the  
5 lien should not be removed. If the lienholder fails to respond to the  
6 notice, the lien may be removed by the department.

7       Sec. 3. Section 37-1283, Revised Statutes Supplement, 2017, as  
8 amended by section 75, Legislative Bill 193, One Hundred Fifth  
9 Legislature, Second Session, 2018, is amended to read:

10       37-1283 (1)(a) This subsection applies prior to the implementation  
11 date designated by the Director of Motor Vehicles pursuant to subsection  
12 (2) of section 116 of this act.

13       ~~(b)(i) (1)~~ Whenever ownership of a motorboat is transferred by  
14 operation of law as upon inheritance, devise, bequest, order in  
15 bankruptcy, insolvency, replevin, or execution sale, ~~(ii) (2)~~ whenever a  
16 motorboat is sold to satisfy storage or repair charges or under section  
17 76-1607, or ~~(iii) (3)~~ whenever repossession is had upon default in  
18 performance of the terms of a chattel mortgage, trust receipt,  
19 conditional sales contract, or other like agreement, ~~and upon acceptance~~  
20 ~~of an electronic certificate of title record after repossession, in~~  
21 ~~addition to the title requirements in this section,~~ the county treasurer  
22 of any county or the Department of Motor Vehicles, upon the surrender of  
23 the prior certificate of title or the manufacturer's or importer's  
24 certificate, or when that is not possible, upon presentation of  
25 satisfactory proof of ownership and right of possession to the motorboat,  
26 and upon payment of the fee prescribed in section 37-1287 and the  
27 presentation of an application for certificate of title, may issue to the  
28 applicant a certificate of title thereto.

29       (2)(a) This subsection applies beginning on the implementation date  
30 designated by the director pursuant to subsection (2) of section 116 of  
31 this act.

1           (b)(i) Whenever ownership of a motorboat is transferred by operation  
2 of law as upon inheritance, devise, bequest, order in bankruptcy,  
3 insolvency, replevin, or execution sale, (ii) whenever a motorboat is  
4 sold to satisfy storage or repair charges or under section 76-1607, or  
5 (iii) whenever repossession is had upon default in performance of the  
6 terms of a chattel mortgage, trust receipt, conditional sales contract,  
7 or other like agreement, and upon acceptance of an electronic certificate  
8 of title record after repossession, in addition to the title requirements  
9 in this section, the county treasurer of any county or the Department of  
10 Motor Vehicles, upon the surrender of the prior certificate of title or  
11 the manufacturer's or importer's certificate, or when that is not  
12 possible, upon presentation of satisfactory proof of ownership and right  
13 of possession to the motorboat, and upon payment of the fee prescribed in  
14 section 37-1287 and the presentation of an application for certificate of  
15 title, may issue to the applicant a certificate of title thereto.

16           (3) If the prior certificate of title issued for the motorboat  
17 provided for joint ownership with right of survivorship, a new  
18 certificate of title shall be issued to a subsequent purchaser upon the  
19 assignment of the prior certificate of title by the surviving owner and  
20 presentation of satisfactory proof of death of the deceased owner.

21           (4) Only an affidavit by the person or agent of the person to whom  
22 possession of the motorboat has so passed, setting forth facts entitling  
23 him or her to such possession and ownership, together with a copy of a  
24 court order or an instrument upon which such claim of possession and  
25 ownership is founded shall be considered satisfactory proof of ownership  
26 and right of possession, except that if the applicant cannot produce such  
27 proof of ownership, he or she may submit to the department such evidence  
28 as he or she may have and the department may thereupon, if it finds the  
29 evidence sufficient, issue the certificate of title or authorize any  
30 county treasurer to issue a certificate of title, as the case may be. If  
31 from the records of the county treasurer or the department there appear

1 to be any liens on the motorboat, the certificate of title shall comply  
2 with section 37-1282 regarding the liens unless the application is  
3 accompanied by proper evidence of their satisfaction or extinction.

4 Sec. 4. Section 37-1285, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 37-1285 Each owner of a motorboat and each person mentioned as owner  
7 in the last certificate of title, when the motorboat is dismantled,  
8 destroyed, or changed in such a manner that it loses its character as a  
9 motorboat or changed in such a manner that it is not the motorboat  
10 described in the certificate of title, shall surrender his or her  
11 certificate of title to any county treasurer or to the Department of  
12 Motor Vehicles. If the certificate of title is surrendered to a county  
13 treasurer, he or she shall, with the consent of any holders of any liens  
14 noted on the certificate, enter a cancellation upon the records and shall  
15 notify the department of the cancellation. Beginning on the  
16 implementation date designated by the Director of Motor Vehicles pursuant  
17 to subsection (3) of section 116 of this act, a wrecker or salvage dealer  
18 shall report electronically to the department using the electronic  
19 reporting system. If the certificate is surrendered to the department, it  
20 shall, with the consent of any holder of any lien noted on the  
21 certificate, enter a cancellation upon its records. Upon cancellation of  
22 a certificate of title in the manner prescribed by this section, the  
23 county treasurer and the department may cancel and destroy all  
24 certificates and all memorandum certificates in that chain of title.

25 Sec. 5. Section 37-1285.01, Revised Statutes Supplement, 2017, is  
26 amended to read:

27 37-1285.01 Beginning on the implementation date designated by the  
28 Director of Motor Vehicles pursuant to subsection (2) of section 116 of  
29 this act ~~January 1, 2019~~, if a motorboat certificate of title is an  
30 electronic certificate of title record, upon application by an owner or a  
31 lienholder and payment of the fee prescribed in section 37-1287, the

1 following changes may be made to a certificate of title electronically  
2 and without printing a certificate of title:

- 3 (1) Changing the name of an owner to reflect a legal change of name;  
4 (2) Removing the name of an owner with the consent of all owners and  
5 lienholders; or  
6 (3) Adding an additional owner with the consent of all owners and  
7 lienholders.

8 Sec. 6. Section 37-1293, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 37-1293 When an insurance company acquires a salvage motorboat  
11 through payment of a total loss settlement on account of damage, the  
12 company shall obtain the certificate of title from the owner, surrender  
13 such certificate of title to the county treasurer, and make application  
14 for a salvage branded certificate of title which shall be assigned when  
15 the company transfers ownership. An insurer shall take title to a salvage  
16 motorboat for which a total loss settlement is made unless the owner of  
17 the motorboat elects to retain the motorboat. If the owner elects to  
18 retain the motorboat, the insurance company shall notify the Department  
19 of Motor Vehicles of such fact in a format prescribed by the department.  
20 Beginning on the implementation date designated by the Director of Motor  
21 Vehicles pursuant to subsection (3) of section 116 of this act, the  
22 insurance company shall report electronically to the department using the  
23 electronic reporting system. The department shall immediately enter the  
24 salvage brand onto the computerized record of the motorboat. The  
25 insurance company shall also notify the owner of the owner's  
26 responsibility to comply with this section. The owner shall, within  
27 thirty days after the settlement of the loss, forward the properly  
28 endorsed acceptable certificate of title to the county treasurer. The  
29 county treasurer shall, upon receipt of the certificate of title, issue a  
30 salvage branded certificate of title for the motorboat.

31 Sec. 7. Section 60-101, Revised Statutes Supplement, 2017, is



1 amended to read:

2 60-101 Sections 60-101 to 60-197 and sections 11, 12, 16, 17, and 23  
3 of this act shall be known and may be cited as the Motor Vehicle  
4 Certificate of Title Act.

5 Sec. 8. Section 60-102, Revised Statutes Supplement, 2017, is  
6 amended to read:

7 60-102 For purposes of the Motor Vehicle Certificate of Title Act,  
8 unless the context otherwise requires, the definitions found in sections  
9 60-103 to 60-136.01 and sections 11, 12, 16, and 17 of this act shall be  
10 used.

11 Sec. 9. Section 60-104, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 60-104 Assembled vehicle means a vehicle which was manufactured or  
14 assembled less than thirty years prior to application for a certificate  
15 of title and which ~~that~~ is materially altered from its construction by  
16 the removal, addition, or substitution of new or used major component  
17 parts unless such major component parts were replaced under warranty by  
18 the original manufacturer of the vehicle. Its make shall be assembled,  
19 and its model year shall be the year in which the vehicle was assembled.  
20 ~~Assembled vehicle also includes a specially constructed vehicle.~~

21 Sec. 10. Section 60-104.01, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 60-104.01 Autocycle means any motor vehicle (1) having a seat that  
24 does not require the operator to straddle or sit astride it, (2) designed  
25 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
26 ~~operator and passenger ride either side by side or in tandem in a seating~~  
27 ~~area that is completely enclosed with a removable or fixed top and is~~  
28 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
29 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
30 ~~safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to  
31 be controlled with a steering wheel and pedals, and (5) in which the

1 operator and passenger ride either side by side or in tandem in a seating  
2 area that is equipped with a manufacturer-installed three-point safety  
3 belt system for each occupant and that has a seating area that either (a)  
4 is completely enclosed and is equipped with manufacturer-installed  
5 airbags and a manufacturer-installed roll cage or (b) is not completely  
6 enclosed and is equipped with a manufacturer-installed rollover  
7 protection system.

8       Sec. 11. Auxiliary axle means an auxiliary undercarriage assembly  
9 with a fifth wheel and tow bar used to convert a semitrailer to a full  
10 trailer, commonly known as converter gears or converter dollies.

11       Sec. 12. Car toter or tow dolly means a two-wheeled conveyance  
12 designed or adapted to support the weight of one axle of a motor vehicle  
13 while being towed in combination behind another motor vehicle.

14       Sec. 13. Section 60-119, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       60-119 Kit vehicle means a vehicle which was assembled by a person  
17 other than a generally recognized manufacturer of vehicles by the use of  
18 a reproduction resembling a specific manufacturer's make and model that  
19 is at least thirty years old ~~replica~~ purchased from an authorized  
20 manufacturer and accompanied by a manufacturer's statement of origin. Kit  
21 ~~The term kit~~ vehicle does not include glider kits.

22       Sec. 14. Section 60-119.01, Revised Statutes Supplement, 2017, is  
23 amended to read:

24       60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
25 (a) (1) whose speed attainable in one mile is more than twenty miles per  
26 hour and not more than twenty-five miles per hour on a paved, level  
27 surface, (b) (2) whose gross vehicle weight rating is less than three  
28 thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as  
29 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle  
30 (a) whose maximum speed attainable is not more than twenty-five miles per  
31 hour on a paved, level surface, (b) whose gross vehicle weight rating is

1 less than three thousand pounds, (c) which is equipped with a windshield  
2 and an occupant protection system, and (d) that complies with 49 C.F.R.  
3 part 571, as such part existed on January 1, 2018. A motorcycle with a  
4 sidecar attached is not a low-speed vehicle 2017.

5 Sec. 15. Section 60-124, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-124 Motorcycle means any motor vehicle having a seat or saddle  
8 for the use of the operator and designed to travel on not more than three  
9 wheels in contact with the ground. Motorcycle includes ~~does not include~~  
10 an autocycle.

11 Sec. 16. Reconstructed means the designation of a vehicle which was  
12 permanently altered from its original design construction by removing,  
13 adding, or substituting major component parts.

14 Sec. 17. Replica means the designation of a vehicle which resembles  
15 a specific manufacturer's make and model that is at least thirty years  
16 old and which has been assembled as a kit vehicle.

17 Sec. 18. Section 60-129, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-129 Semitrailer means any trailer so constructed that some part  
20 of its weight and that of its load rests upon or is carried by the towing  
21 vehicle. Semitrailer does not include an auxiliary axle or a car toter or  
22 tow dolly.

23 Sec. 19. Section 60-133, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 60-133 Trailer means any device without motive power designed for  
26 carrying persons or property and being towed by a motor vehicle and so  
27 constructed that no part of its weight rests upon the towing vehicle.  
28 Trailer does not include an auxiliary axle or a car toter or tow dolly.

29 Sec. 20. Section 60-142.04, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 60-142.04 The owner of ~~(1) an assembled vehicle or (2) a vehicle~~

1 which was manufactured or assembled more than thirty years prior to  
2 application for a certificate of title with one or more major component  
3 parts replaced by replacement parts, other than replacement parts that  
4 are essentially the same in design and material to that originally  
5 supplied by the manufacturer for the specific year, make, and model of  
6 vehicle, may apply for a certificate of title by presenting a certificate  
7 of title for one major component part, a notarized bill of sale for all  
8 other major component parts replaced, a statement that an inspection has  
9 been conducted on the vehicle, and a vehicle identification number as  
10 described in section 60-148. The certificate of title shall indicate the  
11 year of the vehicle resembles, ~~as the year application for title was made~~  
12 ~~and the make of the vehicle resembles, and the model the vehicle~~  
13 resembles and shall be branded as reconstructed assembled.

14 Sec. 21. Section 60-142.05, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-142.05 The owner of a kit vehicle may apply for a certificate of  
17 title by presenting a manufacturer's statement of origin for the kit, a  
18 notarized bill of sale for all major component parts not in the kit, a  
19 statement that an inspection has been conducted on the vehicle, and a  
20 vehicle identification number as described in section 60-148. The  
21 certificate of title shall indicate the year of the vehicle resembles, ~~as~~  
22 ~~the year application for title was made and the make of the vehicle~~  
23 resembles, and the model the vehicle resembles and shall be branded as  
24 replica assembled.

25 Sec. 22. Section 60-142.06, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 60-142.06 An owner of a vehicle which has ~~previously~~ been issued a  
28 certificate of title as an assembled vehicle prior to the effective date  
29 of this act in this state may have the vehicle inspected by a qualified  
30 car club representative who shall determine whether or not any  
31 modifications or replacement parts are essentially the same in design and

1 material to that originally supplied by the manufacturer for the specific  
2 year, make, and model of vehicle and obtain a statement as provided in  
3 section 60-142.03. The owner may apply for a certificate of title  
4 indicating the year, make, and model of the vehicle by presenting the  
5 statement and an application for certificate of title to the department.  
6 After review of the application, the department shall issue the  
7 certificate of title to the owner if the vehicle meets the specifications  
8 provided in section 60-142.02.

9       Sec. 23. The owner of an assembled vehicle may apply for a  
10 certificate of title by presenting a certificate of title for one major  
11 component part, a notarized bill of sale for all other major component  
12 parts replaced, a statement that an inspection has been conducted on the  
13 vehicle, and a vehicle identification number as described in section  
14 60-148. The certificate of title shall indicate the year of the vehicle  
15 as the year application for title was made and the make of the vehicle as  
16 assembled.

17       Sec. 24. Section 60-146, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19       60-146 (1) An application for a certificate of title for a vehicle  
20 shall include a statement that an identification inspection has been  
21 conducted on the vehicle unless (a) the title sought is a salvage branded  
22 certificate of title or a nontransferable certificate of title, (b) the  
23 surrendered ownership document is a Nebraska certificate of title, a  
24 manufacturer's statement of origin, an importer's statement of origin, a  
25 United States Government Certificate of Release of a vehicle, or a  
26 nontransferable certificate of title, (c) the application contains a  
27 statement that the vehicle is to be registered under section 60-3,198,  
28 (d) the vehicle is a cabin trailer, (e) the title sought is the first  
29 title for the vehicle sold directly by the manufacturer of the vehicle to  
30 a dealer franchised by the manufacturer, or (f) the vehicle was sold at  
31 an auction authorized by the manufacturer and purchased by a dealer

1 franchised by the manufacturer of the vehicle.

2 (2) The department shall prescribe a form to be executed by a dealer  
3 and submitted with an application for a certificate of title for vehicles  
4 exempt from inspection pursuant to subdivision (1)(e) or (f) of this  
5 section. The form shall clearly identify the vehicle and state under  
6 penalty of law that the vehicle is exempt from inspection.

7 (3) The statement that an identification inspection has been  
8 conducted shall be furnished by the county sheriff of any county or by  
9 any other holder of a certificate of training issued pursuant to section  
10 60-183, shall be in a format as determined by the department, and shall  
11 expire ninety days after the date of the inspection. The county treasurer  
12 shall accept a certificate of inspection, approved by the superintendent,  
13 from an officer of a state police agency of another state unless an  
14 inspection is required under section 60-174.

15 (4) The identification inspection shall include examination and  
16 notation of the then current odometer reading, if any, and a comparison  
17 of the vehicle identification number with the number listed on the  
18 ownership records, except that if a lien is registered against a vehicle  
19 and recorded on the vehicle's ownership records, the county treasurer  
20 shall provide a copy of the ownership records for use in making such  
21 comparison. If such numbers are not identical, if there is reason to  
22 believe further inspection is necessary, or if the inspection is for a  
23 Nebraska assigned number, the person performing the inspection shall make  
24 a further inspection of the vehicle which may include, but shall not be  
25 limited to, examination of other identifying numbers placed on the  
26 vehicle by the manufacturer and an inquiry into the numbering system used  
27 by the state issuing such ownership records to determine ownership of a  
28 vehicle. The identification inspection shall also include a statement  
29 that the vehicle identification number has been checked for entry in the  
30 National Crime Information Center and the Nebraska Crime Information  
31 Service. In the case of an assembled vehicle, a vehicle designated as

1 reconstructed, or a vehicle designated as replica, the identification  
2 inspection shall include, but not be limited to, an examination of the  
3 records showing the date of receipt and source of each major component  
4 part. No identification inspection shall be conducted unless all major  
5 component parts are properly attached to the vehicle in the correct  
6 location.

7 (5) If there is cause to believe that odometer fraud exists, written  
8 notification shall be given to the office of the Attorney General. If  
9 after such inspection the sheriff or his or her designee determines that  
10 the vehicle is not the vehicle described by the ownership records, no  
11 statement shall be issued.

12 (6) The county treasurer or the department may also request an  
13 identification inspection of a vehicle to determine if it meets the  
14 definition of motor vehicle as defined in section 60-123.

15 Sec. 25. Section 60-148, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 60-148 (1) Whenever a person applies for a certificate of title for  
18 a vehicle, the department shall assign a distinguishing identification  
19 number to the vehicle if the vehicle identification number is destroyed,  
20 obliterated, or missing. The owner of such a vehicle to which such number  
21 is assigned shall have such number affixed to such vehicle as provided in  
22 subsection (2) of this section and sign an affidavit on a form prepared  
23 by the department that such number has been attached. Before the  
24 certificate of title for an assigned number is released to the applicant  
25 by the county treasurer, the applicant shall also provide a statement  
26 that an inspection has been conducted.

27 (2) The department shall develop a metallic assigned vehicle  
28 identification number plate which can be permanently secured to a vehicle  
29 by rivets or a permanent sticker or other form of marking or identifying  
30 the vehicle with the distinguishing identification number as determined  
31 by the director. All distinguishing identification numbers shall contain

1 seventeen characters in conformance with national standards. When the  
2 manufacturer's vehicle identification number is known, it shall be used  
3 by the department as the assigned number. In the case of an assembled  
4 all-terrain vehicle, a utility-type vehicle, a ~~or~~ minibike, ~~an~~ ~~or~~  
5 assembled vehicle, a vehicle designated as reconstructed, or a vehicle  
6 designated as replica, the department shall use a distinguishing  
7 identification number. The department shall, upon application by an  
8 owner, provide the owner with a number plate or a permanent sticker or  
9 other form of marking or identification displaying a distinguishing  
10 identification number or the manufacturer's number.

11 (3) Any vehicle to which a distinguishing identification number is  
12 assigned shall be titled under such distinguishing identification number  
13 when titling of the vehicle is required under the Motor Vehicle  
14 Certificate of Title Act.

15 Sec. 26. Section 60-149, Revised Statutes Supplement, 2017, is  
16 amended to read:

17 60-149 (1)(a) If a certificate of title has previously been issued  
18 for a vehicle in this state, the application for a new certificate of  
19 title shall be accompanied by the certificate of title duly assigned  
20 except as otherwise provided in the Motor Vehicle Certificate of Title  
21 Act.

22 (b) Except for manufactured homes or mobile homes as provided in  
23 subsection (2) of this section, if a certificate of title has not  
24 previously been issued for the vehicle in this state or if a certificate  
25 of title is ~~unavailable pursuant to subsection (4) of section 52-1801,~~  
26 the application shall be accompanied by:

27 (i) A manufacturer's or importer's certificate except as otherwise  
28 provided in subdivision (viii) ~~(vii)~~ of this subdivision;

29 (ii) A duly certified copy of the manufacturer's or importer's  
30 certificate;

31 (iii) An affidavit by the owner affirming ownership in the case of



1 an all-terrain vehicle, a utility-type vehicle, or a minibike;

2 (iv) A certificate of title from another state;

3 (v) A court order issued by a court of record, a manufacturer's  
4 certificate of origin, or an assigned registration certificate, if the  
5 law of the state from which the vehicle was brought into this state does  
6 not have a certificate of title law;

7 (vi) Evidence of ownership as provided for in sections 30-24,125,  
8 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411;

9 (vii) ~~(vi)~~ Documentation prescribed in section 60-142.01, 60-142.02,  
10 60-142.04, 60-142.05, or 60-142.09 or section 23 of this act or  
11 documentation of compliance with section 76-1607;~~or~~

12 (viii) ~~(vii)~~ A manufacturer's or importer's certificate and an  
13 affidavit by the owner affirming ownership in the case of a minitruck;  
14 or -

15 (ix) In the case of a motor vehicle, a trailer, an all-terrain  
16 vehicle, a utility-type vehicle, or a minibike, an affidavit by the  
17 holder of a motor vehicle auction dealer's license as described in  
18 subdivision (11) of section 60-1406 affirming that the certificate of  
19 title is unavailable and that the vehicle (A) is a salvage vehicle  
20 through payment of a total loss settlement, (B) is a salvage vehicle  
21 purchased by the auction dealer, or (C) has been donated to an  
22 organization operating under section 501(c)(3) of the Internal Revenue  
23 Code as defined in section 49-801.01.

24 (c) If the application for a certificate of title in this state is  
25 accompanied by a valid certificate of title issued by another state which  
26 meets that state's requirements for transfer of ownership, then the  
27 application may be accepted by this state.

28 (d) If a certificate of title has not previously been issued for the  
29 vehicle in this state and the applicant is unable to provide such  
30 documentation, the applicant may apply for a bonded certificate of title  
31 as prescribed in section 60-167.

1           (2)(a) If the application for a certificate of title for a  
2 manufactured home or a mobile home is being made in accordance with  
3 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
4 manufactured home or a mobile home is unavailable pursuant to section  
5 52-1801, the application shall be accompanied by proof of ownership in  
6 the form of:

7           (i) A duly assigned manufacturer's or importer's certificate;

8           (ii) A certificate of title from another state;

9           (iii) A court order issued by a court of record;

10           (iv) Evidence of ownership as provided for in section 30-24,125,  
11 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411, or  
12 documentation of compliance with section 76-1607; or

13           (v) Assessment records for the manufactured home or mobile home from  
14 the county assessor and an affidavit by the owner affirming ownership.

15           (b) If the applicant cannot produce proof of ownership described in  
16 subdivision (a) of this subsection, he or she may submit to the  
17 department such evidence as he or she may have, and the department may  
18 thereupon, if it finds the evidence sufficient, issue the certificate of  
19 title or authorize the county treasurer to issue a certificate of title,  
20 as the case may be.

21           (3) For purposes of this section, certificate of title includes a  
22 salvage certificate, a salvage branded certificate of title, or any other  
23 document of ownership issued by another state or jurisdiction for a  
24 salvage vehicle. Only a salvage branded certificate of title shall be  
25 issued to any vehicle conveyed upon a salvage certificate, a salvage  
26 branded certificate of title, or any other document of ownership issued  
27 by another state or jurisdiction for a salvage vehicle.

28           (4) The county treasurer shall retain the evidence of title  
29 presented by the applicant and on which the certificate of title is  
30 issued.

31           (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of

1 this section, the holder of a motor vehicle auction dealer's license  
2 shall certify that (i) it has made at least two written attempts and has  
3 been unable to obtain the properly endorsed certificate of title to the  
4 property noted in the affidavit from the owner and (ii) thirty days have  
5 expired after the mailing of a written notice regarding the intended  
6 disposition of the property noted in the affidavit by certified mail,  
7 return receipt requested, to the last-known address of the owner and to  
8 any lien or security interest holder of record of the property noted in  
9 the affidavit.

10 (b) The notice under subdivision (5)(a)(ii) of this section shall  
11 contain a description of the property noted in the affidavit and a  
12 statement that title to the property noted in the affidavit shall vest in  
13 the holder of the motor vehicle auction dealer's license thirty days  
14 after the date such notice was mailed.

15 (c) The mailing of notice and the expiration of thirty days under  
16 subdivision (5)(a)(ii) of this section shall extinguish any lien or  
17 security interest of a lienholder or security interest holder in the  
18 property noted in the affidavit, unless the lienholder or security  
19 interest holder has claimed such property within such thirty-day period.  
20 The holder of a motor vehicle auction dealer's license shall transfer  
21 possession of the property noted in the affidavit to the lienholder or  
22 security interest holder claiming such property.

23 Sec. 27. Section 60-164, Revised Statutes Supplement, 2017, is  
24 amended to read:

25 60-164 (1) The department shall implement an electronic title and  
26 lien system for vehicles. The holder of a security interest, trust  
27 receipt, conditional sales contract, or similar instrument regarding a  
28 vehicle, or beginning on the implementation date determined by the  
29 director pursuant to subsection (7) of section 60-1507 January 1, 2019, a  
30 licensed dealer, may file a lien electronically as prescribed by the  
31 department. Upon receipt of an application for a certificate of title for

1 a vehicle, any lien filed electronically shall become part of the  
2 electronic certificate of title record created by the county treasurer or  
3 department maintained on the electronic title and lien system. If an  
4 application for a certificate of title indicates that there is a lien or  
5 encumbrance on a vehicle or if a lien or notice of lien has been filed  
6 electronically, the department shall retain an electronic certificate of  
7 title record and shall note and cancel such liens electronically on the  
8 system. The department shall provide access to the electronic certificate  
9 of title records for licensed dealers and lienholders who participate in  
10 the system by a method determined by the director.

11 (2) Except as provided in section 60-165, the provisions of article  
12 9, Uniform Commercial Code, shall never be construed to apply to or to  
13 permit or require the deposit, filing, or other record whatsoever of a  
14 security agreement, conveyance intended to operate as a mortgage, trust  
15 receipt, conditional sales contract, or similar instrument or any copy of  
16 the same covering a vehicle. Any mortgage, conveyance intended to operate  
17 as a security agreement as provided by article 9, Uniform Commercial  
18 Code, trust receipt, conditional sales contract, or other similar  
19 instrument covering a vehicle, if such instrument is accompanied by  
20 delivery of such manufacturer's or importer's certificate and followed by  
21 actual and continued possession of the same by the holder of such  
22 instrument or, in the case of a certificate of title, if a notation of  
23 the same has been made electronically as prescribed in subsection (1) of  
24 this section or by the county treasurer or department on the face of the  
25 certificate of title or on the electronic certificate of title record,  
26 shall be valid as against the creditors of the debtor, whether armed with  
27 process or not, and subsequent purchasers, secured parties, and other  
28 lienholders or claimants but otherwise shall not be valid against them,  
29 except that during any period in which a vehicle is inventory, as defined  
30 in section 9-102, Uniform Commercial Code, held for sale by a person or  
31 corporation that is required to be licensed as provided in the Motor

1 Vehicle Industry Regulation Act and is in the business of selling such  
2 vehicles, the filing provisions of article 9, Uniform Commercial Code, as  
3 applied to inventory, shall apply to a security interest in such vehicle  
4 created by such person or corporation as debtor without the notation of  
5 lien on the certificate of title. A buyer of a vehicle at retail from a  
6 dealer required to be licensed as provided in the Motor Vehicle Industry  
7 Regulation Act shall take such vehicle free of any security interest. A  
8 purchase-money security interest, as defined in section 9-103, Uniform  
9 Commercial Code, in a vehicle is perfected against the rights of judicial  
10 lien creditors and execution creditors on and after the date the  
11 purchase-money security interest attaches.

12 (3) Subject to subsections (1) and (2) of this section, all liens,  
13 security agreements, and encumbrances noted upon a certificate of title  
14 or an electronic certificate of title record and all liens noted  
15 electronically as prescribed in subsection (1) of this section shall take  
16 priority according to the order of time in which the same are noted by  
17 the county treasurer or department. Exposure for sale of any vehicle by  
18 the owner thereof with the knowledge or with the knowledge and consent of  
19 the holder of any lien, security agreement, or encumbrance on such  
20 vehicle shall not render the same void or ineffective as against the  
21 creditors of such owner or holder of subsequent liens, security  
22 agreements, or encumbrances upon such vehicle.

23 (4) The holder of a security agreement, trust receipt, conditional  
24 sales contract, or similar instrument, upon presentation of such  
25 instrument to the department or to any county treasurer, together with  
26 the certificate of title and the fee prescribed for notation of lien, may  
27 have a notation of such lien made on the face of such certificate of  
28 title. The owner of a vehicle may present a valid out-of-state  
29 certificate of title issued to such owner for such vehicle with a  
30 notation of lien on such certificate of title and the prescribed fee to  
31 the county treasurer or department and have the notation of lien made on

1 the new certificate of title issued pursuant to section 60-144 without  
2 presenting a copy of the lien instrument. The county treasurer or the  
3 department shall enter the notation and the date thereof over the  
4 signature of the person making the notation and the seal of the office.  
5 If noted by a county treasurer, he or she shall on that day notify the  
6 department which shall note the lien on its records. The county treasurer  
7 or the department shall also indicate by appropriate notation and on such  
8 instrument itself the fact that such lien has been noted on the  
9 certificate of title.

10 (5) A transaction does not create a sale or a security interest in a  
11 vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a  
12 minibike, merely because it provides that the rental price is permitted  
13 or required to be adjusted under the agreement either upward or downward  
14 by reference to the amount realized upon sale or other disposition of the  
15 vehicle.

16 (6) The county treasurer or the department, upon receipt of a lien  
17 instrument duly signed by the owner in the manner prescribed by law  
18 governing such lien instruments together with the fee prescribed for  
19 notation of lien, shall notify the first lienholder to deliver to the  
20 county treasurer or the department, within fifteen days after the date of  
21 notice, the certificate of title to permit notation of such other lien  
22 and, after notation of such other lien, the county treasurer or the  
23 department shall deliver the certificate of title to the first  
24 lienholder. The holder of a certificate of title who refuses to deliver a  
25 certificate of title to the county treasurer or the department for the  
26 purpose of showing such other lien on such certificate of title within  
27 fifteen days after the date of notice shall be liable for damages to such  
28 other lienholder for the amount of damages such other lienholder suffered  
29 by reason of the holder of the certificate of title refusing to permit  
30 the showing of such lien on the certificate of title.

31 (7) Upon receipt of a subsequent lien instrument duly signed by the

1 owner in the manner prescribed by law governing such lien instruments or  
2 a notice of lien filed electronically, together with an application for  
3 notation of the subsequent lien, the fee prescribed in section 60-154,  
4 and, if a printed certificate of title exists, the presentation of the  
5 certificate of title, the county treasurer or department shall make  
6 notation of such other lien. If the certificate of title is not an  
7 electronic certificate of title record, the county treasurer or  
8 department, upon receipt of a lien instrument duly signed by the owner in  
9 the manner prescribed by law governing such lien instruments together  
10 with the fee prescribed for notation of lien, shall notify the first  
11 lienholder to deliver to the county treasurer or department, within  
12 fifteen days after the date of notice, the certificate of title to permit  
13 notation of such other lien. After such notation of lien, the lien shall  
14 become part of the electronic certificate of title record created by the  
15 county treasurer or department which is maintained on the electronic  
16 title and lien system. The holder of a certificate of title who refuses  
17 to deliver a certificate of title to the county treasurer or department  
18 for the purpose of noting such other lien on such certificate of title  
19 within fifteen days after the date when notified to do so shall be liable  
20 for damages to such other lienholder for the amount of damages such other  
21 lienholder suffered by reason of the holder of the certificate of title  
22 refusing to permit the noting of such lien on the certificate of title.

23 (8) When a lien is discharged, the holder shall, within fifteen days  
24 after payment is received, note a cancellation of the lien on the  
25 certificate of title over his, her, or its signature and deliver the  
26 certificate of title to the county treasurer or the department, which  
27 shall note the cancellation of the lien on the face of the certificate of  
28 title and on the records of such office. If delivered to a county  
29 treasurer, he or she shall on that day notify the department which shall  
30 note the cancellation on its records. The county treasurer or the  
31 department shall then return the certificate of title to the owner or as

1 otherwise directed by the owner. The cancellation of lien shall be noted  
2 on the certificate of title without charge. For an electronic certificate  
3 of title record, the lienholder shall, within fifteen days after payment  
4 is received when such lien is discharged, notify the department  
5 electronically or provide written notice of such lien release, in a  
6 manner prescribed by the department, to the county treasurer or  
7 department. The department shall note the cancellation of lien and, if no  
8 other liens exist, issue the certificate of title to the owner or as  
9 otherwise directed by the owner or lienholder. If the holder of the title  
10 cannot locate a lienholder, a lien may be discharged ten years after the  
11 date of filing by presenting proof that thirty days have passed since the  
12 mailing of a written notice by certified mail, return receipt requested,  
13 to the last-known address of the lienholder.

14 Sec. 28. Section 60-164.01, Revised Statutes Supplement, 2017, is  
15 amended to read:

16 60-164.01 Beginning on the implementation date designated by the  
17 director pursuant to subsection (2) of section 116 of this act ~~January 1,~~  
18 ~~2019~~, if a certificate of title is an electronic certificate of title  
19 record, upon application by an owner or a lienholder and payment of the  
20 fee prescribed in section 60-154, the following changes may be made to a  
21 certificate of title electronically and without printing a certificate of  
22 title:

- 23 (1) Changing the name of an owner to reflect a legal change of name;  
24 (2) Removing the name of an owner with the consent of all owners and  
25 lienholders; or  
26 (3) Adding an additional owner with the consent of all owners and  
27 lienholders.

28 Sec. 29. Section 60-166, Revised Statutes Supplement, 2017, as  
29 amended by section 87, Legislative Bill 193, One Hundred Fifth  
30 Legislature, Second Session, 2018, and section 2, Legislative Bill 275,  
31 One Hundred Fifth Legislature, Second Session, 2018, is amended to read:



1           60-166 (1)(a) This subsection applies prior to the implementation  
2 date designated by the Director of Motor Vehicles pursuant to subsection  
3 (2) of section 116 of this act.

4           **(b) ~~(1)~~** In the event of **(i) ~~(a)~~** the transfer of ownership of a  
5 vehicle by operation of law as upon inheritance, devise, ~~or~~ bequest,  
6 order in bankruptcy, insolvency, replevin, or execution sale or as  
7 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911  
8 and section 3 of this act, and 60-2401 to 60-2411, **(ii) ~~(b)~~** the engine of  
9 a vehicle being replaced by another engine, **(iii) ~~(c)~~** a vehicle being  
10 sold to satisfy storage or repair charges or under section 76-1607, or  
11 **(iv) ~~(d)~~** repossession being had upon default in performance of the terms  
12 of a chattel mortgage, trust receipt, conditional sales contract, or  
13 other like agreement, ~~and upon acceptance of an electronic certificate of~~  
14 ~~title record after repossession, in addition to the title requirements in~~  
15 ~~this section,~~ the county treasurer of any county or the department, upon  
16 the surrender of the prior certificate of title or the manufacturer's or  
17 importer's certificate, or when that is not possible, upon presentation  
18 of satisfactory proof of ownership and right of possession to such  
19 vehicle, and upon payment of the appropriate fee and the presentation of  
20 an application for certificate of title, may issue to the applicant a  
21 certificate of title thereto.

22           (2)(a) This subsection applies beginning on the implementation date  
23 designated by the director pursuant to subsection (2) of section 116 of  
24 this act.

25           (b) In the event of (i) the transfer of ownership of a vehicle by  
26 operation of law as upon inheritance, devise, bequest, order in  
27 bankruptcy, insolvency, replevin, or execution sale or as provided in  
28 section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to  
29 60-1911 and section 3 of Legislative Bill 275, One Hundred Fifth  
30 Legislature, Second Session, 2018, and sections 60-2401 to 60-2411, (ii)  
31 the engine of a vehicle being replaced by another engine, (iii) a vehicle

1 being sold to satisfy storage or repair charges or under section 76-1607,  
2 or (iv) repossession being had upon default in performance of the terms  
3 of a chattel mortgage, trust receipt, conditional sales contract, or  
4 other like agreement, and upon acceptance of an electronic certificate of  
5 title record after repossession, in addition to the title requirements in  
6 this section, the county treasurer of any county or the department, upon  
7 the surrender of the prior certificate of title or the manufacturer's or  
8 importer's certificate, or when that is not possible, upon presentation  
9 of satisfactory proof of ownership and right of possession to such  
10 vehicle, and upon payment of the appropriate fee and the presentation of  
11 an application for certificate of title, may issue to the applicant a  
12 certificate of title thereto.

13 (3) If the prior certificate of title issued for such vehicle  
14 provided for joint ownership with right of survivorship, a new  
15 certificate of title shall be issued to a subsequent purchaser upon the  
16 assignment of the prior certificate of title by the surviving owner and  
17 presentation of satisfactory proof of death of the deceased owner.

18 (4) Only an affidavit by the person or agent of the person to whom  
19 possession of such vehicle has so passed, setting forth facts entitling  
20 him or her to such possession and ownership, together with a copy of a  
21 court order or an instrument upon which such claim of possession and  
22 ownership is founded, shall be considered satisfactory proof of ownership  
23 and right of possession, except that if the applicant cannot produce such  
24 proof of ownership, he or she may submit to the department such evidence  
25 as he or she may have, and the department may thereupon, if it finds the  
26 evidence sufficient, issue the certificate of title or authorize any  
27 county treasurer to issue a certificate of title, as the case may be.

28 (5) (2) If from the records of the county treasurer or the  
29 department there appear to be any liens on such vehicle, such certificate  
30 of title shall comply with section 60-164 or 60-165 regarding such liens  
31 unless the application is accompanied by proper evidence of their

1 satisfaction or extinction.

2 Sec. 30. Section 60-168.01, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-168.01 (1) The department, upon receipt of clear and convincing  
5 evidence of a failure to note a required brand or failure to note a lien  
6 on a certificate of title, shall notify the holder of such certificate of  
7 title to deliver to the county treasurer or the department, within  
8 fifteen days after the date on the notice, such certificate of title to  
9 permit the noting of such brand or lien. After notation, the county  
10 treasurer or the department shall deliver the corrected certificate of  
11 title to the holder as provided by section 60-152. If a holder fails to  
12 deliver a certificate of title to the county treasurer or to the  
13 department, within fifteen days after the date on the notice for the  
14 purpose of noting such brand or lien on the certificate of title, the  
15 department shall cancel the certificate of title. This subsection ~~section~~  
16 does not apply when noting a lien in accordance with subsection (6) of  
17 section 60-164.

18 (2) The department may remove a lien on a certificate of title when  
19 such lien was improperly noted if evidence of the improperly noted lien  
20 is submitted to the department and the department finds the evidence  
21 sufficient to support removal of the lien. The department shall send  
22 notification prior to removal of the lien to the last-known address of  
23 the lienholder. The lienholder must respond within thirty days after the  
24 date on the notice and provide sufficient evidence to support that the  
25 lien should not be removed. If the lienholder fails to respond to the  
26 notice, the lien may be removed by the department.

27 Sec. 31. Section 60-169, Revised Statutes Cumulative Supplement,  
28 2016, is amended to read:

29 60-169 (1)(a) Except as otherwise provided in subdivision (b) of  
30 this subsection, each owner of a vehicle and each person mentioned as  
31 owner in the last certificate of title, when the vehicle is dismantled,

1 destroyed, or changed in such a manner that it loses its character as a  
2 vehicle or changed in such a manner that it is not the vehicle described  
3 in the certificate of title, shall surrender his or her certificate of  
4 title to any county treasurer or to the department. If the certificate of  
5 title is surrendered to a county treasurer, he or she shall, with the  
6 consent of any holders of any liens noted thereon, enter a cancellation  
7 upon the records and shall notify the department of such cancellation.  
8 Beginning on the implementation date designated by the director pursuant  
9 to subsection (3) of section 116 of this act, a wrecker or salvage dealer  
10 shall report electronically to the department using the electronic  
11 reporting system. If the certificate is surrendered to the department, it  
12 shall, with the consent of any holder of any lien noted thereon, enter a  
13 cancellation upon its records.

14 (b)(i) In the case of a mobile home or manufactured home for which a  
15 certificate of title has been issued, if such mobile home or manufactured  
16 home is affixed to real property in which each owner of the mobile home  
17 or manufactured home has any ownership interest, the certificate of title  
18 may be surrendered for cancellation to the county treasurer of the county  
19 where such mobile home or manufactured home is affixed to real property  
20 if at the time of surrender the owner submits to the county treasurer an  
21 affidavit of affixture on a form provided by the department that contains  
22 all of the following, as applicable:

23 (A) The names and addresses of all of the owners of record of the  
24 mobile home or manufactured home;

25 (B) A description of the mobile home or manufactured home that  
26 includes the name of the manufacturer, the year of manufacture, the  
27 model, and the manufacturer's serial number;

28 (C) The legal description of the real property upon which the mobile  
29 home or manufactured home is affixed and the names of all of the owners  
30 of record of the real property;

31 (D) A statement that the mobile home or manufactured home is affixed

1 to the real property;

2 (E) The written consent of each holder of a lien duly noted on the  
3 certificate of title to the release of such lien and the cancellation of  
4 the certificate of title;

5 (F) A copy of the certificate of title surrendered for cancellation;  
6 and

7 (G) The name and address of an owner, a financial institution, or  
8 another entity to which notice of cancellation of the certificate of  
9 title may be delivered.

10 (ii) The person submitting an affidavit of affixture pursuant to  
11 subdivision (b)(i) of this subsection shall swear or affirm that all  
12 statements in the affidavit are true and material and further acknowledge  
13 that any false statement in the affidavit may subject the person to  
14 penalties relating to perjury under section 28-915.

15 (2) If a certificate of title of a mobile home or manufactured home  
16 is surrendered to the county treasurer, along with the affidavit required  
17 by subdivision (1)(b) of this section, he or she shall enter a  
18 cancellation upon his or her records, notify the department of such  
19 cancellation, forward a duplicate original of the affidavit to the  
20 department, and deliver a duplicate original of the executed affidavit  
21 under subdivision (1)(b) of this section to the register of deeds for the  
22 county in which the real property is located to be filed by the register  
23 of deeds. The county treasurer shall be entitled to collect fees from the  
24 person submitting the affidavit in accordance with section 33-109 to  
25 cover the costs of filing such affidavit. Following the cancellation of a  
26 certificate of title for a mobile home or manufactured home, the county  
27 treasurer or designated county official shall not issue a certificate of  
28 title for such mobile home or manufactured home, except as provided in  
29 subsection (5) of this section.

30 (3) If a mobile home or manufactured home is affixed to real estate  
31 before June 1, 2006, a person who is the holder of a lien or security

1 interest in both the mobile home or manufactured home and the real estate  
2 to which it is affixed on such date may enforce its liens or security  
3 interests by accepting a deed in lieu of foreclosure or in the manner  
4 provided by law for enforcing liens on the real estate.

5 (4) A mobile home or manufactured home for which the certificate of  
6 title has been canceled and for which an affidavit of affixture has been  
7 duly recorded pursuant to subsection (2) of this section shall be treated  
8 as part of the real estate upon which such mobile home or manufactured  
9 home is located. Any lien thereon shall be perfected and enforced in the  
10 same manner as a lien on real estate. The owner of such mobile home or  
11 manufactured home may convey ownership of the mobile home or manufactured  
12 home only as a part of the real estate to which it is affixed.

13 (5)(a) If each owner of both the mobile home or manufactured home  
14 and the real estate described in subdivision (1)(b) of this section  
15 intends to detach the mobile home or manufactured home from the real  
16 estate, the owner shall do both of the following: (i) Before detaching  
17 the mobile home or manufactured home, record an affidavit of detachment  
18 in the office of the register of deeds in the county in which the  
19 affidavit is recorded under subdivision (1)(b) of this section; and (ii)  
20 apply for a certificate of title for the mobile home or manufactured home  
21 pursuant to section 60-147.

22 (b) The affidavit of detachment shall contain all of the following:

23 (i) The names and addresses of all of the owners of record of the  
24 mobile home or manufactured home;

25 (ii) A description of the mobile home or manufactured home that  
26 includes the name of the manufacturer, the year of manufacture, the  
27 model, and the manufacturer's serial number;

28 (iii) The legal description of the real estate from which the mobile  
29 home or manufactured home is to be detached and the names of all of the  
30 owners of record of the real estate;

31 (iv) A statement that the mobile home or manufactured home is to be

1 detached from the real property;

2 (v) A statement that the certificate of title of the mobile home or  
3 manufactured home has previously been canceled;

4 (vi) The name of each holder of a lien of record against the real  
5 estate from which the mobile home or manufactured home is to be detached,  
6 with the written consent of each holder to the detachment; and

7 (vii) The name and address of an owner, a financial institution, or  
8 another entity to which the certificate of title may be delivered.

9 (6) An owner of an affixed mobile home or manufactured home for  
10 which the certificate of title has previously been canceled pursuant to  
11 subsection (2) of this section shall not detach the mobile home or  
12 manufactured home from the real estate before a certificate of title for  
13 the mobile home or manufactured home is issued by the county treasurer or  
14 department. If a certificate of title is issued by the county treasurer  
15 or department, the mobile home or manufactured home is no longer  
16 considered part of the real property. Any lien thereon shall be perfected  
17 pursuant to section 60-164. The owner of such mobile home or manufactured  
18 home may convey ownership of the mobile home or manufactured home only by  
19 way of a certificate of title.

20 (7) For purposes of this section:

21 (a) A mobile home or manufactured home is affixed to real estate if  
22 the wheels, towing hitches, and running gear are removed and it is  
23 permanently attached to a foundation or other support system; and

24 (b) Ownership interest means the fee simple interest in real estate  
25 or an interest as the lessee under a lease of the real property that has  
26 a term that continues for at least twenty years after the recording of  
27 the affidavit under subsection (2) of this section.

28 (8) Upon cancellation of a certificate of title in the manner  
29 prescribed by this section, the county treasurer and the department may  
30 cancel and destroy all certificates and all memorandum certificates in  
31 that chain of title.

1           Sec. 32. Section 60-171, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-171 For purposes of sections 60-171 to 60-177:

4           (1) Cost of repairs means the estimated or actual retail cost of  
5 parts needed to repair a vehicle plus the cost of labor computed by using  
6 the hourly labor rate and time allocations for repair that are customary  
7 and reasonable. Retail cost of parts and labor rates may be based upon  
8 collision estimating manuals or electronic computer estimating systems  
9 customarily used in the insurance industry;

10          (2) Flood damaged means damage to a vehicle resulting from being  
11 submerged in water to the point that rising water has reached over the  
12 floorboard, has entered the passenger compartment, and has caused damage  
13 to any electrical, computerized, or mechanical components. Flood damaged  
14 specifically does not apply to a vehicle that an inspection, conducted by  
15 an insurance claim representative or a vehicle repairer, indicates:

16          (a) Has no electrical, computerized, or mechanical components  
17 damaged by water; or

18          (b) Had one or more electrical, computerized, or mechanical  
19 components damaged by water and all such damaged components were repaired  
20 or replaced;

21          (3) ~~(2)~~ Late model vehicle means a vehicle which has (a) a  
22 manufacturer's model year designation of, or later than, the year in  
23 which the vehicle was wrecked, damaged, or destroyed, or any of the six  
24 preceding years or (b)(i) in the case of vehicles other than all-terrain  
25 vehicles, utility-type vehicles, and minibikes, a retail value of more  
26 than ten thousand five hundred dollars until January 1, 2010, and a  
27 retail value of more than ten thousand five hundred dollars increased by  
28 five hundred dollars every five years thereafter or (ii) in the case of  
29 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value  
30 of more than one thousand seven hundred fifty dollars until January 1,  
31 2010, and a retail value of more than one thousand seven hundred fifty



1 dollars increased by two hundred fifty dollars every five years  
2 thereafter;

3 (4) ~~(3)~~ Manufacturer buyback means the designation of a vehicle with  
4 an alleged nonconformity when the vehicle (a) has been replaced by a  
5 manufacturer or (b) has been repurchased by a manufacturer as the result  
6 of court judgment, arbitration, or any voluntary agreement entered into  
7 between the manufacturer or its agent and a consumer;

8 (5) ~~(4)~~ Previously salvaged means the designation of a rebuilt or  
9 reconstructed vehicle which was previously required to be issued a  
10 salvage branded certificate of title and which has been inspected as  
11 provided in section 60-146;

12 (6) ~~(5)~~ Retail value means the actual cash value, fair market value,  
13 or retail value of a vehicle as (a) set forth in a current edition of any  
14 nationally recognized compilation, including automated data bases, of  
15 retail values or (b) determined pursuant to a market survey of comparable  
16 vehicles with respect to condition and equipment; and

17 (7) ~~(6)~~ Salvage means the designation of a vehicle which is:

18 (a) A late model vehicle which has been wrecked, damaged, or  
19 destroyed to the extent that the estimated total cost of repair to  
20 rebuild or reconstruct the vehicle to its condition immediately before it  
21 was wrecked, damaged, or destroyed and to restore the vehicle to a  
22 condition for legal operation, meets or exceeds seventy-five percent of  
23 the retail value of the vehicle at the time it was wrecked, damaged, or  
24 destroyed; or

25 (b) Voluntarily designated by the owner of the vehicle as a salvage  
26 vehicle by obtaining a salvage branded certificate of title, without  
27 respect to the damage to, age of, or value of the vehicle. ~~;~~ or

28 ~~(c) Flood damaged resulting from being submerged in water to the~~  
29 ~~point that rising water has reached over the floorboard, has entered the~~  
30 ~~passenger compartment, and has caused damage to any electrical,~~  
31 ~~computerized, or mechanical components. Flood damaged specifically does~~

1 ~~not apply to a vehicle that an inspection, conducted by an insurance~~  
2 ~~claim representative or a vehicle repairer, indicates:~~

3 ~~(i) Has no electrical, computerized, or mechanical components~~  
4 ~~damaged by water; or~~

5 ~~(ii) Had one or more electrical, computerized, or mechanical~~  
6 ~~components damaged by water and all such damaged components were repaired~~  
7 ~~or replaced.~~

8 Sec. 33. Section 60-173, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 60-173 (1) When an insurance company acquires a salvage vehicle  
11 through payment of a total loss settlement on account of damage, the  
12 company shall obtain the certificate of title from the owner, surrender  
13 such certificate of title to the county treasurer, and make application  
14 for a salvage branded certificate of title which shall be assigned when  
15 the company transfers ownership. An insurer shall take title to a salvage  
16 vehicle for which a total loss settlement is made unless the owner of the  
17 salvage vehicle elects to retain the salvage vehicle.

18 (2) If the owner elects to retain the salvage vehicle, the insurance  
19 company shall notify the department of such fact in a format prescribed  
20 by the department. The department shall immediately enter the salvage  
21 brand onto the computerized record of the vehicle. Beginning on the  
22 implementation date designated by the director pursuant to subsection (3)  
23 of section 116 of this act, the insurance company shall report  
24 electronically to the department using the electronic reporting system.

25 The insurance company shall also notify the owner of the owner's  
26 responsibility to comply with this section. The owner shall, within  
27 thirty days after the settlement of the loss, forward the properly  
28 endorsed acceptable certificate of title to the county treasurer in the  
29 county designated in section 60-144. The county treasurer shall, upon  
30 receipt of the certificate of title, issue a salvage branded certificate  
31 of title for the vehicle.

1           (3) An insurance company may apply to the department for a salvage  
2 branded certificate of title without obtaining a properly endorsed  
3 certificate of title from the owner or other evidence of ownership as  
4 prescribed by the department if it has been at least thirty days since  
5 the company obtained oral or written acceptance by the owner of an offer  
6 in an amount in settlement of a total loss. The insurance company shall  
7 submit an application form prescribed by the department for a salvage  
8 branded certificate of title accompanied by an affidavit from the  
9 insurance company that it has made at least two written attempts and has  
10 been unable to obtain the proper endorsed certificate of title from the  
11 owner following an oral or written acceptance by the owner of an offer of  
12 an amount in settlement of a total loss and evidence of settlement.

13           Sec. 34. Section 60-174, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           60-174 Whenever a title is issued in this state for a vehicle that  
16 is designated a salvage, previously salvaged, flood damaged, or  
17 manufacturer buyback, the following title brands shall be required:  
18 Salvage, previously salvaged, flood damaged, or manufacturer buyback. A  
19 certificate branded salvage, previously salvaged, flood damaged, or  
20 manufacturer buyback shall be administered in the same manner and for the  
21 same fee or fees as provided for a certificate of title in sections  
22 60-154 to 60-160. When a salvage branded certificate of title is  
23 surrendered for a certificate of title branded previously salvaged, the  
24 application for a certificate of title shall be accompanied by a  
25 statement of inspection as provided in section 60-146.

26           Sec. 35. Section 60-175, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28           60-175 Any person who acquires ownership of a salvage, flood  
29 damaged, or manufacturer buyback vehicle for which he or she does not  
30 obtain a salvage branded, flood damaged branded, or manufacturer buyback  
31 branded certificate of title shall surrender the certificate of title to

1 the county treasurer and make application for a salvage branded, flood  
2 damaged branded, or manufacturer buyback branded certificate of title  
3 within thirty days after acquisition or prior to the sale or resale of  
4 the vehicle or any major component part of such vehicle or use of any  
5 major component part of the vehicle, whichever occurs earlier.

6 Sec. 36. Section 60-191, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 60-191 If any odometer is repaired or replaced, the reading of the  
9 repaired or replaced odometer shall be set at the reading of the odometer  
10 repaired or replaced immediately prior to repair or replacement and the  
11 adjustment shall not be deemed a violation of section 60-190, except that  
12 when the repaired or replaced odometer is incapable of registering the  
13 same mileage as before such repair or replacement, the repaired or  
14 replaced odometer shall be adjusted to read zero and a notice in writing  
15 on a form prescribed by the department shall be attached to the left door  
16 frame of the motor vehicle, or in the case of a motorcycle, other than an  
17 autocycle, to the frame of the motorcycle, by the owner or his or her  
18 agent specifying the mileage prior to repair or replacement of the  
19 odometer and the date on which it was repaired or replaced and any  
20 removal or alteration of such notice so affixed shall be deemed a  
21 violation of section 60-190.

22 Sec. 37. Section 60-192, Revised Statutes Supplement, 2017, is  
23 amended to read:

24 60-192 The transferor of any motor vehicle of an age of less than  
25 ten years, which was equipped with an odometer by the manufacturer, shall  
26 provide to the transferee a statement, signed by the transferor, setting  
27 forth: (1) The mileage on the odometer at the time of transfer; and (2)  
28 (a) a statement that, to the transferor's best knowledge, such mileage is  
29 that actually driven by the motor vehicle, (b) a statement that the  
30 transferor has knowledge that the mileage shown on the odometer is in  
31 excess of the designated mechanical odometer limit, or (c) a statement

1 that the odometer reading does not reflect the actual mileage and should  
2 not be relied upon because the transferor has knowledge that the odometer  
3 reading differs from the actual mileage and that the difference is  
4 greater than that caused by odometer calibration error. If a discrepancy  
5 exists between the odometer reading and the actual mileage, a warning  
6 notice to alert the transferee shall be included with the statement. The  
7 transferor shall retain a true copy of such statement for a period of  
8 five years from the date of the transaction. Beginning on the  
9 implementation date designated by the director pursuant to subsection (2)  
10 of section 116 of this act, if If motor vehicle ownership has been  
11 transferred by operation of law pursuant to repossession under  
12 subdivision (2)(b)(iv) ~~(1)(d)~~ of section 60-166, the mileage shall be  
13 listed as the odometer reading at the time of the most recent transfer of  
14 ownership prior to the repossession of the motor vehicle. The adjustment  
15 shall not be deemed a violation of section 60-190.

16 Sec. 38. Section 60-301, Revised Statutes Supplement, 2017, is  
17 amended to read:

18 60-301 Sections 60-301 to 60-3,235 and sections 40, 41, 47, 49, and  
19 50 of this act shall be known and may be cited as the Motor Vehicle  
20 Registration Act.

21 Sec. 39. Section 60-302, Revised Statutes Supplement, 2017, is  
22 amended to read:

23 60-302 For purposes of the Motor Vehicle Registration Act, unless  
24 the context otherwise requires, the definitions found in sections  
25 60-302.01 to 60-360 and sections 40, 41, 47, 49, and 50 of this act shall  
26 be used.

27 Sec. 40. Auxiliary axle means an auxiliary undercarriage assembly  
28 with a fifth wheel and tow bar used to convert a semitrailer to a full  
29 trailer, commonly known as converter gears or converter dollies.

30 Sec. 41. Car toter or tow dolly means a two-wheeled conveyance  
31 designed or adapted to support the weight of one axle of a motor vehicle

1 while being towed in combination behind another motor vehicle.

2       Sec. 42. Section 60-309, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       60-309 Assembled vehicle means a motor vehicle or trailer which was  
5 manufactured or assembled less than thirty years prior to application for  
6 registration under the Motor Vehicle Registration Act and which that is  
7 materially altered from its construction by the removal, addition, or  
8 substitution of new or used major component parts unless such major  
9 component parts were replaced under warranty by the original manufacturer  
10 of the motor vehicle or trailer. Its make shall be assembled, and its  
11 model year shall be the year in which the motor vehicle or trailer was  
12 assembled. ~~Assembled vehicle also includes a specially constructed~~  
13 ~~vehicle.~~

14       Sec. 43. Section 60-309.01, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16       60-309.01 Autocycle means any motor vehicle (1) having a seat that  
17 does not require the operator to straddle or sit astride it, (2) designed  
18 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
19 ~~operator and passenger ride either side by side or in tandem in a seating~~  
20 ~~area that is completely enclosed with a removable or fixed top and is~~  
21 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
22 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
23 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
24 be controlled with a steering wheel and pedals, and (5) in which the  
25 operator and passenger ride either side by side or in tandem in a seating  
26 area that is equipped with a manufacturer-installed three-point safety  
27 belt system for each occupant and that has a seating area that either (a)  
28 is completely enclosed and is equipped with manufacturer-installed  
29 airbags and a manufacturer-installed roll cage or (b) is not completely  
30 enclosed and is equipped with a manufacturer-installed rollover  
31 protection system.

1           Sec. 44. Section 60-316, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-316   (1) This subsection applies until January 1, 2023.  
4 Commercial motor vehicle means any motor vehicle used or maintained for  
5 the transportation of persons or property for hire, compensation, or  
6 profit or designed, used, or maintained primarily for the transportation  
7 of property and does not include farm trucks or public power district  
8 motor vehicles.

9           (2) This subsection applies beginning January 1, 2023. Commercial  
10 motor vehicle means any motor vehicle used or maintained for the  
11 transportation of persons or property for hire, compensation, or profit  
12 or designed, used, or maintained primarily for the transportation of  
13 property and does not include farm trucks, metropolitan utilities  
14 district motor vehicles, or public power district motor vehicles.

15           Sec. 45. Section 60-335, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           60-335 Kit vehicle means a motor vehicle or trailer which was  
18 assembled by a person other than a generally recognized manufacturer of  
19 motor vehicles or trailers by the use of a reproduction resembling a  
20 specific manufacturer's make and model that is at least thirty years old  
21 replica purchased from an authorized manufacturer and accompanied by a  
22 manufacturer's statement of origin. Kit vehicle does not include glider  
23 kits.

24           Sec. 46. Section 60-336.01, Revised Statutes Supplement, 2017, is  
25 amended to read:

26           60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
27 (a) ~~(1)~~ whose speed attainable in one mile is more than twenty miles per  
28 hour and not more than twenty-five miles per hour on a paved, level  
29 surface, (b) ~~(2)~~ whose gross vehicle weight rating is less than three  
30 thousand pounds, and (c) ~~(3)~~ that complies with 49 C.F.R. part 571, as  
31 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle

1 (a) whose maximum speed attainable is not more than twenty-five miles per  
2 hour on a paved, level surface, (b) whose gross vehicle weight rating is  
3 less than three thousand pounds, (c) which is equipped with a windshield  
4 and an occupant protection system, and (d) that complies with 49 C.F.R.  
5 part 571, as such part existed on January 1, 2018. A motorcycle with a  
6 sidecar attached is not a low-speed vehicle 2017.

7 Sec. 47. Metropolitan utilities district means a district created  
8 pursuant to section 14-2101.

9 Sec. 48. Section 60-340, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11 60-340 Motorcycle means any motor vehicle having a seat or saddle  
12 for use of the operator and designed to travel on not more than three  
13 wheels in contact with the ground. Motorcycle includes ~~does not include~~  
14 an autocycle.

15 Sec. 49. Reconstructed means the designation of a vehicle which was  
16 permanently altered from its original design construction by removing,  
17 adding, or substituting major component parts.

18 Sec. 50. Replica means the designation of a vehicle which resembles  
19 a specific manufacturer's make and model that is at least thirty years  
20 old and which has been assembled as a kit vehicle.

21 Sec. 51. Section 60-348, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 60-348 Semitrailer means any trailer so constructed that some part  
24 of its weight and that of its load rests upon or is carried by the towing  
25 vehicle. Semitrailer does not include an auxiliary axle or a car toter or  
26 tow dolly.

27 Sec. 52. Section 60-354, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 60-354 Trailer means any device without motive power designed for  
30 carrying persons or property and being towed by a motor vehicle and so  
31 constructed that no part of its weight rests upon the towing vehicle.



1 Trailer does not include an auxiliary axle or a car toter or tow dolly.

2 Sec. 53. Section 60-363, Revised Statutes Supplement, 2017, is  
3 amended to read:

4 60-363 (1) No person shall operate or park a motor vehicle on the  
5 highways unless such motor vehicle at all times carries in or upon it,  
6 subject to inspection by any peace officer, the registration certificate  
7 issued for it.

8 (2) No person shall tow or park a trailer on the highways unless the  
9 registration certificate issued for the trailer or a copy thereof is  
10 carried in or upon the trailer or in or upon the motor vehicle that is  
11 towing or parking the trailer, subject to inspection by any peace  
12 officer, except as provided in subsections ~~subsection~~ (4) and (5) of this  
13 section and except fertilizer trailers as defined in section 60-326. The  
14 registration certificate for a fertilizer trailer shall be kept at the  
15 principal place of business of the owner of the fertilizer trailer.

16 (3) In the case of a motorcycle other than an autocycle, the  
17 registration certificate shall be carried either in plain sight, affixed  
18 to the motorcycle, or in the tool bag or some convenient receptacle  
19 attached to the motorcycle.

20 (4) In the case of a motor vehicle or trailer operated by a public  
21 power district registered pursuant to section 60-3,228, the registration  
22 certificate shall be kept at the principal place of business of the  
23 public power district.

24 (5) Beginning January 1, 2023, in the case of a motor vehicle or  
25 trailer operated by a metropolitan utilities district registered pursuant  
26 to section 60-3,228, the registration certificate shall be kept at the  
27 principal place of business of the metropolitan utilities district.

28 Sec. 54. Section 60-378, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 60-378 (1) Any transporter doing business in this state may, in lieu  
31 of registering each motor vehicle or trailer which such transporter is

1 transporting, upon payment of a fee of ten dollars, apply to the  
2 department for a transporter's certificate and one transporter license  
3 plate. Additional pairs of transporter certificates and transporter  
4 license plates may be procured for a fee of ten dollars each. Transporter  
5 license plates shall be displayed (a) upon the motor vehicle or trailer  
6 being transported or (b) upon a properly registered truck or truck-  
7 tractor which is a work or service vehicle in the process of towing a  
8 trailer which is itself being delivered by the transporter, and such  
9 registered truck or truck-tractor shall also display a transporter plate  
10 upon the front thereof. The applicant for a transporter plate shall keep  
11 for six years a record of each motor vehicle or trailer transported by  
12 him or her under this section, and such record shall be available to the  
13 department for inspection. Each applicant shall file with the department  
14 proof of his or her status as a bona fide transporter.

15 (2) Transporter license plates may be the same size as license  
16 plates issued for motorcycles other than autocycles, shall bear thereon a  
17 mark to distinguish them as transporter plates, and shall be serially  
18 numbered so as to distinguish them from each other. Such license plates  
19 may only be displayed upon the front of a driven motor vehicle of a  
20 lawful combination or upon the front of a motor vehicle driven singly or  
21 upon the rear of a trailer being towed.

22 Sec. 55. Section 60-386, Revised Statutes Supplement, 2017, is  
23 amended to read:

24 60-386 (1) Each new application shall contain, in addition to other  
25 information as may be required by the department, the name and  
26 residential and mailing address of the applicant and a description of the  
27 motor vehicle or trailer, including the color, the manufacturer, the  
28 identification number, the United States Department of Transportation  
29 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations  
30 existed on January 1, 2018 ~~2017~~, and the weight of the motor vehicle or  
31 trailer required by the Motor Vehicle Registration Act. Beginning on the

1 implementation date designated by the director pursuant to subsection (4)  
2 of section 116 of this act, for trailers which are not required to have a  
3 certificate of title under section 60-137 and which have no  
4 identification number, the assignment of an identification number shall  
5 be required and the identification number shall be issued by the county  
6 treasurer or department. With the application the applicant shall pay the  
7 proper registration fee and shall state whether the motor vehicle is  
8 propelled by alternative fuel and, if alternative fuel, the type of fuel.  
9 The application shall also contain a notification that bulk fuel  
10 purchasers may be subject to federal excise tax liability. The department  
11 shall include such notification in the notices required by section  
12 60-3,186.

13 (2) This subsection applies beginning on an implementation date  
14 designated by the director. The director shall designate an  
15 implementation date which is on or before January 1, 2020. In addition to  
16 the information required under subsection (1) of this section, the  
17 application for registration shall contain (a) the full legal name as  
18 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle  
19 operator's license number or state identification card number of each  
20 owner, if applicable, and one or more of the identification elements as  
21 listed in section 60-484 of each owner, if applicable, and (ii) if any  
22 owner is a business entity, a nonprofit organization, an estate, a trust,  
23 or a church-controlled organization, its tax identification number.

24 Sec. 56. Section 60-389, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-389 Upon the filing of such application, the department shall,  
27 upon registration, assign to such motor vehicle or trailer a distinctive  
28 registration number in the form of a license plate. Beginning on the  
29 implementation date designated by the director pursuant to subsection (4)  
30 of section 116 of this act, for trailers which are not required to have a  
31 certificate of title under section 60-137 and which have an

1 identification number issued by the county treasurer or department under  
2 section 60-386, trailer identification tags shall be supplied by the  
3 department and shall be required to be affixed to the trailer after  
4 issuance. Upon sale or transfer of any such motor vehicle or trailer,  
5 such number may be canceled or may be reassigned to another motor vehicle  
6 or trailer, at the option of the department, subject to the provisions of  
7 the Motor Vehicle Registration Act.

8 Sec. 57. Section 60-395, Revised Statutes Supplement, 2017, is  
9 amended to read:

10 60-395 (1) Except as otherwise provided in subsection (2) of this  
11 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,  
12 60-3,224, 60-3,227, 60-3,231, 60-3,233, and 60-3,235, the registration  
13 shall expire and the registered owner or lessee may, by returning the  
14 registration certificate, the license plates, and, when appropriate, the  
15 validation decals and by either making application on a form prescribed  
16 by the department to the county treasurer of the occurrence of an event  
17 described in subdivisions (a) through (e) of this subsection or, in the  
18 case of a change in situs, displaying to the county treasurer the  
19 registration certificate of such other state as evidence of a change in  
20 situs, receive a refund of that part of the unused fees and taxes on  
21 motor vehicles or trailers based on the number of unexpired months  
22 remaining in the registration period from the date of any of the  
23 following events:

- 24 (a) Upon transfer of ownership of any motor vehicle or trailer;  
25 (b) In case of loss of possession because of fire, theft,  
26 dismantlement, or junking;  
27 (c) When a salvage branded certificate of title is issued;  
28 (d) Whenever a type or class of motor vehicle or trailer previously  
29 registered is subsequently declared by legislative act or court decision  
30 to be illegal or ineligible to be operated or towed on the public roads  
31 and no longer subject to registration fees, the motor vehicle tax imposed

1 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,  
2 and the alternative fuel fee imposed in section 60-3,191;

3 (e) Upon a trade-in or surrender of a motor vehicle under a lease;  
4 or

5 (f) In case of a change in the situs of a motor vehicle or trailer  
6 to a location outside of this state.

7 (2) If the date of the event falls within the same calendar month in  
8 which the motor vehicle or trailer is acquired, no refund shall be  
9 allowed for such month.

10 (3) If the transferor or lessee acquires another motor vehicle at  
11 the time of the transfer, trade-in, or surrender, the transferor or  
12 lessee shall have the credit provided for in this section applied toward  
13 payment of the motor vehicle fees and taxes then owing. Otherwise, the  
14 transferor or lessee shall file a claim for refund with the county  
15 treasurer upon an application form prescribed by the department.

16 (4) The registered owner or lessee shall make a claim for refund or  
17 credit of the fees and taxes for the unexpired months in the registration  
18 period within sixty days after the date of the event or shall be deemed  
19 to have forfeited his or her right to such refund or credit.

20 (5) For purposes of this section, the date of the event shall be:  
21 (a) In the case of a transfer or loss, the date of the transfer or loss;  
22 (b) in the case of a change in the situs, the date of registration in  
23 another state; (c) in the case of a trade-in or surrender under a lease,  
24 the date of trade-in or surrender; (d) in the case of a legislative act,  
25 the effective date of the act; and (e) in the case of a court decision,  
26 the date the decision is rendered.

27 (6) Application for registration or for reassignment of license  
28 plates and, when appropriate, validation decals to another motor vehicle  
29 or trailer shall be made within thirty days of the date of purchase.

30 (7) If a motor vehicle or trailer was reported stolen under section  
31 60-178, a refund under this section shall not be reduced for a lost plate

1 charge and a credit under this section may be reduced for a lost plate  
2 charge but the applicant shall not be required to pay the plate fee for  
3 new plates.

4 (8) The county treasurer shall refund the motor vehicle fee and  
5 registration fee from the fees which have not been transferred to the  
6 State Treasurer. The county treasurer shall make payment to the claimant  
7 from the undistributed motor vehicle taxes of the taxing unit where the  
8 tax money was originally distributed. No refund of less than two dollars  
9 shall be paid.

10 Sec. 58. Section 60-3,100, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 60-3,100 (1) The department shall issue to every person whose motor  
13 vehicle or trailer is registered one or two fully reflectorized license  
14 plates upon which shall be displayed (a) the registration number  
15 consisting of letters and numerals assigned to such motor vehicle or  
16 trailer in figures not less than two and one-half inches nor more than  
17 three inches in height and (b) also the word Nebraska suitably lettered  
18 so as to be attractive. The license plates shall be of a color designated  
19 by the director. The color of the plates shall be changed each time the  
20 license plates are changed. Each time the license plates are changed, the  
21 director shall secure competitive bids for materials pursuant to sections  
22 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle,  
23 and trailer license plate letters and numerals may be one-half the size  
24 of those required in this section.

25 (2)(a) Except as otherwise provided in this subsection, two license  
26 plates shall be issued for every motor vehicle.

27 (b) One license plate shall be issued for (i) apportionable  
28 vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,  
29 other than autocycles, (vi) special interest motor vehicles that use the  
30 special interest motor vehicle license plate authorized by and issued  
31 under section 60-3,135.01, (vii) trailers, and (viii) truck-tractors.

1 (c)(i) Beginning January 1, 2017, one license plate shall be issued,  
2 upon request and compliance with this subdivision, for any passenger car  
3 which is not manufactured to be equipped with a bracket on the front of  
4 the vehicle to display a license plate. A license decal shall be issued  
5 with the license plate as provided in subdivision (ii) of this  
6 subdivision and shall be displayed on the driver's side of the  
7 windshield. In order to request a single license plate and license decal,  
8 there shall be an additional annual nonrefundable registration fee of one  
9 hundred dollars plus the cost of the decal paid to the county treasurer  
10 at the time of registration. All fees collected under this subdivision  
11 shall be remitted to the State Treasurer for credit to the Highway Trust  
12 Fund.

13 (ii) The department shall design, procure, and furnish to the county  
14 treasurers a license decal which shall be displayed as evidence that a  
15 license plate has been obtained under this subdivision. Each county  
16 treasurer shall furnish a license decal to the person obtaining the  
17 plate.

18 (d) When two license plates are issued, one shall be prominently  
19 displayed at all times on the front and one on the rear of the registered  
20 motor vehicle or trailer. When only one plate is issued, it shall be  
21 prominently displayed on the rear of the registered motor vehicle or  
22 trailer. When only one plate is issued for motor vehicles registered  
23 pursuant to section 60-3,198 and truck-tractors, it shall be prominently  
24 displayed on the front of the apportionable vehicle.

25 Sec. 59. Section 60-3,104, Revised Statutes Supplement, 2017, is  
26 amended to read:

27 60-3,104 The department shall issue the following types of license  
28 plates:

29 (1) Amateur radio station license plates issued pursuant to section  
30 60-3,126;

31 (2) Apportionable vehicle license plates issued pursuant to section

- 1 60-3,203;
- 2 (3) Autocycle license plates issued pursuant to section 60-3,100;
- 3 (4) Boat dealer license plates issued pursuant to section 60-379;
- 4 (5) Breast Cancer Awareness Plates issued pursuant to sections
- 5 60-3,230 and 60-3,231;
- 6 (6) Bus license plates issued pursuant to section 60-3,144;
- 7 (7) Choose Life License Plates issued pursuant to sections 60-3,232
- 8 and 60-3,233;
- 9 (8) Commercial motor vehicle license plates issued pursuant to
- 10 section 60-3,147;
- 11 (9) Dealer or manufacturer license plates issued pursuant to
- 12 sections 60-3,114 and 60-3,115;
- 13 (10) Disabled veteran license plates issued pursuant to section
- 14 60-3,124;
- 15 (11) Farm trailer license plates issued pursuant to section
- 16 60-3,151;
- 17 (12) Farm truck license plates issued pursuant to section 60-3,146;
- 18 (13) Farm trucks with a gross weight of over sixteen tons license
- 19 plates issued pursuant to section 60-3,146;
- 20 (14) Fertilizer trailer license plates issued pursuant to section
- 21 60-3,151;
- 22 (15) Gold Star Family license plates issued pursuant to sections
- 23 60-3,122.01 and 60-3,122.02;
- 24 (16) Handicapped or disabled person license plates issued pursuant
- 25 to section 60-3,113;
- 26 (17) Historical vehicle license plates issued pursuant to sections
- 27 60-3,130 to 60-3,134;
- 28 (18) Local truck license plates issued pursuant to section 60-3,145;
- 29 (19) Metropolitan utilities district license plates issued pursuant
- 30 to section 60-3,228;
- 31 (20) (19) Military Honor Plates issued pursuant to sections



1 60-3,122.03 and 60-3,122.04;  
2 ~~(21)~~ ~~(20)~~ Minitruck license plates issued pursuant to section  
3 60-3,100;  
4 ~~(22)~~ ~~(21)~~ Motor vehicle license plates for motor vehicles owned or  
5 operated by the state, counties, municipalities, or school districts  
6 issued pursuant to section 60-3,105;  
7 ~~(23)~~ ~~(22)~~ Motor vehicles exempt pursuant to section 60-3,107;  
8 ~~(24)~~ ~~(23)~~ Motorcycle license plates issued pursuant to section  
9 60-3,100;  
10 ~~(25)~~ ~~(24)~~ Mountain Lion Conservation Plates issued pursuant to  
11 sections 60-3,226 and 60-3,227;  
12 ~~(26)~~ ~~(25)~~ Native American Cultural Awareness and History Plates  
13 issued pursuant to sections 60-3,234 and 60-3,235;  
14 ~~(27)~~ ~~(26)~~ Nebraska Cornhusker Spirit Plates issued pursuant to  
15 sections 60-3,127 to 60-3,129;  
16 ~~(28)~~ ~~(27)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to  
17 sections 60-3,223 to 60-3,225;  
18 ~~(29)~~ ~~(28)~~ Nonresident owner thirty-day license plates issued  
19 pursuant to section 60-382;  
20 ~~(30)~~ ~~(29)~~ Passenger car having a seating capacity of ten persons or  
21 less and not used for hire issued pursuant to section 60-3,143 other than  
22 autocycles;  
23 ~~(31)~~ ~~(30)~~ Passenger car having a seating capacity of ten persons or  
24 less and used for hire issued pursuant to section 60-3,143 other than  
25 autocycles;  
26 ~~(32)~~ ~~(31)~~ Pearl Harbor license plates issued pursuant to section  
27 60-3,122;  
28 ~~(33)~~ ~~(32)~~ Personal-use dealer license plates issued pursuant to  
29 section 60-3,116;  
30 ~~(34)~~ ~~(33)~~ Personalized message license plates for motor vehicles,  
31 trailers, and semitrailers, except motor vehicles, trailers, and

1 semitrailers registered under section 60-3,198, issued pursuant to  
2 sections 60-3,118 to 60-3,121;  
3 ~~(35)~~ ~~(34)~~ Prisoner-of-war license plates issued pursuant to section  
4 60-3,123;  
5 ~~(36)~~ ~~(35)~~ Public power district license plates issued pursuant to  
6 section 60-3,228;  
7 ~~(37)~~ ~~(36)~~ Purple Heart license plates issued pursuant to section  
8 60-3,125;  
9 ~~(38)~~ ~~(37)~~ Recreational vehicle license plates issued pursuant to  
10 section 60-3,151;  
11 ~~(39)~~ ~~(38)~~ Repossession license plates issued pursuant to section  
12 60-375;  
13 ~~(40)~~ ~~(39)~~ Special interest motor vehicle license plates issued  
14 pursuant to section 60-3,135.01;  
15 ~~(41)~~ ~~(40)~~ Specialty license plates issued pursuant to sections  
16 60-3,104.01 and 60-3,104.02;  
17 ~~(42)~~ ~~(41)~~ Trailer license plates issued for trailers owned or  
18 operated by the state, counties, municipalities, or school districts  
19 issued pursuant to section 60-3,106;  
20 ~~(43)~~ ~~(42)~~ Trailer license plates issued pursuant to section  
21 60-3,100;  
22 ~~(44)~~ ~~(43)~~ Trailer license plates issued for trailers owned or  
23 operated by a metropolitan utilities district or public power district  
24 pursuant to section 60-3,228;  
25 ~~(45)~~ ~~(44)~~ Trailers exempt pursuant to section 60-3,108;  
26 ~~(46)~~ ~~(45)~~ Transporter license plates issued pursuant to section  
27 60-378;  
28 ~~(47)~~ ~~(46)~~ Trucks or combinations of trucks, truck-tractors, or  
29 trailers which are not for hire and engaged in soil and water  
30 conservation work and used for the purpose of transporting pipe and  
31 equipment exclusively used by such contractors for soil and water

1 conservation construction license plates issued pursuant to section  
2 60-3,149;

3 ~~(48)~~ ~~(47)~~ Utility trailer license plates issued pursuant to section  
4 60-3,151; and

5 ~~(49)~~ ~~(48)~~ Well-boring apparatus and well-servicing equipment license  
6 plates issued pursuant to section 60-3,109.

7 Sec. 60. Section 60-3,113.02, Revised Statutes Cumulative  
8 Supplement, 2016, is amended to read:

9 60-3,113.02 (1) A handicapped or disabled person or temporarily  
10 handicapped or disabled person or his or her parent, legal guardian,  
11 foster parent, or certifying health care provider may apply for a  
12 handicapped or disabled parking permit to the department or through a  
13 health care provider using a secure online process developed by the  
14 department which will entitle the holder of a permit or a person driving  
15 a motor vehicle for the purpose of transporting such holder to park in  
16 those spaces or access aisles provided for by sections 18-1736 and  
17 18-1737 when the holder of the permit will enter or exit the motor  
18 vehicle while it is parked in such spaces or access aisles. For purposes  
19 of this section, (a) the handicapped or disabled person or temporarily  
20 handicapped or disabled person is considered the holder of the permit and  
21 (b) certifying health care provider means the physician, physician  
22 assistant, or advanced practice registered nurse who makes the  
23 certification required in subsection (2) of this section or his or her  
24 designee.

25 (2) The application process for a handicapped or disabled parking  
26 permit or for the renewal of a permit under this section shall include  
27 presentation of proof of identity by the handicapped or disabled person  
28 or temporarily handicapped or disabled person and certification by a  
29 physician, a physician assistant, or an advanced practice registered  
30 nurse practicing under and in accordance with his or her certification  
31 act that the person who will be the holder meets the statutory criteria

1 for qualification. An application for the renewal of a permit under this  
2 section may be submitted within one hundred eighty days prior to the  
3 expiration of the permit. No applicant shall be required to provide his  
4 or her social security number. In the case of a temporarily handicapped  
5 or disabled person, the certifying physician, physician assistant, or  
6 advanced practice registered nurse shall recommend that the permit for  
7 the temporarily handicapped or disabled person be issued for either a  
8 three-month period or a six-month period, with such recommendation to be  
9 based on the estimated date of recovery.

10 (3) The department, upon receipt of a completed application for a  
11 handicapped or disabled parking permit under this section, shall verify  
12 that the applicant qualifies for such permit and, if so, shall deliver  
13 the permit to the applicant. In issuing a renewal of a permit ~~renewed~~  
14 ~~permits~~, the department shall deliver a new expiration sticker each  
15 ~~individual renewed permit~~ to the applicant to be affixed to the existing  
16 permit. Such renewal sticker ~~The renewed permit~~ shall not be issued  
17 sooner than ten days prior to the date of expiration of the existing  
18 permit , ~~and the existing permit shall be invalid upon receipt of the~~  
19 ~~renewed permit~~. A person may hold up to two permits under this section.  
20 If a person holds a permit under this section, such person may not hold a  
21 permit under section 60-3,113.03.

22 (4) In issuing any handicapped or disabled parking permit under this  
23 section, the department shall include a notice and an identification  
24 card. The notice shall contain information listing the legal uses of the  
25 permit and that the permit is not transferable, is to be used by the  
26 party to whom issued, is not to be altered or reproduced, and is to be  
27 used only when a handicapped or disabled person or a temporarily  
28 handicapped or disabled person will enter or exit the motor vehicle while  
29 it is parked in a designated parking space or access aisle. The notice  
30 shall also indicate that those convicted of handicapped parking  
31 infractions shall be subject to suspension of the permit for six months.

1 The identification card shall show the expiration date of the permit and  
2 such identifying information with regard to the handicapped or disabled  
3 person or temporarily handicapped or disabled person to whom the permit  
4 is issued as is necessary to the enforcement of sections 18-1736 to  
5 18-1741.07 as determined by the department.

6 Sec. 61. Section 60-3,113.03, Revised Statutes Cumulative  
7 Supplement, 2016, is amended to read:

8 60-3,113.03 (1) The department shall take an application from any  
9 person for a handicapped or disabled parking permit that is issued for a  
10 specific motor vehicle and entitles the holder thereof or a person  
11 driving the motor vehicle for the purpose of transporting handicapped or  
12 disabled persons or temporarily handicapped or disabled persons to park  
13 in those spaces or access aisles provided for by sections 18-1736 and  
14 18-1737 if the motor vehicle is used primarily for the transportation of  
15 handicapped or disabled persons or temporarily handicapped or disabled  
16 persons. Such permit shall be used only when the motor vehicle for which  
17 it was issued is being used for the transportation of a handicapped or  
18 disabled person or temporarily handicapped or disabled person and such  
19 person will enter or exit the motor vehicle while it is parked in such  
20 designated spaces or access aisles.

21 (2) A person applying for a handicapped or disabled parking permit  
22 or for the renewal of a permit pursuant to this section shall apply for a  
23 permit for each motor vehicle used for the transportation of handicapped  
24 or disabled persons or temporarily handicapped or disabled persons and  
25 shall include such information as is required by the department,  
26 including a demonstration to the department that each such motor vehicle  
27 is used primarily for the transportation of handicapped or disabled  
28 persons or temporarily handicapped or disabled persons. An application  
29 for the renewal of a permit under this section may be submitted within  
30 one hundred eighty days prior to the expiration of the permit.

31 (3) The department, upon receipt of a completed application, shall

1 verify that the applicant qualifies for a handicapped or disabled parking  
2 permit under this section and, if so, shall deliver the permit to the  
3 applicant. In issuing renewed permits, the department shall deliver each  
4 individual renewal ~~renewed permit~~ to the applicant as provided in section  
5 60-3,113.02. The renewed permit shall not be issued sooner than ten days  
6 prior to the date of expiration, and the existing permit shall be invalid  
7 upon receipt of the renewed permit. No more than one such permit shall be  
8 issued for each motor vehicle under this section.

9 (4) In issuing any handicapped or disabled parking permit under this  
10 section, the department shall include a notice and an identification card  
11 to the registered owner of the motor vehicle or the applicant. The notice  
12 shall contain information listing the legal uses of the permit and that  
13 the permit is not transferable, is to be used for the motor vehicle for  
14 which it is issued, is not to be altered or reproduced, and is to be used  
15 only when a handicapped or disabled person or a temporarily handicapped  
16 or disabled person will enter or exit the motor vehicle while it is  
17 parked in a designated parking space or access aisle. The notice shall  
18 also indicate that those convicted of handicapped parking infractions  
19 shall be subject to suspension of the permit for six months. The  
20 identification card shall identify the motor vehicle for which the permit  
21 is issued as is necessary to the enforcement of sections 18-1736 to  
22 18-1741.07 as determined by the department.

23 Sec. 62. Section 60-3,113.04, Revised Statutes Supplement, 2017, is  
24 amended to read:

25 60-3,113.04 (1) A handicapped or disabled parking permit shall be of  
26 a design, size, configuration, color, and construction and contain such  
27 information as specified in the regulations adopted by the United States  
28 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR  
29 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on  
30 January 1, 2018 ~~2017~~.

31 (2) No handicapped or disabled parking permit shall be issued to any

1 person or for any motor vehicle if any permit has been issued to such  
2 person or for such motor vehicle and such permit has been suspended  
3 pursuant to section 18-1741.02. At the expiration of such suspension, a  
4 permit may be renewed in the manner provided for renewal in sections  
5 60-3,113.02, 60-3,113.03, and 60-3,113.05.

6 (3) A duplicate handicapped or disabled parking permit may be  
7 provided up to two times during any single permit period if a permit is  
8 destroyed, lost, or stolen. Such duplicate permit shall be issued as  
9 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,  
10 except that a new certification by a physician, a physician assistant, or  
11 an advanced practice registered nurse need not be provided. A duplicate  
12 permit shall be valid for the remainder of the period for which the  
13 original permit was issued. If a person has been issued two duplicate  
14 permits under this subsection and needs another permit, such person shall  
15 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,  
16 whichever is applicable.

17 Sec. 63. Section 60-3,143, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 60-3,143 (1) For autocycles, the registration fee shall be as  
20 provided in section 60-3,153 ~~fifteen dollars~~.

21 (2) For every motor vehicle of ten-passenger capacity or less and  
22 not used for hire, the registration fee shall be fifteen dollars.

23 (3) For each motor vehicle having a seating capacity of ten persons  
24 or less and used for hire, the registration fee shall be six dollars plus  
25 an additional four dollars for every person such motor vehicle is  
26 equipped to carry in addition to the driver.

27 (4) For motor vehicles leased for hire when no driver or chauffeur  
28 is furnished by the lessor as part of the consideration paid for by the  
29 lessee, incident to the operation of the leased motor vehicle, the fee  
30 shall be fifteen dollars.

31 Sec. 64. Section 60-3,147, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 60-3,147 (1) The registration fee on commercial motor vehicles, ~~and~~  
3 public power district motor vehicles, and, beginning January 1, 2023,  
4 metropolitan utilities district motor vehicles, except those motor  
5 vehicles registered under section 60-3,198, shall be based upon the gross  
6 vehicle weight, not to exceed the maximum authorized by section 60-6,294.

7 (2) The registration fee on commercial motor vehicles, ~~and~~ public  
8 power district motor vehicles, and, beginning January 1, 2023,  
9 metropolitan utilities district motor vehicles, except for motor vehicles  
10 and trailers registered under section 60-3,198, shall be based on the  
11 gross vehicle weight on such commercial motor vehicles, ~~or~~ public power  
12 district motor vehicles, or metropolitan utilities district motor  
13 vehicles plus the gross vehicle weight of any trailer or combination with  
14 which it is operated, except that for the purpose of determining the  
15 registration fee, the gross vehicle weight of a commercial motor vehicle  
16 towing or hauling a disabled or wrecked motor vehicle properly registered  
17 for use on the highways shall be only the gross vehicle weight of the  
18 towing commercial motor vehicle fully equipped and not including the  
19 weight of the motor vehicle being towed or hauled.

20 (3) Except as provided in subsection (4) of this section, the  
21 registration fee on such commercial motor vehicles, ~~and~~ public power  
22 district motor vehicles, and, beginning January 1, 2023, metropolitan  
23 utilities district motor vehicles, shall be at the following rates:

24 (a) For a gross vehicle weight of three tons or less, eighteen  
25 dollars;

26 (b) For a gross vehicle weight exceeding three tons and not  
27 exceeding four tons, twenty-five dollars;

28 (c) For a gross vehicle weight exceeding four tons and not exceeding  
29 five tons, thirty-five dollars;

30 (d) For a gross vehicle weight exceeding five tons and not exceeding  
31 six tons, sixty dollars;



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

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

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

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

14 (c) Fees for commercial motor vehicles, ~~or~~ public power district  
15 motor vehicles or, beginning January 1, 2023, metropolitan utilities  
16 district motor vehicles, with a gross vehicle weight in excess of thirty-  
17 six tons shall be increased by twenty percent for all such commercial  
18 motor vehicles, ~~or~~ public power district motor vehicles or metropolitan  
19 utilities district motor vehicles operated on any highway not a part of  
20 the National System of Interstate and Defense Highways.

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

30 (b) If such second half is not paid within thirty days following the  
31 first day of the seventh month, the registration of such commercial motor

1 vehicle shall be canceled and the registration certificate and license  
2 plates shall be returned to the county treasurer.

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

5 (6) Except as provided in section 60-3,228, license plates issued  
6 under this section shall be the same size and of the same basic design as  
7 regular license plates issued under section 60-3,100.

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

14 Sec. 65. Section 60-3,148, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 60-3,148 (1) This subsection applies until January 1, 2023. No  
17 owner of a commercial motor vehicle or public power district motor  
18 vehicle shall be permitted to increase the gross vehicle weight for which  
19 such commercial motor vehicle or public power district motor vehicle is  
20 registered except at the office of the county treasurer in the county  
21 where such commercial motor vehicle or public power district motor  
22 vehicle is currently registered unless the need for such increase occurs  
23 when such commercial motor vehicle is more than one hundred miles from  
24 the county seat of such county or the public power district motor vehicle  
25 is more than one hundred miles from its base location, unless authorized  
26 to do so by the Nebraska State Patrol or authorized state scale examiner  
27 as an emergency.

28 (2) This subsection applies beginning January 1, 2023. No owner of a  
29 commercial motor vehicle, metropolitan utilities district motor vehicle,  
30 or public power district motor vehicle shall be permitted to increase the  
31 gross vehicle weight for which such commercial motor vehicle,

1 metropolitan utilities district motor vehicle, or public power district  
2 motor vehicle is registered except at the office of the county treasurer  
3 in the county where such commercial motor vehicle, metropolitan utilities  
4 district motor vehicle, or public power district motor vehicle is  
5 currently registered unless the need for such increase occurs when such  
6 commercial motor vehicle is more than one hundred miles from the county  
7 seat of such county or the metropolitan utilities district motor vehicle  
8 or public power district motor vehicle is more than one hundred miles  
9 from its base location, unless authorized to do so by the Nebraska State  
10 Patrol or authorized state scale examiner as an emergency.

11 Sec. 66. Section 60-3,185, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 60-3,185 A motor vehicle tax is imposed on motor vehicles registered  
14 for operation upon the highways of this state, except:

15 (1) Motor vehicles exempt from the registration fee in section  
16 60-3,160;

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

24 (3) Motor vehicles owned by Indians who are members of an Indian  
25 tribe as defined in 25 U.S.C. 479;

26 (4) Motor vehicles owned by a member of the United States Armed  
27 Forces serving in this state in compliance with military or naval orders  
28 or his or her spouse if such servicemember or spouse person is a resident  
29 of a state other than Nebraska;

30 (5) Motor vehicles owned by the state and its governmental  
31 subdivisions and exempt as provided in subdivision (1)(a) or (b) of

1 section 77-202;

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

7 (7) Trucks, trailers, or combinations thereof registered under  
8 section 60-3,198.

9 Sec. 67. Section 60-3,187, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11 60-3,187 (1) The motor vehicle tax schedules are set out in this  
12 section.

13 (2) The motor vehicle tax shall be calculated by multiplying the  
14 base tax times the fraction which corresponds to the age category of the  
15 vehicle as shown in the following table:

16 YEAR	FRACTION
17 First	1.00
18 Second	0.90
19 Third	0.80
20 Fourth	0.70
21 Fifth	0.60
22 Sixth	0.51
23 Seventh	0.42
24 Eighth	0.33
25 Ninth	0.24
26 Tenth and Eleventh	0.15
27 Twelfth and Thirteenth	0.07
28 Fourteenth and older	0.00

29 (3) The base tax shall be:

30 (a) Automobiles, autocycles, and motorcycles - An amount determined

1 using the following table:

2	Value when new	Base tax
3	Up to \$3,999	\$ 25
4	\$4,000 to \$5,999	35
5	\$6,000 to \$7,999	45
6	\$8,000 to \$9,999	60
7	\$10,000 to \$11,999	100
8	\$12,000 to \$13,999	140
9	\$14,000 to \$15,999	180
10	\$16,000 to \$17,999	220
11	\$18,000 to \$19,999	260
12	\$20,000 to \$21,999	300
13	\$22,000 to \$23,999	340
14	\$24,000 to \$25,999	380
15	\$26,000 to \$27,999	420
16	\$28,000 to \$29,999	460
17	\$30,000 to \$31,999	500
18	\$32,000 to \$33,999	540
19	\$34,000 to \$35,999	580
20	\$36,000 to \$37,999	620
21	\$38,000 to \$39,999	660
22	\$40,000 to \$41,999	700
23	\$42,000 to \$43,999	740
24	\$44,000 to \$45,999	780
25	\$46,000 to \$47,999	820
26	\$48,000 to \$49,999	860
27	\$50,000 to \$51,999	900
28	\$52,000 to \$53,999	940
29	\$54,000 to \$55,999	980

1	\$56,000 to \$57,999	1,020
2	\$58,000 to \$59,999	1,060
3	\$60,000 to \$61,999	1,100
4	\$62,000 to \$63,999	1,140
5	\$64,000 to \$65,999	1,180
6	\$66,000 to \$67,999	1,220
7	\$68,000 to \$69,999	1,260
8	\$70,000 to \$71,999	1,300
9	\$72,000 to \$73,999	1,340
10	\$74,000 to \$75,999	1,380
11	\$76,000 to \$77,999	1,420
12	\$78,000 to \$79,999	1,460
13	\$80,000 to \$81,999	1,500
14	\$82,000 to \$83,999	1,540
15	\$84,000 to \$85,999	1,580
16	\$86,000 to \$87,999	1,620
17	\$88,000 to \$89,999	1,660
18	\$90,000 to \$91,999	1,700
19	\$92,000 to \$93,999	1,740
20	\$94,000 to \$95,999	1,780
21	\$96,000 to \$97,999	1,820
22	\$98,000 to \$99,999	1,860
23	\$100,000 and over	1,900
24	(b) Assembled automobiles – \$60	
25	(c) Assembled motorcycles <u>other than an autocycle</u> – \$25	
26	(d) Cabin trailers, up to one thousand pounds – \$10	
27	(e) Cabin trailers, one thousand pounds and over and less than two	
28	thousand pounds – \$25	
29	(f) Cabin trailers, two thousand pounds and over – \$40	

1 (g) Recreational vehicles, less than eight thousand pounds – \$160

2 (h) Recreational vehicles, eight thousand pounds and over and less  
3 than twelve thousand pounds – \$410

4 (i) Recreational vehicles, twelve thousand pounds and over – \$860

5 (j) Assembled recreational vehicles and buses shall follow the  
6 schedules for body type and registered weight

7 (k) Trucks - Over seven tons and less than ten tons – \$360

8 (l) Trucks - Ten tons and over and less than thirteen tons – \$560

9 (m) Trucks - Thirteen tons and over and less than sixteen tons –  
10 \$760

11 (n) Trucks - Sixteen tons and over and less than twenty-five tons –  
12 \$960

13 (o) Trucks - Twenty-five tons and over – \$1,160

14 (p) Buses – \$360

15 (q) Trailers other than semitrailers – \$10

16 (r) Semitrailers – \$110

17 (s) Minitrucks – \$50

18 (t) Low-speed vehicles – \$50

19 (4) For purposes of subsection (3) of this section, truck means all  
20 trucks and combinations of trucks except those trucks, trailers, or  
21 combinations thereof registered under section 60-3,198, and the tax is  
22 based on the gross vehicle weight rating as reported by the manufacturer.

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

25 (6) When a motor vehicle is registered which is newer than the  
26 current model year by the manufacturer's designation, the motor vehicle  
27 is subject to the initial motor vehicle tax in the first registration  
28 period and ninety-five percent of the initial motor vehicle tax in the  
29 second registration period.

30 (7) Assembled cabin trailers, assembled recreational vehicles, and  
31 assembled buses shall be designated as sixth-year motor vehicles in their

1 first year of registration for purposes of the schedules.

2 (8) When a motor vehicle is registered which is required to have a  
3 title branded as previous salvage pursuant to section 60-175, the motor  
4 vehicle tax shall be reduced by twenty-five percent.

5 Sec. 68. Section 60-3,190, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles  
8 registered for operation in this state. An owner of a motor vehicle which  
9 is exempt from the imposition of a motor vehicle tax pursuant to section  
10 60-3,185 shall also be exempt from the imposition of the motor vehicle  
11 fee imposed pursuant to this section.

12 (2) The department shall annually determine the motor vehicle fee on  
13 each motor vehicle registered pursuant to this section and shall cause a  
14 notice of the amount to be delivered to the registrant. The notice shall  
15 be combined with the notice of the motor vehicle tax required by section  
16 60-3,186.

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

24 YEAR	FRACTION
25 First through fifth	1.00
26 Sixth through tenth	.70
27 Eleventh and over	.35

28 (4) The base fee shall be:

29 (a) Automobiles, with a value when new of less than \$20,000, and  
30 assembled, reconstructed-designated, and replica-designated automobiles -



1 \$5

2 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –  
3 \$20

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

5 (d) Motorcycles and autocycles – \$10

6 (e) Recreational vehicles and cabin trailers – \$10

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

8 (g) Trailers other than semitrailers – \$10

9 (h) Semitrailers – \$30

10 (i) Minitrucks – \$10

11 (j) Low-speed vehicles – \$10.

12 ~~(k) Autocycles – \$10.~~

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

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

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

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

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

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

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

15 (10) Assembled vehicles other than assembled, reconstructed-  
16 designated, or replica-designated automobiles shall follow the schedules  
17 for the motor vehicle body type.

18 Sec. 69. Section 60-3,193.01, Revised Statutes Supplement, 2017, is  
19 amended to read:

20 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the  
21 International Registration Plan is adopted and incorporated by reference  
22 as the plan existed on January 1, 2018 ~~2017~~.

23 Sec. 70. Section 60-3,221, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 60-3,221 (1) Except as otherwise provided in the Motor Vehicle  
26 Registration Act:

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

28 (i) Passenger car;

29 (ii) Commercial motor vehicle or apportionable vehicle;

30 (iii) Farm truck;

31 (iv) Local truck;

- 1 (v) Minitruck;
- 2 (vi) Recreational vehicle; or
- 3 (vii) Bus;
- 4 (b) A utility trailer shall only be towed by:
- 5 (i) A properly registered passenger car;
- 6 (ii) A properly registered commercial motor vehicle or apportionable
- 7 vehicle;
- 8 (iii) A properly registered farm truck;
- 9 (iv) A properly registered local truck;
- 10 (v) A properly registered minitruck;
- 11 (vi) A properly registered recreational vehicle;
- 12 (vii) A properly registered motor vehicle which is engaged in soil
- 13 and water conservation pursuant to section 60-3,149;
- 14 (viii) A properly registered well-boring apparatus;
- 15 (ix) A dealer-plated vehicle;
- 16 (x) A personal-use dealer-plated vehicle;
- 17 (xi) A properly registered bus; or
- 18 (xii) A properly registered public power district motor vehicle or,
- 19 beginning January 1, 2023, a properly registered metropolitan utilities
- 20 district motor vehicle;
- 21 (c) A farm trailer shall only be towed by a properly registered:
- 22 (i) Passenger car;
- 23 (ii) Commercial motor vehicle;
- 24 (iii) Farm truck; or
- 25 (iv) Minitruck;
- 26 (d) A commercial trailer shall only be towed by:
- 27 (i) A properly registered motor vehicle which is engaged in soil and
- 28 water conservation pursuant to section 60-3,149;
- 29 (ii) A properly registered local truck;
- 30 (iii) A properly registered well-boring apparatus;
- 31 (iv) A properly registered commercial motor vehicle or apportionable

1 vehicle;

2 (v) A dealer-plated vehicle;

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

4 (vii) A properly registered bus;

5 (viii) A properly registered farm truck; or

6 (ix) A properly registered public power district motor vehicle or,

7 beginning January 1, 2023, a properly registered metropolitan utilities

8 district motor vehicle;

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

11 (i) Passenger car;

12 (ii) Commercial motor vehicle or apportionable vehicle;

13 (iii) Farm truck; or

14 (iv) Local truck;

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

17 (i) Commercial motor vehicle or apportionable vehicle;

18 (ii) Local truck; or

19 (iii) Public power district motor vehicle or, beginning January 1,  
20 2023, metropolitan utilities district motor vehicle;

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

22 (i) A dealer-plated vehicle;

23 (ii) A properly registered passenger car;

24 (iii) A properly registered commercial motor vehicle or  
25 apportionable vehicle;

26 (iv) A properly registered farm truck;

27 (v) A properly registered minitruck; or

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

29 (h) Trailers registered pursuant to section 60-3,198 as part of an  
30 apportioned fleet shall only be towed by:

31 (i) A properly registered motor vehicle which is engaged in soil and

- 1 water conservation pursuant to section 60-3,149;  
2 (ii) A properly registered local truck;  
3 (iii) A properly registered well-boring apparatus;  
4 (iv) A properly registered commercial motor vehicle or apportionable  
5 vehicle;  
6 (v) A dealer-plated vehicle;  
7 (vi) A personal-use dealer-plated vehicle;  
8 (vii) A properly registered bus; or  
9 (viii) A properly registered farm truck.

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

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

15 Sec. 71. Section 60-3,228, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 60-3,228 ~~(1)(a)~~ This subsection applies until January 1, 2023. ~~(1)~~

18 (b) Upon application and payment of the fees required pursuant to  
19 this section and section 60-3,229, each motor vehicle and trailer  
20 operated by a public power district shall be issued permanent public  
21 power district license plates. The public power district license plates  
22 shall be issued by the county in which the public power district is  
23 headquartered.

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

26 (d) ~~(3)~~ Any license plate issued pursuant to this section shall  
27 remain affixed to the front and rear of the motor vehicle and to the rear  
28 of the trailer as long as the public power district vehicle is registered  
29 pursuant to this section by the owner or lessor making the original  
30 application pursuant to subdivision (1)(b) ~~subsection (1)~~ of this  
31 section.

1           (2)(a) This subsection applies beginning on January 1, 2023.

2           (b) Upon application and payment of the fees required pursuant to  
3 this section and section 60-3,229, each motor vehicle and trailer  
4 operated by a metropolitan utilities district or a public power district  
5 shall be issued permanent metropolitan utilities district or public power  
6 district license plates. The metropolitan utilities district or public  
7 power district license plates shall be issued by the county in which the  
8 metropolitan utilities district or public power district is  
9 headquartered.

10           (c) Metropolitan utilities district vehicles or public power  
11 district vehicles shall display a distinctive license plate provided by  
12 the department pursuant to this section.

13           (d) Any license plate issued pursuant to this section shall remain  
14 affixed to the front and rear of the motor vehicle and to the rear of the  
15 trailer as long as the metropolitan utilities district vehicle or public  
16 power district vehicle is registered pursuant to this section by the  
17 owner or lessor making the original application pursuant to subdivision  
18 (2)(b) of this section.

19           Sec. 72. Section 60-3,229, Revised Statutes Supplement, 2017, is  
20 amended to read:

21           60-3,229 (1) This subsection applies until January 1, 2023. The  
22 registration fee for a public power district motor vehicle shall be the  
23 fee provided for commercial motor vehicles in section 60-3,147. The  
24 registration fee for a public power district trailer shall be the fee  
25 provided for a trailer in section 60-3,151.

26           (2) This subsection applies beginning January 1, 2023. The  
27 registration fee for a metropolitan utilities district motor vehicle or  
28 public power district motor vehicle shall be the fee provided for  
29 commercial motor vehicles in section 60-3,147. The registration fee for a  
30 metropolitan utilities district trailer or public power district trailer  
31 shall be the fee provided for a trailer in section 60-3,151.

1           Sec. 73. Section 60-462, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3           60-462 Sections 60-462 to 60-4,189 and section 90 of this act shall  
4 be known and may be cited as the Motor Vehicle Operator's License Act.

5           Sec. 74. Section 60-462.01, Revised Statutes Supplement, 2017, is  
6 amended to read:

7           60-462.01 For purposes of the Motor Vehicle Operator's License Act,  
8 the following federal regulations are adopted as Nebraska law as they  
9 existed on January 1, 2018 ~~2017~~:

10           The parts, subparts, and sections of Title 49 of the Code of Federal  
11 Regulations, as referenced in the Motor Vehicle Operator's License Act.

12           Sec. 75. Section 60-463.02, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14           60-463.02 Autocycle means any motor vehicle (1) having a seat that  
15 does not require the operator to straddle or sit astride it, (2) designed  
16 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
17 ~~operator and passenger ride either side by side or in tandem in a seating~~  
18 ~~area that is completely enclosed with a removable or fixed top and is~~  
19 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
20 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
21 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
22 be controlled with a steering wheel and pedals, and (5) in which the  
23 operator and passenger ride either side by side or in tandem in a seating  
24 area that is equipped with a manufacturer-installed three-point safety  
25 belt system for each occupant and that has a seating area that either (a)  
26 is completely enclosed and is equipped with manufacturer-installed  
27 airbags and a manufacturer-installed roll cage or (b) is not completely  
28 enclosed and is equipped with a manufacturer-installed rollover  
29 protection system.

30           Sec. 76. Section 60-479.01, Revised Statutes Supplement, 2017, is  
31 amended to read:

1           60-479.01 (1) All persons handling source documents or engaged in  
2 the issuance of new, renewed, or reissued operators' licenses or state  
3 identification cards shall have periodic fraudulent document recognition  
4 training.

5           (2) All persons and agents of the department involved in the  
6 recording of verified application information or verified operator's  
7 license and state identification card information, involved in the  
8 manufacture or production of licenses or cards, or who have the ability  
9 to affect information on such licenses or cards shall be subject to a  
10 criminal history record information check, including a check of prior  
11 employment references, and a lawful status check as required by 6 C.F.R.  
12 part 37, as such part existed on January 1, 2018 ~~2017~~. Such persons and  
13 agents shall provide fingerprints which shall be submitted to the Federal  
14 Bureau of Investigation. The bureau shall use its records for the  
15 criminal history record information check.

16           (3) Upon receipt of a request pursuant to subsection (2) of this  
17 section, the Nebraska State Patrol shall undertake a search for criminal  
18 history record information relating to such applicant, including  
19 transmittal of the applicant's fingerprints to the Federal Bureau of  
20 Investigation for a national criminal history record information check.  
21 The criminal history record information check shall include information  
22 concerning the applicant from federal repositories of such information  
23 and repositories of such information in other states, if authorized by  
24 federal law. The Nebraska State Patrol shall issue a report to the  
25 employing public agency that shall include the criminal history record  
26 information concerning the applicant. The cost of any background check  
27 shall be borne by the employer of the person or agent.

28           (4) Any person convicted of any disqualifying offense as provided in  
29 6 C.F.R. part 37, as such part existed on January 1, 2018 ~~2017~~, shall not  
30 be involved in the recording of verified application information or  
31 verified operator's license and state identification card information,



1 involved in the manufacture or production of licenses or cards, or  
2 involved in any capacity in which such person would have the ability to  
3 affect information on such licenses or cards. Any employee or prospective  
4 employee of the department shall be provided notice that he or she will  
5 undergo such criminal history record information check prior to  
6 employment or prior to any involvement with the issuance of operators'  
7 licenses or state identification cards.

8 Sec. 77. Section 60-480, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10 60-480 (1) Operators' licenses issued by the department pursuant to  
11 the Motor Vehicle Operator's License Act shall be classified as follows:

12 (a) ~~(1)~~ Class O license. The operator's license which authorizes the  
13 person to whom it is issued to operate on highways any motor vehicle  
14 except a commercial motor vehicle or motorcycle;

15 (b) ~~(2)~~ Class M license. The operator's license or endorsement on a  
16 Class O license, provisional operator's permit, learner's permit, school  
17 permit, or commercial driver's license which authorizes the person to  
18 whom it is issued to operate a motorcycle on highways;

19 (c) ~~(3)~~ CDL-commercial driver's license. The operator's license  
20 which authorizes the person to whom it is issued to operate a class of  
21 commercial motor vehicle or any motor vehicle, except a motorcycle, on  
22 highways;

23 (d) ~~(4)~~ CLP-commercial learner's permit. A permit which when carried  
24 with a Class O license authorizes an individual to operate a class of  
25 commercial motor vehicle when accompanied by a holder of a valid  
26 commercial driver's license for purposes of behind-the-wheel training.  
27 When issued to a commercial driver's license holder, a CLP-commercial  
28 learner's permit serves as authorization for accompanied behind-the-wheel  
29 training in a commercial motor vehicle for which the holder's current  
30 commercial driver's license is not valid;

31 (e) ~~(5)~~ RCDL-restricted commercial driver's license. The class of

1 commercial driver's license which, when held with an annual seasonal  
2 permit, authorizes a seasonal commercial motor vehicle operator as  
3 defined in section 60-4,146.01 to operate any Class B Heavy Straight  
4 Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of  
5 a farm-related or ranch-related service industry as defined in such  
6 section within one hundred fifty miles of the employer's place of  
7 business or the farm or ranch currently being served as provided in such  
8 section or any other motor vehicle, except a motorcycle, on highways;

9 (f) ~~(6)~~ POP-provisional operator's permit. A motor vehicle operating  
10 permit with restrictions issued pursuant to section 60-4,120.01 to a  
11 person who is at least sixteen years of age but less than eighteen years  
12 of age which authorizes the person to operate any motor vehicle except a  
13 commercial motor vehicle or motorcycle;

14 (g) ~~(7)~~ SCP-school permit. A permit issued to a student between  
15 fourteen years and two months of age and sixteen years of age for the  
16 purpose of driving in accordance with the requirements of section  
17 60-4,124;

18 (h) ~~(8)~~ FMP-farm permit. A permit issued to a person for purposes of  
19 operating farm tractors and other motorized implements of farm husbandry  
20 on highways in accordance with the requirements of section 60-4,126;

21 (i) ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the  
22 requirements of section 60-4,123 to a person at least fifteen years of  
23 age which authorizes the person to operate a motor vehicle, except a  
24 commercial motor vehicle, for learning purposes when accompanied by a  
25 licensed operator who is at least twenty-one years of age and who  
26 possesses a valid operator's license issued by this state or another  
27 state;

28 (j) ~~(10)~~ LPE-learner's permit. A permit issued to a person at least  
29 fourteen years of age which authorizes the person to operate a motor  
30 vehicle, except a commercial motor vehicle, while learning to drive in  
31 preparation for application for a school permit;

1           (k) ~~(11)~~ EDP-employment driving permit. A permit issued to a person  
2 which authorizes the person to operate a motor vehicle, except a  
3 commercial motor vehicle, pursuant to the requirements of sections  
4 60-4,129 and 60-4,130;

5           (l) ~~(12)~~ IIP-ignition interlock permit. A permit issued to a person  
6 which authorizes the person to operate a motor vehicle, except a  
7 commercial motor vehicle, which is equipped with an ignition interlock  
8 device;

9           (m) ~~(13)~~ SEP-seasonal permit. A permit issued to a person who holds  
10 a restricted commercial driver's license authorizing the person to  
11 operate a commercial motor vehicle, as prescribed by section 60-4,146.01,  
12 for no more than one hundred eighty consecutive days in any twelve-month  
13 period. The seasonal permit shall be valid and run from the date of  
14 original issuance of the permit for one hundred eighty days and from the  
15 date of annual revalidation of the permit; and

16           (n) ~~(14)~~ MHP-medical hardship driving permit. A permit issued to a  
17 person which authorizes the person to operate a motor vehicle, except a  
18 commercial motor vehicle, pursuant to the requirements of sections  
19 60-4,130.01 and 60-4,130.02.

20           (2) For purposes of this section, motorcycle does not include an  
21 autocycle.

22           Sec. 78. Section 60-484, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24           60-484 (1) Except as otherwise provided in the Motor Vehicle  
25 Operator's License Act, no resident of the State of Nebraska shall  
26 operate a motor vehicle upon the alleys or highways of this state until  
27 the person has obtained an operator's license for that purpose.

28           (2) Application for an operator's license or a state identification  
29 card shall be made in a manner prescribed by the department.

30           (3) The applicant shall provide his or her full legal name, date of  
31 birth, mailing address, gender, race or ethnicity, and social security

1 number, two forms of proof of address of his or her principal residence  
2 unless the applicant is a program participant under the Address  
3 Confidentiality Act, evidence of identity as required by subsection (6)  
4 of this section, and a brief physical description of himself or herself.  
5 The applicant (a) may also complete the voter registration portion  
6 pursuant to section 32-308, (b) shall be provided the advisement language  
7 required by subsection (5) of section 60-6,197, (c) shall answer the  
8 following:

9 (i) Have you within the last three months (e.g. due to diabetes,  
10 epilepsy, mental illness, head injury, stroke, heart condition,  
11 neurological disease, etc.):

12 (A) lost voluntary control or consciousness ... yes ... no

13 (B) experienced vertigo or multiple episodes of dizziness or  
14 fainting ... yes ... no

15 (C) experienced disorientation ... yes ... no

16 (D) experienced seizures ... yes ... no

17 (E) experienced impairment of memory, memory loss ... yes ... no

18 Please explain: .....

19 (ii) Do you experience any condition which affects your ability to  
20 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,  
21 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...  
22 no

23 Please explain: .....

24 (iii) Since the issuance of your last driver's license/permit, has  
25 your health or medical condition changed or worsened? ... yes ... no

26 Please explain, including how the above affects your ability to  
27 drive: ....., and (d) may answer the following:

28 (i) Do you wish to register to vote as part of this application  
29 process?

30 (ii) Do you wish to have the word "veteran" displayed on the front  
31 of your operator's license or state identification card to show that you

1 served in the armed forces of the United States? (To be eligible you must  
2 register with the Nebraska Department of Veterans' Affairs registry.)

3 (iii) Do you wish to include your name in the Donor Registry of  
4 Nebraska and donate your organs and tissues at the time of your death?

5 (iv) Do you wish to receive any additional specific information  
6 regarding organ and tissue donation and the Donor Registry of Nebraska?

7 (v) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
8 Awareness and Education Fund?

9 (4) Application for an operator's license or state identification  
10 card shall include a signed oath, affirmation, or declaration of the  
11 applicant that the information provided on the application for the  
12 license or card is true and correct.

13 (5) The social security number shall not be printed on the  
14 operator's license or state identification card and shall be used only  
15 (a) to furnish information to the United States Selective Service System  
16 under section 60-483, (b) with the permission of the director in  
17 connection with the verification of the status of an individual's driving  
18 record in this state or any other state, (c) for purposes of child  
19 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to  
20 furnish information regarding an applicant for or holder of a commercial  
21 driver's license with a hazardous materials endorsement to the  
22 Transportation Security Administration of the United States Department of  
23 Homeland Security or its agent, (e) to furnish information to the  
24 Department of Revenue under section 77-362.02, or (f) to furnish  
25 information to the Secretary of State for purposes of the Election Act.

26 (6)(a) Each individual applying for an operator's license or a state  
27 identification card shall furnish proof of date of birth and identity  
28 with documents containing a photograph or with nonphoto identity  
29 documents which include his or her full legal name and date of birth.  
30 Such documents shall be those provided in subsection (1) of section  
31 60-484.04.

1 (b) Any individual under the age of eighteen years applying for an  
2 operator's license or a state identification card shall provide a  
3 certified copy of his or her birth certificate or, if such individual is  
4 unable to provide a certified copy of his or her birth certificate, other  
5 reliable proof of his or her identity and age, as required in subdivision  
6 (6)(a) of this section, accompanied by a certification signed by a parent  
7 or guardian explaining the inability to produce a copy of such birth  
8 certificate. The applicant also may be required to furnish proof to  
9 department personnel that the parent or guardian signing the  
10 certification is in fact the parent or guardian of such applicant.

11 (c) An applicant may present other documents as proof of  
12 identification and age designated by the director. Any documents accepted  
13 shall be recorded according to a written exceptions process established  
14 by the director.

15 (7) Any individual applying for an operator's license or a state  
16 identification card who indicated his or her wish to have the word  
17 "veteran" displayed on the front of such license or card shall comply  
18 with section 60-4,189.

19 (8) No person shall be a holder of an operator's license and a state  
20 identification card at the same time. A person who has a digital image  
21 and digital signature on file with the department may apply  
22 electronically to change his or her Class 0 operator's license to a state  
23 identification card.

24 Sec. 79. Section 60-4,122, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 60-4,122 (1) Except as otherwise provided in subsections (2), (3),  
27 and (8) of this section, no original or renewal operator's license shall  
28 be issued to any person until such person has demonstrated his or her  
29 ability to operate a motor vehicle safely as provided in section  
30 60-4,114.

31 (2) Except as otherwise provided in this section and section

1 60-4,127, any person who renews his or her Class O or Class M license  
2 shall demonstrate his or her ability to drive and maneuver a motor  
3 vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only  
4 at the discretion of department personnel, except that a person required  
5 to use bioptic or telescopic lenses shall be required to demonstrate his  
6 or her ability to drive and maneuver a motor vehicle safely each time he  
7 or she renews his or her license.

8 (3) Any person who renews his or her Class O or Class M license  
9 prior to or within one year after its expiration may not be required to  
10 demonstrate his or her knowledge of the motor vehicle laws of this state  
11 as provided in subdivision (3)(c) of section 60-4,114 if his or her  
12 driving record abstract maintained in the computerized records of the  
13 department shows that such person's license is not impounded, suspended,  
14 revoked, or canceled.

15 (4) Except for operators' licenses issued to persons required to use  
16 bioptic or telescopic lenses, any person who renews his or her operator's  
17 license which has been valid for fifteen months or less shall not be  
18 required to take any examination required under section 60-4,114.

19 (5) Any person who renews a state identification card shall appear  
20 before department personnel and present his or her current state  
21 identification card or shall follow the procedure for electronic renewal  
22 in subsection (9) of this section. Proof of identification shall be  
23 required as prescribed in sections 60-484 and 60-4,181 and the  
24 information and documentation required by section 60-484.04.

25 (6) A nonresident who applies for an initial operator's license in  
26 this state and who holds a valid operator's license from another state  
27 which is his or her state of residence may not be required to demonstrate  
28 his or her knowledge of the motor vehicle laws of this state if he or she  
29 surrenders to the department his or her valid out-of-state operator's  
30 license.

31 (7) An applicant for an original operator's license may not be

1 required to demonstrate his or her knowledge of the motor vehicle laws of  
2 this state if he or she has been issued a Nebraska LPD-learner's permit  
3 that is valid or has been expired for no more than one year. The written  
4 examination shall not be waived if the original operator's license being  
5 applied for contains a class or endorsement which is different from the  
6 class or endorsement of the Nebraska LPD-learner's permit.

7 (8)(a) A qualified licensee as determined by the department who is  
8 twenty-one years of age or older, whose license expires prior to his or  
9 her seventy-second birthday, and who has a digital image and digital  
10 signature preserved in the digital system may renew his or her Class O or  
11 Class M license once by electronic means in a manner prescribed by the  
12 department using the preserved digital image and digital signature  
13 without taking any examination required under section 60-4,114 if such  
14 renewal is prior to or within one year after the expiration of the  
15 license, if his or her driving record abstract maintained in the records  
16 of the department shows that such person's license is not impounded,  
17 suspended, revoked, or canceled, and if his or her driving record  
18 indicates that he or she is otherwise eligible. Every licensee, including  
19 a licensee who is out of the state at the time of renewal, must apply for  
20 renewal in person at least once every ten years and have a new digital  
21 image and digital signature captured.

22 (b) In order to allow for an orderly progression through the various  
23 types of operators' licenses issued to persons under twenty-one years of  
24 age, a qualified holder of an operator's license who is under twenty-one  
25 years of age and who has a digital image and digital signature preserved  
26 in the digital system may apply for an operator's license by electronic  
27 means in a manner prescribed by the department using the preserved  
28 digital image and digital signature if the applicant has passed any  
29 required examinations prior to application, if his or her driving record  
30 abstract maintained in the records of the department shows that such  
31 person's operator's license is not impounded, suspended, revoked, or



1 canceled, and if his or her driving record indicates that he or she is  
2 otherwise eligible.

3 (9) Any person who is twenty-one years of age or older and who has  
4 been issued a state identification card with a digital image and digital  
5 signature may electronically renew his or her state identification card  
6 ~~once~~ by electronic means in a manner prescribed by the department using  
7 the preserved digital image and digital signature. ~~Every holder of a~~  
8 ~~state identification card shall apply for renewal in person at least once~~  
9 ~~every ten years and have a new digital image and digital signature~~  
10 ~~captured.~~

11 (10) In addition to services available at driver license offices,  
12 the department may develop requirements for using electronic means for  
13 online issuance of operators' licenses and state identification cards to  
14 qualified holders as determined by the department.

15 Sec. 80. Section 60-4,123, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 60-4,123 (1) Any person who is at least fifteen years of age may  
18 apply for an LPD-learner's permit from the department. In order to obtain  
19 an LPD-learner's permit, the applicant shall successfully complete a  
20 written examination. A person may take the written examination beginning  
21 sixty days prior to his or her fifteenth birthday but shall not be issued  
22 a permit until he or she is fifteen years of age. The written examination  
23 may be waived for any person who has been issued an LPE-learner's permit,  
24 LPD-learner's permit, or SCP-school permit that has been expired for no  
25 more than one year.

26 (2) Upon successful completion of the written examination and the  
27 payment of a fee and surcharge as prescribed in section 60-4,115, the  
28 applicant shall be issued an LPD-learner's permit as provided in section  
29 60-4,113. The permit shall be valid for twelve months.

30 (3)(a) The holder of an LPD-learner's permit shall only operate a  
31 motor vehicle on the highways of this state if he or she is accompanied

1 at all times by a licensed operator who is at least twenty-one years of  
2 age and who has been licensed by this state or another state and if (i)  
3 for all motor vehicles other than autocycles, motorcycles, or mopeds, he  
4 or she is actually occupying the seat beside the licensed operator, (ii)  
5 in the case of an autocycle, he or she is actually occupying the seat  
6 beside or in front of the licensed operator, or (iii) in the case of a  
7 motorcycle, other than an autocycle, or a moped, he or she is within  
8 visual contact of and under the supervision of, in the case of a  
9 motorcycle, a licensed motorcycle operator or, in the case of a moped, a  
10 licensed motor vehicle operator.

11 (b) The holder of an LPD-learner's permit shall not use any type of  
12 interactive wireless communication device while operating a motor vehicle  
13 on the highways of this state. Enforcement of this subdivision shall be  
14 accomplished only as a secondary action when the holder of the LPD-  
15 learner's permit has been cited or charged with a violation of some other  
16 law.

17 (4) Department personnel or the county treasurer shall collect the  
18 fee and surcharge prescribed in section 60-4,115 for the issuance of each  
19 LPD-learner's permit.

20 Sec. 81. Section 60-4,123.01, Revised Statutes Cumulative  
21 Supplement, 2016, is amended to read:

22 60-4,123.01 For purposes of driver training, any person who has  
23 attained or will attain the age of fourteen years on or before October 15  
24 of the current year may operate a motor vehicle, other than an autocycle,  
25 upon the highways of this state if he or she is accompanied or, in the  
26 case of a motorcycle, other than an autocycle, or a moped, supervised at  
27 all times by a licensed operator who is a driver training instructor  
28 certified by the Commissioner of Education.

29 Sec. 82. Section 60-4,124, Revised Statutes Cumulative Supplement,  
30 2016, is amended to read:

31 60-4,124 (1) A person who is younger than sixteen years and three

1 months of age but is older than fourteen years and two months of age may  
2 be issued a school permit if such person either resides outside a city of  
3 the metropolitan, primary, or first class or attends a school which is  
4 outside a city of the metropolitan, primary, or first class and if such  
5 person has held an LPE-learner's permit for two months. A school permit  
6 shall not be issued until such person has demonstrated that he or she is  
7 capable of successfully operating a motor vehicle, moped, or motorcycle  
8 and has in his or her possession an issuance certificate authorizing the  
9 county treasurer to issue a school permit. In order to obtain an issuance  
10 certificate, the applicant shall present (a) proof of successful  
11 completion of a department-approved driver safety course which includes  
12 behind-the-wheel driving specifically emphasizing (i) the effects of the  
13 consumption of alcohol on a person operating a motor vehicle, (ii)  
14 occupant protection systems, (iii) risk assessment, and (iv) railroad  
15 crossing safety and (b)(i) proof of successful completion of a written  
16 examination and driving test administered by a driver safety course  
17 instructor or (ii) a certificate in a form prescribed by the department,  
18 signed by a parent, guardian, or licensed driver at least twenty-one  
19 years of age, verifying that the applicant has completed fifty hours of  
20 lawful motor vehicle operation, under conditions that reflect department-  
21 approved driver safety course curriculum, with a parent, guardian, or  
22 adult at least twenty-one years of age, who has a current Nebraska  
23 operator's license or who is licensed in another state. The department  
24 may waive the written examination if the applicant has been issued an  
25 LPE-learner's permit or LPD-learner's permit and if such permit is valid  
26 or has expired no more than one year prior to application. The written  
27 examination shall not be waived if the permit being applied for contains  
28 a class or endorsement which is different from the class or endorsement  
29 of the LPE-learner's permit.

30 (2) A person holding a school permit may operate a motor vehicle,  
31 moped, or motorcycle or an autocycle:

1 (a) To and from where he or she attends school and between schools  
2 of enrollment over the most direct and accessible route by the nearest  
3 highway from his or her place of residence to transport such person or  
4 any family member who resides with such person to attend duly scheduled  
5 courses of instruction and extracurricular or school-related activities  
6 at the school he or she attends; or

7 (b) Under the personal supervision of a licensed operator. Such  
8 licensed operator shall be at least twenty-one years of age and licensed  
9 by this state or another state and shall (i) for all motor vehicles other  
10 than autocycles, motorcycles, or mopeds, actually occupy the seat beside  
11 the permitholder, (ii) in the case of an autocycle, actually occupy the  
12 seat beside or behind the permitholder, or (iii) in the case of a  
13 motorcycle, other than an autocycle, or a moped, if the permitholder is  
14 within visual contact of and under the supervision of, in the case of a  
15 motorcycle, a licensed motorcycle operator or, in the case of a moped, a  
16 licensed motor vehicle operator.

17 (3) The holder of a school permit shall not use any type of  
18 interactive wireless communication device while operating a motor vehicle  
19 on the highways of this state. Enforcement of this subsection shall be  
20 accomplished only as a secondary action when the holder of the school  
21 permit has been cited or charged with a violation of some other law.

22 (4) A person who is younger than sixteen years of age but is over  
23 fourteen years of age may be issued an LPE-learner's permit, which permit  
24 shall be valid for a period of three months. An LPE-learner's permit  
25 shall not be issued until such person successfully completes a written  
26 examination prescribed by the department and demonstrates that he or she  
27 has sufficient powers of eyesight to safely operate a motor vehicle,  
28 moped, or motorcycle or an autocycle.

29 (5)(a) While holding the LPE-learner's permit, the person may  
30 operate a motor vehicle on the highways of this state if (i) for all  
31 motor vehicles other than autocycles, motorcycles, or mopeds, he or she

1 has seated next to him or her a person who is a licensed operator, (ii)  
2 in the case of an autocycle, he or she has seated next to or behind him  
3 or her a person who is a licensed operator, or (iii) in the case of a  
4 motorcycle, other than an autocycle, or a moped, he or she is within  
5 visual contact of and is under the supervision of a person who, in the  
6 case of a motorcycle, is a licensed motorcycle operator or, in the case  
7 of a moped, is a licensed motor vehicle operator. Such licensed motor  
8 vehicle or motorcycle operator shall be at least twenty-one years of age  
9 and licensed by this state or another state.

10 (b) The holder of an LPE-learner's permit shall not use any type of  
11 interactive wireless communication device while operating a motor vehicle  
12 on the highways of this state. Enforcement of this subdivision shall be  
13 accomplished only as a secondary action when the holder of the LPE-  
14 learner's permit has been cited or charged with a violation of some other  
15 law.

16 (6) Department personnel or the county treasurer shall collect the  
17 fee and surcharge prescribed in section 60-4,115 from each successful  
18 applicant for a school or LPE-learner's permit. All school permits shall  
19 be subject to impoundment or revocation under the terms of section  
20 60-496. Any person who violates the terms of a school permit shall be  
21 guilty of an infraction and shall not be eligible for another school,  
22 farm, LPD-learner's, or LPE-learner's permit until he or she has attained  
23 the age of sixteen years.

24 (7) Any person who holds a permit issued under this section and has  
25 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
26 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or  
27 60-6,197.06 shall not be eligible for an ignition interlock permit.

28 Sec. 83. Section 60-4,127, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-4,127 (1) No person shall operate a motorcycle on the alleys or  
31 highways of the State of Nebraska until such person has obtained a Class

1 M license. No such license shall be issued until the applicant has (a)  
2 met the vision and physical requirements established under section  
3 60-4,118 for operation of a motor vehicle and (b) successfully completed  
4 an examination, including the actual operation of a motorcycle,  
5 prescribed by the director, except that the required examination may be  
6 waived, including the actual operation of a motorcycle, if the applicant  
7 presents proof of successful completion of a motorcycle safety course  
8 under the Motorcycle Safety Education Act within the immediately  
9 preceding twenty-four months.

10 (2) Department personnel shall conduct the examination of the  
11 applicants and deliver to each successful applicant an issuance  
12 certificate or a receipt. If department personnel issue a receipt,  
13 department personnel shall collect the fee and surcharge as provided in  
14 section 60-4,115 and issue a receipt with driving privileges which is  
15 valid for up to thirty days. In counties where the county treasurer  
16 collects fees and issues receipts, the certificate may be presented to  
17 the county treasurer within ninety days after issuance. Upon presentation  
18 of an issuance certificate, the county treasurer shall collect the fee  
19 and surcharge for a Class M license as prescribed by section 60-4,115 and  
20 issue a receipt with driving privileges which is valid for up to thirty  
21 days. If department personnel refuse to issue an issuance certificate or  
22 receipt, the department personnel shall state such cause in writing and  
23 deliver such written cause to the applicant. The license shall be  
24 delivered as provided in section 60-4,113. If the applicant is the holder  
25 of an operator's license, the county treasurer or department personnel  
26 shall have endorsed on the license the authorization to operate a  
27 motorcycle. Fees for Class M licenses shall be as provided by section  
28 60-4,115.

29 (3) For purposes of this section, motorcycle does not include an  
30 autocycle.

31 Sec. 84. Section 60-4,128, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-4,128 (1) Any person violating the provisions of section  
3 60-4,127 shall be guilty of a traffic infraction and shall upon  
4 conviction thereof be fined not less than ten dollars nor more than one  
5 hundred dollars. In addition, a person operating a motorcycle without a  
6 Class M license may be required to complete the basic motorcycle safety  
7 course as provided in the Motorcycle Safety Education Act.

8 (2) For purposes of this section, motorcycle does not include an  
9 autocycle.

10 Sec. 85. Section 60-4,130.04, Reissue Revised Statutes of Nebraska,  
11 is amended to read:

12 60-4,130.04 Commercial driver safety course instructors shall  
13 possess competence as outlined in rules and regulations adopted and  
14 promulgated by the Department of Motor Vehicles. Instructors who teach  
15 the department-approved driver safety course in a public school or  
16 institution and possess competence as outlined in a driver's education  
17 endorsement shall be eligible to sign a form prescribed by the department  
18 or electronically submit test results to the department showing  
19 successful completion of the driver safety course. Each public school or  
20 institution offering a department-approved driver safety course shall be  
21 required to obtain a certificate and pay the fee pursuant to section  
22 60-4,130.05. The Nebraska Safety Center shall offer a department-approved  
23 driver safety course at least once each year in any county where no  
24 approved course is offered.

25 Sec. 86. Section 60-4,131, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 and section  
28 90 of this act shall apply to the operation of any commercial motor  
29 vehicle.

30 (2) For purposes of such sections:

31 (a) Disqualification means:

1 (i) The suspension, revocation, cancellation, or any other  
2 withdrawal by a state of a person's privilege to operate a commercial  
3 motor vehicle;

4 (ii) A determination by the Federal Motor Carrier Safety  
5 Administration, under the rules of practice for motor carrier safety  
6 contained in 49 C.F.R. part 386, that a person is no longer qualified to  
7 operate a commercial motor vehicle under 49 C.F.R. part 391; or

8 (iii) The loss of qualification which automatically follows  
9 conviction of an offense listed in 49 C.F.R. 383.51;

10 (b) Downgrade means the state:

11 (i) Allows the driver of a commercial motor vehicle to change his or  
12 her self-certification to interstate, but operating exclusively in  
13 transportation or operation excepted from 49 C.F.R. part 391, as provided  
14 in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

15 (ii) Allows the driver of a commercial motor vehicle to change his  
16 or her self-certification to intrastate only, if the driver qualifies  
17 under a state's physical qualification requirements for intrastate only;

18 (iii) Allows the driver of a commercial motor vehicle to change his  
19 or her certification to intrastate, but operating exclusively in  
20 transportation or operations excepted from all or part of a state driver  
21 qualification requirement; or

22 (iv) Removes the commercial driver's license privilege from the  
23 operator's license;

24 (c) Employee means any operator of a commercial motor vehicle,  
25 including full time, regularly employed drivers; casual, intermittent, or  
26 occasional drivers; and leased drivers and independent, owner-operator  
27 contractors, while in the course of operating a commercial motor vehicle,  
28 who are either directly employed by or under lease to an employer;

29 (d) Employer means any person, including the United States, a state,  
30 the District of Columbia, or a political subdivision of a state, that  
31 owns or leases a commercial motor vehicle or assigns employees to operate



1 a commercial motor vehicle;

2 (e) Endorsement means an authorization to an individual's CLP-  
3 commercial learner's permit or commercial driver's license required to  
4 permit the individual to operate certain types of commercial motor  
5 vehicles;

6 (f) Foreign means outside the fifty United States and the District  
7 of Columbia;

8 (g) Imminent hazard means the existence of a condition relating to  
9 hazardous material that presents a substantial likelihood that death,  
10 serious illness, severe personal injury, or a substantial endangerment to  
11 health, property, or the environment may occur before the reasonably  
12 foreseeable completion date of a formal proceeding begun to lessen the  
13 risk of that death, illness, injury, or endangerment;

14 (h) Issue and issuance means initial issuance, transfer, renewal, or  
15 upgrade of a CLP-commercial learner's permit, commercial driver's  
16 license, nondomiciled CLP-commercial learner's permit, or nondomiciled  
17 commercial driver's license, as described in 49 C.F.R. 383.73;

18 (i) Medical examiner means an individual certified by the Federal  
19 Motor Carrier Safety Administration and listed on the National Registry  
20 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,  
21 subpart D;

22 (j) Medical examiner's certificate means a form meeting the  
23 requirements of 49 C.F.R. 391.43 issued by a medical examiner in  
24 compliance with such regulation;

25 (k) Medical variance means the Federal Motor Carrier Safety  
26 Administration has provided a driver with either an exemption letter  
27 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.  
28 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation  
29 Certificate permitting operation of a commercial motor vehicle pursuant  
30 to 49 C.F.R. 391.49;

31 (l) Nondomiciled CLP-commercial learner's permit or nondomiciled

1 commercial driver's license means a CLP-commercial learner's permit or  
2 commercial driver's license, respectively, issued by this state or other  
3 jurisdiction under either of the following two conditions:

4 (i) To an individual domiciled in a foreign country meeting the  
5 requirements of 49 C.F.R. 383.23(b)(1); and

6 (ii) To an individual domiciled in another state meeting the  
7 requirements of 49 C.F.R. 383.23(b)(2);

8 (m) Representative vehicle means a motor vehicle which represents  
9 the type of motor vehicle that a driver applicant operates or expects to  
10 operate;

11 (n) State means a state of the United States and the District of  
12 Columbia;

13 (o) State of domicile means that state where a person has his or her  
14 true, fixed, and permanent home and principal residence and to which he  
15 or she has the intention of returning whenever he or she is absent;

16 (p) Tank vehicle means any commercial motor vehicle that is designed  
17 to transport any liquid or gaseous materials within a tank or tanks that  
18 have an individual rated capacity of more than one hundred nineteen  
19 gallons and an aggregate rated capacity of one thousand gallons or more  
20 and that are either permanently or temporarily attached to the vehicle or  
21 the chassis. A commercial motor vehicle transporting an empty storage  
22 container tank, not designed for transportation, with a rated capacity of  
23 one thousand gallons or more that is temporarily attached to a flatbed  
24 trailer is not considered a tank vehicle;

25 (q) Third-party skills test examiner means a person employed by a  
26 third-party tester who is authorized by this state to administer the  
27 commercial driver's license skills tests specified in 49 C.F.R. part 383,  
28 subparts G and H;

29 (r) Third-party tester means a person, including, but not limited  
30 to, another state, a motor carrier, a private driver training facility or  
31 other private institution, or a department, agency, or instrumentality of

1 a local government, authorized by this state to employ skills test  
2 examiners to administer the commercial driver's license skills tests  
3 specified in 49 C.F.R. part 383, subparts G and H;

4 (s) United States means the fifty states and the District of  
5 Columbia; and

6 (t) Vehicle group means a class or type of vehicle with certain  
7 operating characteristics.

8 Sec. 87. Section 60-4,131.01, Revised Statutes Cumulative  
9 Supplement, 2016, is amended to read:

10 60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172 and section  
11 90 of this act shall not apply to individuals who operate commercial  
12 motor vehicles for military purposes, including and limited to:

13 (1) Active duty military personnel;

14 (2) Members of the military reserves, other than military  
15 technicians;

16 (3) Active duty United States Coast Guard personnel; and

17 (4) Members of the National Guard on active duty, including:

18 (a) Personnel on full-time National Guard duty;

19 (b) Personnel on part-time National Guard training; and

20 (c) National Guard military technicians required to wear military  
21 uniforms.

22 Such individuals must have a valid military driver's license unless  
23 such individual is operating the vehicle under written orders from a  
24 commanding officer in an emergency declared by the federal government or  
25 by the State of Nebraska.

26 Sec. 88. Section 60-4,132, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28 60-4,132 The purposes of sections 60-462.01 and 60-4,137 to 60-4,172  
29 and section 90 of this act are to implement the requirements mandated by  
30 the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100  
31 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public

1 Law 106-159, section 1012 of the federal Uniting and Strengthening  
2 America by Providing Appropriate Tools Required to Intercept and Obstruct  
3 Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal  
4 regulations and to reduce or prevent commercial motor vehicle accidents,  
5 fatalities, and injuries by: (1) Permitting drivers to hold only one  
6 operator's license; (2) disqualifying drivers for specified offenses and  
7 serious traffic violations; and (3) strengthening licensing and testing  
8 standards.

9 Sec. 89. Section 60-4,147.02, Revised Statutes Supplement, 2017, is  
10 amended to read:

11 60-4,147.02 No endorsement authorizing the driver to operate a  
12 commercial motor vehicle transporting hazardous materials shall be  
13 issued, renewed, or transferred by the Department of Motor Vehicles  
14 unless the endorsement is issued, renewed, or transferred in conformance  
15 with the requirements of section 1012 of the federal Uniting and  
16 Strengthening America by Providing Appropriate Tools Required to  
17 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.  
18 5103a, including all amendments and federal regulations adopted pursuant  
19 thereto as of January 1, ~~2017~~ 2018, for the issuance of licenses to  
20 operate commercial motor vehicles transporting hazardous materials.

21 Sec. 90. In conformance with section 7208 of the federal Fixing  
22 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such  
23 section and regulation existed on January 1, 2018, no hazardous materials  
24 endorsement authorizing the holder of a Class A commercial driver's  
25 license to operate a commercial motor vehicle transporting diesel fuel  
26 shall be required if such driver is (1) operating within the state and  
27 acting within the scope of his or her employment as an employee of a  
28 custom harvester operation, an agrichemical business, a farm retail  
29 outlet and supplier, or a livestock feeder and (2) operating a service  
30 vehicle that is (a) transporting diesel in a quantity of one thousand  
31 gallons or less and (b) clearly marked with a flammable or combustible

1 placard, as appropriate.

2 Sec. 91. Section 60-4,182, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-4,182 In order to prevent and eliminate successive traffic  
5 violations, there is hereby provided a point system dealing with traffic  
6 violations as disclosed by the files of the director. The following point  
7 system shall be adopted:

8 (1) Conviction of motor vehicle homicide - 12 points;

9 (2) Third offense drunken driving in violation of any city or  
10 village ordinance or of section 60-6,196, as disclosed by the records of  
11 the director, regardless of whether the trial court found the same to be  
12 a third offense - 12 points;

13 (3) Failure to stop and render aid as required under section 60-697  
14 in the event of involvement in a motor vehicle accident resulting in the  
15 death or personal injury of another - 6 points;

16 (4) Failure to stop and report as required under section 60-696 or  
17 any city or village ordinance in the event of a motor vehicle accident  
18 resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence of alcoholic  
20 liquor or any drug or when such person has a concentration of eight-  
21 hundredths of one gram or more by weight of alcohol per one hundred  
22 milliliters of his or her blood or per two hundred ten liters of his or  
23 her breath in violation of any city or village ordinance or of section  
24 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or village  
26 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

27 (7) Careless driving in violation of any city or village ordinance  
28 or of section 60-6,212 - 4 points;

29 (8) Negligent driving in violation of any city or village ordinance  
30 - 3 points;

31 (9) Reckless driving in violation of any city or village ordinance

1 or of section 60-6,213 - 5 points;

2 (10) Speeding in violation of any city or village ordinance or any  
3 of sections 60-6,185 to 60-6,190 and 60-6,313:

4 (a) Not more than five miles per hour over the speed limit - 1  
5 point;

6 (b) More than five miles per hour but not more than ten miles per  
7 hour over the speed limit - 2 points;

8 (c) More than ten miles per hour but not more than thirty-five miles  
9 per hour over the speed limit - 3 points, except that one point shall be  
10 assessed upon conviction of exceeding by not more than ten miles per  
11 hour, two points shall be assessed upon conviction of exceeding by more  
12 than ten miles per hour but not more than fifteen miles per hour, and  
13 three points shall be assessed upon conviction of exceeding by more than  
14 fifteen miles per hour but not more than thirty-five miles per hour the  
15 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of  
16 section 60-6,186; and

17 (d) More than thirty-five miles per hour over the speed limit - 4  
18 points;

19 (11) Failure to yield to a pedestrian not resulting in bodily injury  
20 to a pedestrian - 2 points;

21 (12) Failure to yield to a pedestrian resulting in bodily injury to  
22 a pedestrian - 4 points;

23 (13) Using a handheld wireless communication device in violation of  
24 section 60-6,179.01 or texting while driving in violation of subsection  
25 (1) or (3) of section 60-6,179.02 - 3 points;

26 (14) Using a handheld mobile telephone in violation of subsection  
27 (2) or (4) of section 60-6,179.02 - 3 points;

28 (15) Unlawful obstruction or interference of the view of an operator  
29 in violation of section 60-6,256 - 1 point;

30 (16) A violation of subsection (1) of section 60-6,175 - 3 points;  
31 and

1 (17) All other traffic violations involving the operation of motor  
2 vehicles by the operator for which reports to the Department of Motor  
3 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

4 Subdivision (17) of this section does not include violations  
5 involving an occupant protection system or a three-point safety belt  
6 system pursuant to section 60-6,270; τ parking violations; τ violations  
7 for operating a motor vehicle without a valid operator's license in the  
8 operator's possession; τ muffler violations; τ overwidth, overheight, or  
9 overlength violations; autocycle, motorcycle, or moped protective helmet  
10 violations; τ or overloading of trucks.

11 All such points shall be assessed against the driving record of the  
12 operator as of the date of the violation for which conviction was had.  
13 Points may be reduced by the department under section 60-4,188.

14 In all cases, the forfeiture of bail not vacated shall be regarded  
15 as equivalent to the conviction of the offense with which the operator  
16 was charged.

17 The point system shall not apply to persons convicted of traffic  
18 violations committed while operating a bicycle as defined in section  
19 60-611 or an electric personal assistive mobility device as defined in  
20 section 60-618.02.

21 Sec. 92. Section 60-501, Revised Statutes Supplement, 2017, is  
22 amended to read:

23 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
24 unless the context otherwise requires:

25 (1) Department means Department of Motor Vehicles;

26 (2) Golf car vehicle means a vehicle that has at least four wheels,  
27 has a maximum level ground speed of less than twenty miles per hour, has  
28 a maximum payload capacity of one thousand two hundred pounds, has a  
29 maximum gross vehicle weight of two thousand five hundred pounds, has a  
30 maximum passenger capacity of not more than four persons, and is designed  
31 and manufactured for operation on a golf course for sporting and

1 recreational purposes;

2 (3) Judgment means any judgment which shall have become final by the  
3 expiration of the time within which an appeal might have been perfected  
4 without being appealed, or by final affirmation on appeal, rendered by a  
5 court of competent jurisdiction of any state or of the United States, (a)  
6 upon a cause of action arising out of the ownership, maintenance, or use  
7 of any motor vehicle for damages, including damages for care and loss of  
8 services, because of bodily injury to or death of any person or for  
9 damages because of injury to or destruction of property, including the  
10 loss of use thereof, or (b) upon a cause of action on an agreement of  
11 settlement for such damages;

12 (4) License means any license issued to any person under the laws of  
13 this state pertaining to operation of a motor vehicle within this state;

14 (5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) (a)  
15 whose speed attainable in one mile is more than twenty miles per hour and  
16 not more than twenty-five miles per hour on a paved, level surface, (ii)  
17 (b) whose gross vehicle weight rating is less than three thousand pounds,  
18 and (iii) (c) that complies with 49 C.F.R. part 571, as such part existed  
19 on January 1, 2018, or (b) three-wheeled motor vehicle (i) whose maximum  
20 speed attainable is not more than twenty-five miles per hour on a paved,  
21 level surface, (ii) whose gross vehicle weight rating is less than three  
22 thousand pounds, (iii) which is equipped with a windshield and an  
23 occupant protection system, and (iv) that complies with 49 C.F.R. part  
24 571, as such part existed on January 1, 2018. A motorcycle with a sidecar  
25 attached is not a low-speed vehicle 2017;

26 (6) Minitruck means a foreign-manufactured import vehicle or  
27 domestic-manufactured vehicle which (a) is powered by an internal  
28 combustion engine with a piston or rotor displacement of one thousand  
29 five hundred cubic centimeters or less, (b) is sixty-seven inches or less  
30 in width, (c) has a dry weight of four thousand two hundred pounds or  
31 less, (d) travels on four or more tires, (e) has a top speed of



1 approximately fifty-five miles per hour, (f) is equipped with a bed or  
2 compartment for hauling, (g) has an enclosed passenger cab, (h) is  
3 equipped with headlights, taillights, turnsignals, windshield wipers, a  
4 rearview mirror, and an occupant protection system, and (i) has a four-  
5 speed, five-speed, or automatic transmission;

6 (7) Motor vehicle means any self-propelled vehicle which is designed  
7 for use upon a highway, including trailers designed for use with such  
8 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not  
9 include (a) mopeds as defined in section 60-637, (b) traction engines,  
10 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power  
11 shovels, (g) well drillers, (h) every vehicle which is propelled by  
12 electric power obtained from overhead wires but not operated upon rails,  
13 (i) electric personal assistive mobility devices as defined in section  
14 60-618.02, (j) off-road designed vehicles, including, but not limited to,  
15 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-  
16 terrain vehicles and utility-type vehicles as defined in section  
17 60-6,355, minibikes as defined in section 60-636, and snowmobiles as  
18 defined in section 60-663, and (k) bicycles as defined in section 60-611;

19 (8) Nonresident means every person who is not a resident of this  
20 state;

21 (9) Nonresident's operating privilege means the privilege conferred  
22 upon a nonresident by the laws of this state pertaining to the operation  
23 by him or her of a motor vehicle or the use of a motor vehicle owned by  
24 him or her in this state;

25 (10) Operator means every person who is in actual physical control  
26 of a motor vehicle;

27 (11) Owner means a person who holds the legal title of a motor  
28 vehicle, or in the event (a) a motor vehicle is the subject of an  
29 agreement for the conditional sale or lease thereof with the right of  
30 purchase upon performance of the conditions stated in the agreement and  
31 with an immediate right of possession vested in the conditional vendee or

1 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
2 such conditional vendee or lessee or mortgagor shall be deemed the owner  
3 for the purposes of the act;

4 (12) Person means every natural person, firm, partnership, limited  
5 liability company, association, or corporation;

6 (13) Proof of financial responsibility means evidence of ability to  
7 respond in damages for liability, on account of accidents occurring  
8 subsequent to the effective date of such proof, arising out of the  
9 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
10 twenty-five thousand dollars because of bodily injury to or death of one  
11 person in any one accident, (b) subject to such limit for one person, in  
12 the amount of fifty thousand dollars because of bodily injury to or death  
13 of two or more persons in any one accident, and (c) in the amount of  
14 twenty-five thousand dollars because of injury to or destruction of  
15 property of others in any one accident;

16 (14) Registration means registration certificate or certificates and  
17 registration plates issued under the laws of this state pertaining to the  
18 registration of motor vehicles;

19 (15) State means any state, territory, or possession of the United  
20 States, the District of Columbia, or any province of the Dominion of  
21 Canada; and

22 (16) The forfeiture of bail, not vacated, or of collateral deposited  
23 to secure an appearance for trial shall be regarded as equivalent to  
24 conviction of the offense charged.

25 Sec. 93. Section 60-610.01, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 60-610.01 Autocycle means any motor vehicle (1) having a seat that  
28 does not require the operator to straddle or sit astride it, (2) designed  
29 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
30 ~~operator and passenger ride either side by side or in tandem in a seating~~  
31 ~~area that is completely enclosed with a removable or fixed top and is~~

1 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
2 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
3 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
4 ~~be controlled with a steering wheel and pedals, and (5) in which the~~  
5 ~~operator and passenger ride either side by side or in tandem in a seating~~  
6 ~~area that is equipped with a manufacturer-installed three-point safety~~  
7 ~~belt system for each occupant and that has a seating area that either (a)~~  
8 ~~is completely enclosed and is equipped with manufacturer-installed~~  
9 ~~airbags and a manufacturer-installed roll cage or (b) is not completely~~  
10 ~~enclosed and is equipped with a manufacturer-installed rollover~~  
11 ~~protection system.~~

12       Sec. 94. Section 60-628.01, Revised Statutes Supplement, 2017, is  
13 amended to read:

14       60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle  
15 (a) (1) whose speed attainable in one mile is more than twenty miles per  
16 hour and not more than twenty-five miles per hour on a paved, level  
17 surface, (b) (2) whose gross vehicle weight rating is less than three  
18 thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as  
19 such part existed on January 1, 2018, or (2) three-wheeled motor vehicle  
20 (a) whose maximum speed attainable is not more than twenty-five miles per  
21 hour on a paved, level surface, (b) whose gross vehicle weight rating is  
22 less than three thousand pounds, (c) which is equipped with a windshield  
23 and an occupant protection system, and (d) that complies with 49 C.F.R.  
24 part 571, as such part existed on January 1, 2018. A motorcycle with a  
25 sidecar attached is not a low-speed vehicle 2017.

26       Sec. 95. Section 60-639, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28       60-639 Motorcycle means shall mean every motor vehicle having a seat  
29 or saddle for the use of the rider and designed to travel on not more  
30 than three wheels in contact with the ground, excluding ~~autocycles,~~  
31 ~~tractors,~~ and electric personal assistive mobility devices. Motorcycle

1 includes an autocycle.

2       Sec. 96. Section 60-640, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4       60-640 (1) Motor-driven cycle means ~~shall mean~~ every motorcycle,  
5 including every motor scooter, with a motor which produces not to exceed  
6 five brake horsepower as measured at the drive shaft, mopeds, and every  
7 bicycle with motor attached except for a bicycle as described in  
8 subdivision (2) of section 60-611. Motor-driven cycle shall not include  
9 an electric personal assistive mobility device.

10       (2) For purposes of this section, motorcycle does not include an  
11 autocycle.

12       Sec. 97. Section 60-6,226, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14       60-6,226 (1) Any motor vehicle having four or more wheels which is  
15 manufactured or assembled, whether from a kit or otherwise, after January  
16 1, 1954, designed or used for the purpose of carrying passengers or  
17 freight, any autocycle, or any trailer, in use on a highway, shall be  
18 equipped with brake and turnsignal lights in good working order.

19       (2) Motorcycles other than autocycles, motor-driven cycles, motor  
20 scooters, bicycles, electric personal assistive mobility devices,  
21 vehicles used solely for agricultural purposes, vehicles not designed and  
22 intended primarily for use on a highway, and, during daylight hours,  
23 fertilizer trailers as defined in section 60-326 and implements of  
24 husbandry designed primarily or exclusively for use in agricultural  
25 operations shall not be required to have or maintain in working order  
26 signal lights required by this section, but they may be so equipped. The  
27 operator thereof shall comply with the requirements for utilizing hand  
28 and arm signals or for utilizing such signal lights if the vehicle is so  
29 equipped.

30       Sec. 98. Section 60-6,244, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           60-6,244 (1) Every motor vehicle when operated upon a highway shall  
2 be equipped with brakes adequate to control the movement of and to stop  
3 and to hold such vehicle, including two separate means of applying the  
4 brakes, each of which means shall be effective to apply the brakes to at  
5 least two wheels and so constructed that no part which is liable to  
6 failure shall be common to the two, except that a motorcycle shall be  
7 required to be equipped with only one brake. All such brakes shall be  
8 maintained at all times in good working order.

9           (2) It shall be unlawful for any owner or operator of any motor  
10 vehicle, other than a motorcycle, to operate such motor vehicle upon a  
11 highway unless the brake equipment thereon qualifies with regard to  
12 maximum stopping distances from a speed of twenty miles per hour on dry  
13 asphalt or concrete pavement free from loose materials as follows:

14           (a) Two-wheel brakes, maximum stopping distance, forty feet;

15           (b) Four or more wheel brakes, vehicles up to seven thousand pounds  
16 gross weight, maximum stopping distance, thirty feet;

17           (c) Four or more wheel brakes, vehicles seven thousand pounds or  
18 more gross weight, maximum stopping distance, thirty-five feet;

19           (d) All hand, parking, or emergency brakes, vehicles up to seven  
20 thousand pounds gross weight, maximum stopping distance, fifty-five feet;  
21 and

22           (e) All hand, parking, or emergency brakes, vehicles seven thousand  
23 pounds or more gross weight, maximum stopping distance, sixty-five feet.

24           (3) All braking distances specified in this section shall apply to  
25 all vehicles whether unloaded or loaded to the maximum capacity permitted  
26 by law.

27           (4) The retarding force of one side of the vehicle shall not exceed  
28 the retarding force on the opposite side so as to prevent the vehicle  
29 stopping in a straight line.

30           (5) For purposes of this section, motorcycle does not include an  
31 autocycle.

1           Sec. 99. Section 60-6,254, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           60-6,254 (1) No person shall drive a motor vehicle, other than a  
4 motorcycle, on a highway when the motor vehicle is so constructed or  
5 loaded as to prevent the driver from obtaining a view of the highway to  
6 the rear by looking backward from the driver's position unless such  
7 vehicle is equipped with a right-side and a left-side outside mirror so  
8 located as to reflect to the driver a view of the highway for a distance  
9 of at least two hundred feet to the rear of such vehicle. Temporary  
10 outside mirrors and attachments used when towing a vehicle shall be  
11 removed from such motor vehicle or retracted within the outside  
12 dimensions thereof when it is operated upon the highway without such  
13 trailer.

14           (2) For purposes of this section, motorcycle does not include an  
15 autocycle.

16           Sec. 100. Section 60-6,255, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18           60-6,255 (1) Every motor vehicle registered pursuant to the Motor  
19 Vehicle Registration Act, except motorcycles, shall be equipped with a  
20 front windshield.

21           (2) It shall be unlawful for any person to drive any vehicle upon a  
22 highway with any sign, poster, or other nontransparent material upon the  
23 front windshield, side wing vents, or side or rear windows of such motor  
24 vehicle other than a certificate or other paper required to be so  
25 displayed by law. The front windshield, side wing vents, and side or rear  
26 windows may have a visor or other shade device which is easily moved  
27 aside or removable, is normally used by a motor vehicle operator during  
28 daylight hours, and does not impair the driver's field of vision.

29           (3) Every windshield on a motor vehicle, other than a motorcycle,  
30 shall be equipped with a device for cleaning rain, snow, or other  
31 moisture from the windshield, which device shall be so constructed as to

1 be controlled or operated by the driver of the vehicle.

2 (4) For purposes of this section, motorcycle does not include an  
3 autocycle.

4 Sec. 101. Section 60-6,263, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 60-6,263 (1) It shall be unlawful to operate on any highway in this  
7 state any motor vehicle, other than a motorcycle, manufactured or  
8 assembled, whether from a kit or otherwise, after January 1, 1935, which  
9 is designed or used for the purpose of carrying passengers unless such  
10 vehicle is equipped in all doors, windows, and windshields with safety  
11 glass. Any windshield attached to a motorcycle shall be manufactured of  
12 products which will successfully withstand discoloration due to exposure  
13 to sunlight or abnormal temperatures over an extended period of time.

14 (2) For purposes of this section, motorcycle does not include an  
15 autocycle.

16 (3) The owner or operator of any motor vehicle operated in violation  
17 of this section shall be guilty of a Class III misdemeanor.

18 Sec. 102. Section 60-6,267, Revised Statutes Supplement, 2017, is  
19 amended to read:

20 60-6,267 (1) Any person in Nebraska who drives any motor vehicle  
21 which has or is required to have an occupant protection system or a  
22 three-point safety belt system shall ensure that all children up to six  
23 years of age being transported by such vehicle use a child passenger  
24 restraint system of a type which meets Federal Motor Vehicle Safety  
25 Standard 213 as developed by the National Highway Traffic Safety  
26 Administration, as such standard existed on January 1, 2009, and which is  
27 correctly installed in such vehicle.

28 (2) Any person in Nebraska who drives any motor vehicle which has or  
29 is required to have an occupant protection system or a three-point safety  
30 belt system shall ensure that all children six years of age and less than  
31 eighteen years of age being transported by such vehicle use an occupant

1 protection system.

2 (3) Subsections (1) and (2) of this section apply to autocycles and  
3 to every motor vehicle which is equipped with an occupant protection  
4 system or is required to be equipped with restraint systems pursuant to  
5 Federal Motor Vehicle Safety Standard 208, as such standard existed on  
6 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor  
7 vehicle designated by the manufacturer as a 1963 year model or earlier  
8 which is not equipped with an occupant protection system.

9 (4) Whenever any licensed physician determines, through accepted  
10 medical procedures, that use of a child passenger restraint system by a  
11 particular child would be harmful by reason of the child's weight,  
12 physical condition, or other medical reason, the provisions of subsection  
13 (1) or (2) of this section shall be waived. The driver of any vehicle  
14 transporting such a child shall carry on his or her person or in the  
15 vehicle a signed written statement of the physician identifying the child  
16 and stating the grounds for such waiver.

17 (5) The drivers of authorized emergency vehicles shall not be  
18 subject to the requirements of subsection (1) or (2) of this section when  
19 operating such authorized emergency vehicles pursuant to their  
20 employment.

21 (6) A driver of a motor vehicle shall not be subject to the  
22 requirements of subsection (1) or (2) of this section if the motor  
23 vehicle is being operated in a parade or exhibition and the parade or  
24 exhibition is being conducted in accordance with applicable state law and  
25 local ordinances and resolutions.

26 (7) The Department of Transportation shall develop and implement an  
27 ongoing statewide public information and education program regarding the  
28 use of child passenger restraint systems and occupant protection systems  
29 and the availability of distribution and discount programs for child  
30 passenger restraint systems.

31 (8) All persons being transported by a motor vehicle operated by a



1 holder of a provisional operator's permit or a school permit shall use  
2 such motor vehicle's occupant protection system or a three-point safety  
3 belt system.

4 (9) For purposes of this section, motorcycle does not include an  
5 autocycle.

6 Sec. 103. Section 60-6,279, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 60-6,279 (1) A person shall not operate or be a passenger in ~~on~~ an  
9 autocycle described in subsection (2) of this section, on a motorcycle  
10 other than an autocycle, or on a moped on any highway in this state  
11 unless such person is wearing a protective helmet of the type and design  
12 manufactured for use by operators of such vehicles and unless such helmet  
13 is secured properly on his or her head with a chin strap while the  
14 vehicle is in motion. All such protective helmets shall be designed to  
15 reduce injuries to the user resulting from head impacts and shall be  
16 designed to protect the user by remaining on the user's head, deflecting  
17 blows, resisting penetration, and spreading the force of impact. Each  
18 such helmet shall consist of lining, padding, and chin strap and shall  
19 meet or exceed the standards established in the United States Department  
20 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49  
21 C.F.R. 571.218, for motorcycle helmets.

22 (2) This section applies to an autocycle that has a seating area  
23 that is not completely enclosed.

24 Sec. 104. Section 60-6,294, Revised Statutes Supplement, 2017, is  
25 amended to read:

26 60-6,294 (1) Every vehicle, whether operated singly or in a  
27 combination of vehicles, and every combination of vehicles shall comply  
28 with subsections (2) and (3) of this section except as provided in  
29 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by  
30 this section shall be supplemental to all other provisions imposing  
31 limitations upon the size and weight of vehicles.

1 (2) No wheel of a vehicle or trailer equipped with pneumatic or  
2 solid rubber tires shall carry a gross load in excess of ten thousand  
3 pounds on any highway nor shall any axle carry a gross load in excess of  
4 twenty thousand pounds on any highway. An axle load shall be defined as  
5 the total load transmitted to the highway by all wheels the centers of  
6 which may be included between two parallel transverse vertical planes  
7 forty inches apart extending across the full width of the vehicle.

8 (3) No group of two or more consecutive axles shall carry a load in  
9 pounds in excess of the value given in the following table corresponding  
10 to the distance in feet between the extreme axles of the group, measured  
11 longitudinally to the nearest foot, except that the maximum load carried  
12 on any group of two or more axles shall not exceed eighty thousand pounds  
13 on the National System of Interstate and Defense Highways unless the  
14 Director-State Engineer pursuant to section 60-6,295 authorizes a greater  
15 weight.

16	Distance in feet	Maximum load in pounds carried					
17	between the	on any group of two or more					
18	extremes of	consecutive axles					
19	any group of						
20	two or more						
21	consecutive	Two	Three	Four	Five	Six	Seven
22	axles	Axles	Axles	Axles	Axles	Axles	Axles
23	4	34,000					
24	5	34,000					
25	6	34,000					
26	7	34,000					
27	8	34,000	42,000				
28	9	39,000	42,500				
29	10	40,000	43,500				
30	11		44,000				

1	12	45,000	50,000			
2	13	45,500	50,500			
3	14	46,500	51,500			
4	15	47,000	52,000			
5	16	48,000	52,500	58,000		
6	17	48,500	53,500	58,500		
7	18	49,500	54,000	59,000		
8	19	50,000	54,500	60,000		
9	20	51,000	55,500	60,500		
10	21	51,500	56,000	61,000		
11	22	52,500	56,500	61,500		
12	23	53,000	57,500	62,500		
13	24	54,000	58,000	63,000		
14	25	54,500	58,500	63,500	69,000	
15	26	55,500	59,500	64,000	69,500	
16	27	56,000	60,000	65,000	70,000	
17	28	57,000	60,500	65,500	71,000	
18	29	57,500	61,500	66,000	71,500	
19	30	58,500	62,000	66,500	72,000	
20	31	59,000	62,500	67,500	72,500	
21	32	60,000	63,500	68,000	73,000	
22	33		64,000	68,500	74,000	
23	34		64,500	69,000	74,500	
24	35		65,500	70,000	75,000	
25	36		66,000	70,500	75,500	
26	37		66,500	71,000	76,000	81,500
27	38		67,500	72,000	77,000	82,000
28	39		68,000	72,500	77,500	82,500
29	40		68,500	73,000	78,000	83,500

1	41	69,500	73,500	78,500	84,000
2	42	70,000	74,000	79,000	84,500
3	43	70,500	75,000	80,000	85,000
4	44	71,500	75,500	80,500	85,500
5	45	72,000	76,000	81,000	86,000
6	46	72,500	76,500	81,500	87,000
7	47	73,500	77,500	82,000	87,500
8	48	74,000	78,000	83,000	88,000
9	49	74,500	78,500	83,500	88,500
10	50	75,500	79,000	84,000	89,000
11	51	76,000	80,000	84,500	89,500
12	52	76,500	80,500	85,000	90,500
13	53	77,500	81,000	86,000	91,000
14	54	78,000	81,500	86,500	91,500
15	55	78,500	82,500	87,000	92,000
16	56	79,500	83,000	87,500	92,500
17	57	80,000	83,500	88,000	93,000
18	58		84,000	89,000	94,000
19	59		85,000	89,500	94,500
20	60		85,500	90,000	95,000

21 (4) The distance between axles shall be measured to the nearest  
22 foot. When a fraction is exactly one-half foot, the next larger whole  
23 number shall be used, except that:

24 (a) Any group of three axles shall be restricted to a maximum load  
25 of thirty-four thousand pounds unless the distance between the extremes  
26 of the first and third axles is at least ninety-six inches in fact; and

27 (b) The maximum gross load on any group of two axles, the distance  
28 between the extremes of which is more than eight feet but less than eight  
29 feet six inches, shall be thirty-eight thousand pounds.

30 (5) The limitations of subsections (2) through (4) of this section

1 shall apply as stated to all main, rural, and intercity highways but  
2 shall not be construed as inhibiting heavier axle loads in metropolitan  
3 areas, except on the National System of Interstate and Defense Highways,  
4 if such loads are not prohibited by city ordinance.

5 (6) The weight limitations of wheel and axle loads as defined in  
6 subsections (2) through (4) of this section shall be restricted to the  
7 extent deemed necessary by the Department of Transportation for a  
8 reasonable period when road subgrades or pavements are weak or are  
9 materially weakened by climatic conditions.

10 (7) Two consecutive sets of tandem axles may carry a gross load of  
11 thirty-four thousand pounds each when the overall distance between the  
12 first and last axles of such consecutive sets of tandem axles is thirty-  
13 six, thirty-seven, or thirty-eight feet except as provided in section  
14 60-6,297. Such vehicles shall be subject to section 60-6,301.

15 (8) If any vehicle crosses a bridge with a total gross load in  
16 excess of the posted capacity of such bridge and as a result of such  
17 crossing any damage results to the bridge, the owner of such vehicle  
18 shall be responsible for all of such damage.

19 (9) Vehicles equipped with a greater number of axles than provided  
20 in the table in subsection (3) of this section shall be legal if they do  
21 not exceed the maximum load upon any wheel or axle, the maximum load upon  
22 any group of two or more consecutive axles, and the total gross weight,  
23 or any of such weights as provided in subsections (2) and (3) of this  
24 section.

25 (10) Subsections (1) through (9) of this section shall not apply to  
26 a vehicle which has been issued a permit pursuant to section 60-6,299,  
27 self-propelled specialized mobile equipment with a fixed load when the  
28 requirements of subdivision (2)(i) of section 60-6,288 are met, or an  
29 emergency vehicle when the requirements of subdivision (1)(a)(v) of  
30 section 60-6,298 are met.

31 (11) Any two consecutive axles the centers of which are more than

1 forty inches and not more than ninety-six inches apart, measured to the  
2 nearest inch between any two adjacent axles in the series, shall be  
3 defined as tandem axles, and the gross weight transmitted to the road  
4 surface through such series shall not exceed thirty-four thousand pounds.  
5 No axle of the series shall exceed the maximum weight permitted under  
6 this section for a single axle.

7 (12) Dummy axles shall be disregarded in determining the lawful  
8 weight of a vehicle or vehicle combination for operation on the highway.  
9 Dummy axle shall mean an axle attached to a vehicle or vehicle  
10 combination in a manner so that it does not articulate or substantially  
11 equalize the load and does not carry at least the lesser of eight  
12 thousand pounds or eight percent of the gross weight of the vehicle or  
13 vehicle combination.

14 (13) The maximum gross weight limit and the axle weight limit for  
15 any vehicle or combination of vehicles equipped with idle reduction  
16 technology may be increased by an amount necessary to compensate for the  
17 additional weight of the idle reduction technology as provided in 23  
18 U.S.C. 127(a)(12), as such section existed on October 1, 2012 ~~July 18,~~  
19 ~~2008~~. The additional amount of weight allowed by this subsection shall  
20 not exceed five ~~four~~ hundred fifty pounds and shall not be construed to  
21 be in addition to the five-percent-in-excess-of-maximum-load provision of  
22 subdivision (1) of section 60-6,301.

23 (14) The maximum gross weight for any vehicle or combination of  
24 vehicles operated by an engine fueled primarily by natural gas may exceed  
25 the gross weight limitations provided in subsection (3) of this section,  
26 and as provided in 23 U.S.C. 127(s), as such section existed on January  
27 1, 2018, in an amount that:

28 (a) Is equal to the difference, up to a maximum of two thousand  
29 pounds, between the weight of the natural gas tank and fueling system  
30 carried by such vehicle, and the weight of a comparable diesel tank and  
31 fueling system; and

1           (b) Does not exceed eighty-two thousand pounds on the National  
2           System of Interstate and Defense Highways.

3           Sec. 105. Section 60-6,298, Revised Statutes Supplement, 2017, is  
4           amended to read:

5           60-6,298 (1)(a) The Department of Transportation or the Nebraska  
6           State Patrol, with respect to highways under its jurisdiction including  
7           the National System of Interstate and Defense Highways, and local  
8           authorities, with respect to highways under their jurisdiction, may in  
9           their discretion upon application and good cause being shown therefor  
10          issue a special, continuing, or continuous permit in writing authorizing  
11          the applicant or his or her designee:

12          (i) To operate or move a vehicle, a combination of vehicles, or  
13          objects of a size or weight of vehicle or load exceeding the maximum  
14          specified by law when such permit is necessary:

15           (A) To further the national defense or the general welfare;

16           (B) To permit movement of cost-saving equipment to be used in  
17          highway or other public construction or in agricultural land treatment;  
18          or

19           (C) Because of an emergency, an unusual circumstance, or a very  
20          special situation;

21          (ii) To operate vehicles, for a distance up to one hundred twenty  
22          miles, loaded up to fifteen percent greater than the maximum weight  
23          specified by law, or up to ten percent greater than the maximum length  
24          specified by law, or both, except that any combination with two or more  
25          cargo-carrying units, not including the truck-tractor, also known as a  
26          longer combination vehicle, may only operate for a distance up to seventy  
27          miles loaded up to fifteen percent greater than the maximum weight  
28          specified by law, or up to ten percent greater than the maximum length  
29          specified by law, or both, when carrying grain or other seasonally  
30          harvested products from the field where such grain or products are  
31          harvested to storage, market, or stockpile in the field or from stockpile

1 to market or factory when failure to move such grain or products in  
2 abundant quantities would cause an economic loss to the person or persons  
3 whose grain or products are being transported or when failure to move  
4 such grain or products in as large quantities as possible would not be in  
5 the best interests of the national defense or general welfare. The  
6 distance limitation may be waived for vehicles when carrying dry beans  
7 from the field where harvested to storage or market when dry beans are  
8 not normally stored, purchased, or used within the permittee's local area  
9 and must be transported more than one hundred twenty miles to an  
10 available marketing or storage destination. No permit shall authorize a  
11 weight greater than twenty thousand pounds on any single axle;

12 (iii) To transport an implement of husbandry which does not exceed  
13 twelve and one-half feet in width during daylight hours, except that the  
14 permit shall not allow transport on holidays;

15 (iv) To operate one or more recreational vehicles, as defined in  
16 section 71-4603, exceeding the maximum width specified by law if movement  
17 of the recreational vehicles is prior to retail sale and the recreational  
18 vehicles comply with subdivision (2)(k) of section 60-6,288;~~or~~

19 (v) To operate an emergency vehicle for purposes of sale,  
20 demonstration, exhibit, or delivery, if the applicant or his or her  
21 designee is a manufacturer or sales agent of the emergency vehicle. No  
22 permit shall be issued for an emergency vehicle which weighs over sixty  
23 thousand pounds on the tandem axle; or -

24 (vi) To transport during daylight hours divisible loads of livestock  
25 forage in bale form which do not exceed twelve feet in width, except that  
26 the permit shall not allow transport on holidays.

27 (b) No permit shall be issued under subdivision (a)(i) of this  
28 subsection for a vehicle carrying a load unless such vehicle is loaded  
29 with an object which exceeds the size or weight limitations, which cannot  
30 be dismantled or reduced in size or weight without great difficulty, and  
31 which of necessity must be moved over the highways to reach its intended



1 destination. No permit shall be required for the temporary movement on  
2 highways other than dustless-surfaced state highways and for necessary  
3 access to points on such highways during daylight hours of cost-saving  
4 equipment to be used in highway or other public construction or in  
5 agricultural land treatment when such temporary movement is necessary and  
6 for a reasonable distance.

7 (2) The application for any such permit shall specifically describe  
8 the vehicle, the load to be operated or moved, whenever possible the  
9 particular highways for which permit to operate is requested, and whether  
10 such permit is requested for a single trip or for continuous or  
11 continuing operation. The permit shall include a signed affirmation under  
12 oath that, for any load sixteen feet high or higher, the applicant has  
13 contacted any and all electric utilities that have high voltage  
14 conductors and infrastructure that cross over the roadway affected by the  
15 move and made arrangements with such electric utilities for the safe  
16 movement of the load under any high voltage conductors owned by such  
17 electric utilities.

18 (3) The department or local authority is authorized to issue or  
19 withhold such permit at its discretion or, if such permit is issued, to  
20 limit the number of days during which the permit is valid, to limit the  
21 number of trips, to establish seasonal or other time limitations within  
22 which the vehicles described may be operated on the highways indicated,  
23 or to issue a continuous or continuing permit for use on all highways,  
24 including the National System of Interstate and Defense Highways. The  
25 permits are subject to reasonable conditions as to periodic renewal of  
26 such permit and as to operation or movement of such vehicles. The  
27 department or local authority may otherwise limit or prescribe conditions  
28 of operation of such vehicle or vehicles, when necessary to assure  
29 against undue damage to the road foundations, surfaces, or structures or  
30 undue danger to the public safety. The department or local authority may  
31 require such undertaking or other security as may be deemed necessary to

1 compensate for any injury to any roadway or road structure.

2 (4) Every such permit shall be carried in the vehicle to which it  
3 refers and shall be open to inspection by any peace officer, carrier  
4 enforcement officer, or authorized agent of any authority granting such  
5 permit. Each such permit shall state the maximum weight permissible on a  
6 single axle or combination of axles and the total gross weight allowed.  
7 No person shall violate any of the terms or conditions of such special  
8 permit. In case of any violation, the permit shall be deemed  
9 automatically revoked and the penalty of the original limitations shall  
10 be applied unless:

11 (a) The violation consists solely of exceeding the size or weight  
12 specified by the permit, in which case only the penalty of the original  
13 size or weight limitation exceeded shall be applied; or

14 (b) The total gross load is within the maximum authorized by the  
15 permit, no axle is more than ten percent in excess of the maximum load  
16 for such axle or group of axles authorized by the permit, and such load  
17 can be shifted to meet the weight limitations of wheel and axle loads  
18 authorized by such permit. Such shift may be made without penalty if it  
19 is made at the state or commercial scale designated in the permit. The  
20 vehicle may travel from its point of origin to such designated scale  
21 without penalty, and a scale ticket from such scale, showing the vehicle  
22 to be properly loaded and within the gross and axle weights authorized by  
23 the permit, shall be reasonable evidence of compliance with the terms of  
24 the permit.

25 (5) The department or local authority issuing a permit as provided  
26 in this section may adopt and promulgate rules and regulations with  
27 respect to the issuance of permits provided for in this section.

28 (6) The department shall make available applications for permits  
29 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this  
30 section in the office of each county treasurer. The department may make  
31 available applications for all other permits authorized by this section

1 to the office of the county treasurer and may make available applications  
2 for all permits authorized by this section to any other location chosen  
3 by the department.

4 (7) The department or local authority issuing a permit may require a  
5 permit fee of not to exceed twenty-five dollars, except that:

6 (a) The fee for a continuous or continuing permit may not exceed  
7 twenty-five dollars for a ninety-day period, fifty dollars for a one-  
8 hundred-eighty-day period, or one hundred dollars for a one-year period;  
9 and

10 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of  
11 this section shall be twenty-five dollars. Permits issued pursuant to  
12 such subdivision shall be valid for thirty days and shall be renewable  
13 four times for a total number of days not to exceed one hundred fifty  
14 days per calendar year.

15 A vehicle or combination of vehicles for which an application for a  
16 permit is requested pursuant to this section shall be registered under  
17 section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is  
18 permitted pursuant to section 60-6,294 before a permit shall be issued.

19 Sec. 106. Section 60-6,306, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 60-6,306 (1) Any person who operates a motorcycle shall have all of  
22 the rights and shall be subject to all of the duties applicable to the  
23 driver of any other vehicle under the Nebraska Rules of the Road except  
24 for special motorcycle regulations in the rules and except for those  
25 provisions of the rules which by their nature can have no application.

26 (2) For purposes of this section, motorcycle does not include an  
27 autocycle.

28 Sec. 107. Section 60-6,307, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 60-6,307 (1) Any person who operates a motorcycle shall ride only  
31 upon a permanent and regular seat attached to the motorcycle. A person

1 operating a motorcycle shall not carry any other person nor shall any  
2 other person ride on a motorcycle unless such motorcycle is designed to  
3 carry more than one person, in which event a passenger may ride upon the  
4 permanent and regular seat, if designed for two persons, or upon another  
5 seat firmly attached to the motorcycle to the rear or side of the  
6 operator.

7 (2) A person shall ride upon a motorcycle only while sitting astride  
8 the seat, facing forward.

9 (3) No person shall operate a motorcycle while carrying any package,  
10 bundle, or other article which prevents him or her from keeping both  
11 hands on the handlebars.

12 (4) No operator shall carry any person, nor shall any person ride,  
13 in a position that interferes with the operation or control of the  
14 motorcycle or the view of the operator.

15 (5) Any motorcycle which carries a passenger, other than in a  
16 sidecar or enclosed cab, shall be equipped with footrests for such  
17 passenger.

18 (6) No person shall operate any motorcycle with handlebars more than  
19 fifteen inches above the mounting point of the handlebars.

20 (7) For purposes of this section, motorcycle does not include an  
21 autocycle.

22 Sec. 108. Section 60-6,308, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 60-6,308 (1) A motorcycle shall be entitled to full use of a traffic  
25 lane of any highway, and no vehicle shall be driven in such a manner as  
26 to deprive any motorcycle of the full use of such lane, except that  
27 motorcycles may be operated two abreast in a single lane.

28 (2) The operator of a motorcycle shall not overtake and pass in the  
29 same lane occupied by a vehicle being overtaken.

30 (3) No person shall operate a motorcycle between lanes of traffic or  
31 between adjacent lines or rows of vehicles.

1 (4) Motorcycles shall not be operated more than two abreast in a  
2 single lane.

3 (5) Subsections (2) and (3) of this section shall not apply to peace  
4 officers in the performance of their official duties.

5 (6) No person who rides upon a motorcycle shall attach himself,  
6 herself, or the motorcycle to any other vehicle on a roadway.

7 (7) For purposes of this section, motorcycle does not include an  
8 autocycle.

9 Sec. 109. Section 60-6,313, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 60-6,313 (1) A moped shall be entitled to full use of a traffic lane  
12 of any highway with an authorized speed limit of forty-five miles per  
13 hour or less, and no vehicle shall be operated in such a manner as to  
14 deprive any moped of the full use of such lane, except that mopeds and  
15 motorcycles may be operated two abreast in a single lane.

16 (2) No person shall operate a moped between lanes of traffic or  
17 between adjacent lines or rows of vehicles.

18 (3) Mopeds shall not be operated more than two abreast in a single  
19 lane.

20 (4) Any person who operates a moped on a roadway with an authorized  
21 speed limit of more than forty-five miles per hour shall ride as near to  
22 the right side of the roadway as practicable and shall not ride more than  
23 single file.

24 (5) No person who rides upon a moped shall attach himself, herself,  
25 or the moped to any other vehicle on a roadway.

26 (6) Mopeds shall not be operated on the National System of  
27 Interstate and Defense Highways or on sidewalks.

28 (7) Notwithstanding the maximum speed limits in excess of twenty-  
29 five miles per hour established in section 60-6,186, no person shall  
30 operate any moped at a speed in excess of thirty miles per hour.

31 (8) For purposes of this section, motorcycle does not include an

1 autocycle.

2       Sec. 110. Section 60-1401, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4       60-1401 Sections 60-1401 to 60-1440 and sections 112 and 113 of this  
5 act shall be known and may be cited as the Motor Vehicle Industry  
6 Regulation Act.

7       Any amendments to the act shall apply to franchises subject to the  
8 act which are entered into, amended, altered, modified, renewed, or  
9 extended after the date of the amendments to the act except as otherwise  
10 specifically provided in the act.

11       All amendments to the act shall apply upon the issuance or renewal  
12 of a dealer's or manufacturer's license.

13       Sec. 111. Section 60-1401.02, Revised Statutes Cumulative  
14 Supplement, 2016, is amended to read:

15       60-1401.02 For purposes of the Motor Vehicle Industry Regulation  
16 Act, the definitions found in sections 60-1401.03 to 60-1401.40 and  
17 60-1401.42 and section 112 of this act apply.

18       Sec. 112. Stop-sale order means a notification issued by a  
19 manufacturer, distributor, factory branch, or distributor branch to its  
20 franchised new motor vehicle dealers stating that certain used motor  
21 vehicles in inventory shall not be sold or leased, at either retail or  
22 wholesale, due to a federal safety recall for a defect or a noncompliance  
23 or due to a federal emissions recall.

24       Sec. 113. (1) A manufacturer, distributor, factory branch, or  
25 distributor branch shall compensate its new motor vehicle dealers for all  
26 labor and parts required by the manufacturer, distributor, factory  
27 branch, or distributor branch to perform recall repairs on used motor  
28 vehicles. Compensation for recall repairs shall be reasonable. If parts  
29 or a remedy are not reasonably available to perform a recall service or  
30 repair on a used motor vehicle held for sale by a new motor vehicle  
31 dealer authorized to sell and service new motor vehicles of the same

1 line-make within thirty days after the initial notice of recall, and a  
2 stop-sale or do-not-drive order has been issued on the motor vehicle, the  
3 manufacturer, distributor, factory branch, or distributor branch shall  
4 compensate the new motor vehicle dealer at a prorated rate of at least  
5 one percent of the value of the used motor vehicle per month beginning on  
6 the date that is thirty days after the date on which the stop-sale or do-  
7 not-drive order was provided to the new motor vehicle dealer until the  
8 earlier of either of the following:

9 (a) The date the recall or remedy parts are made available; or

10 (b) The date the new motor vehicle dealer sells, trades, or  
11 otherwise disposes of the affected used motor vehicle.

12 (2) The value of a used motor vehicle shall be the average trade-in  
13 value for used motor vehicles as indicated in an independent third party  
14 guide for the year, make, and model of the recalled used motor vehicle.

15 (3) This section applies only to used motor vehicles subject to  
16 safety or emissions recalls pursuant to and recalled in accordance with  
17 federal law and regulations adopted thereunder and if a stop-sale or do-  
18 not-drive order has been issued and repair parts or remedy remain  
19 unavailable for thirty days or longer.

20 (4) This section applies only to new motor vehicle dealers holding  
21 an affected used motor vehicle for sale:

22 (a)(i) In inventory at the time a stop-sale or do-not-drive order  
23 was issued; or

24 (ii) Which was taken in the used motor vehicle inventory of the new  
25 motor vehicle dealer as a consumer trade-in incident to the purchase of a  
26 new motor vehicle from the new motor vehicle dealer after the stop-sale  
27 or do-not-drive order was issued; and

28 (b) That is of a line-make which the new motor vehicle dealer is  
29 franchised to sell or on which the new motor vehicle dealer is authorized  
30 to perform recall repairs.

31 (5) Subject to the audit provisions of subsection (5) of section

1 60-1438, it shall be a violation of this section for a manufacturer,  
2 distributor, factory branch, or distributor branch to reduce the amount  
3 of compensation otherwise owed to an individual new motor vehicle dealer,  
4 whether through a chargeback, removal of the individual new motor vehicle  
5 dealer from an incentive program, or reduction in amount owed under an  
6 incentive program solely because the new motor vehicle dealer has  
7 submitted a claim for reimbursement under this section. This subsection  
8 does not apply to an action by a manufacturer, distributor, factory  
9 branch, or distributor branch that is applied uniformly among all new  
10 motor vehicle dealers of the same line-make in the state.

11 (6) Any reimbursement claim made by a new motor vehicle dealer  
12 pursuant to this section for recall remedies or repairs, or for  
13 compensation where no part or repair is reasonably available and the used  
14 motor vehicle is subject to a stop-sale or do-not-drive order, shall be  
15 subject to the same limitations and requirements as a warranty  
16 reimbursement claim made under section 60-1438. In the alternative, a  
17 manufacturer, distributor, factory branch, or distributor branch may  
18 compensate its franchised new motor vehicle dealers under a national  
19 recall compensation program if the compensation under the program is  
20 equal to or greater than that provided under subsection (1) of this  
21 section; or the new motor vehicle dealer and the manufacturer,  
22 distributor, factory branch, or distributor branch otherwise agree.

23 (7) A manufacturer, distributor, factory branch, or distributor  
24 branch may direct the manner and method in which a new motor vehicle  
25 dealer demonstrates the inventory status of an affected used motor  
26 vehicle in order to determine eligibility for compensation under this  
27 section so long as the manner and method are not unduly burdensome and do  
28 not require information that is unduly burdensome to provide.

29 (8) Nothing in this section shall require a manufacturer,  
30 distributor, factory branch, or distributor branch to provide total  
31 compensation to a new motor vehicle dealer which would exceed the total



1 average trade-in value of the affected used motor vehicle as originally  
2 determined under subsection (2) of this section.

3 (9) Any remedy provided to a new motor vehicle dealer under this  
4 section is exclusive and shall not be combined with any other state or  
5 federal recall compensation remedy.

6 Sec. 114. Section 60-1401.28, Revised Statutes Cumulative  
7 Supplement, 2016, is amended to read:

8 60-1401.28 Motorcycle means every motor vehicle, except a tractor,  
9 having a seat or saddle for use of the rider and designed to travel on  
10 not more than three wheels in contact with the ground and for which  
11 evidence of title is required as a condition precedent to registration  
12 under the laws of this state. Motorcycle includes ~~does not include~~ an  
13 autocycle.

14 Sec. 115. Section 60-1401.42, Revised Statutes Cumulative  
15 Supplement, 2016, is amended to read:

16 60-1401.42 Autocycle means any motor vehicle (1) having a seat that  
17 does not require the operator to straddle or sit astride it, (2) designed  
18 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
19 ~~operator and passenger ride either side by side or in tandem in a seating~~  
20 ~~area that is completely enclosed with a removable or fixed top and is~~  
21 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
22 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
23 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
24 ~~be controlled with a steering wheel and pedals, and (5) in which the~~  
25 operator and passenger ride either side by side or in tandem in a seating  
26 area that is equipped with a manufacturer-installed three-point safety  
27 belt system for each occupant and that has a seating area that either (a)  
28 is completely enclosed and is equipped with manufacturer-installed  
29 airbags and a manufacturer-installed roll cage or (b) is not completely  
30 enclosed and is equipped with a manufacturer-installed rollover  
31 protection system.

1           Sec. 116. (1) It is the intent of the Legislature that the  
2           Department of Motor Vehicles maintain and further improve the Vehicle  
3           Title and Registration System which is the statewide system for the  
4           collection, storage, and transfer of data on vehicle titles and  
5           registrations as described in section 60-1505.

6           (2) The department shall provide for technological updates to  
7           electronic certificates of title. The Director of Motor Vehicles shall  
8           designate an implementation date for the updates which date is on or  
9           before January 1, 2021.

10           (3) The department shall provide for an electronic reporting system  
11           for salvage and junked motorboats and vehicles. The director shall  
12           designate an implementation date for the system which date is on or  
13           before January 1, 2021.

14           (4) The department shall provide for the use of identification  
15           numbers for trailers which do not have a certificate of title. The  
16           director shall designate an implementation date for such use which date  
17           is on or before January 1, 2021.

18           Sec. 117. Section 60-1507, Revised Statutes Supplement, 2017, is  
19           amended to read:

20           60-1507 (1) ~~The Beginning January 1, 2019,~~ the Department of Motor  
21           Vehicles shall develop an electronic dealer services system for  
22           implementation as provided in subsection (7) of this section. The  
23           Director of Motor Vehicles shall approve a licensed dealer as defined in  
24           sections 60-119.02 and 60-335.01 for participation in the system. A  
25           licensed dealer may voluntarily participate in the system and provide  
26           titling and registration services. A licensed dealer who chooses to  
27           participate may collect from a purchaser of a vehicle as defined in  
28           section 60-136, who also chooses to participate, all appropriate  
29           certificate of title fees, notation of lien fees, registration fees,  
30           motor vehicle taxes and fees, and sales taxes. All such fees and taxes  
31           collected shall be remitted to the appropriate county treasurer or the

1 department as provided in the Motor Vehicle Certificate of Title Act, the  
2 Motor Vehicle Registration Act, and the Nebraska Revenue Act of 1967.

3 (2) In addition to the fees and taxes described in subsection (1) of  
4 this section, a participating licensed dealer may charge and collect a  
5 service fee not to exceed fifty dollars from a purchaser electing to use  
6 the electronic dealer services system.

7 (3) The department shall provide an approved participating licensed  
8 dealer with access to the electronic dealer services system by a method  
9 determined by the director. An approved licensed dealer who chooses to  
10 participate shall use the system to electronically submit title,  
11 registration, and lien information to the Vehicle Title and Registration  
12 System maintained by the department. License plates, registration  
13 certificates, and certificates of title shall be delivered as provided  
14 under the Motor Vehicle Certificate of Title Act and the Motor Vehicle  
15 Registration Act.

16 (4) The director may remove a licensed dealer's authority to  
17 participate in the electronic dealer services system for any violation of  
18 the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry  
19 Regulation Act, the Motor Vehicle Registration Act, or the Nebraska  
20 Revenue Act of 1967, for failure to timely remit fees and taxes collected  
21 under this section, or for any other conduct the director deems to have  
22 or will have an adverse effect on the public or any governmental entity.

23 (5) An approved licensed dealer participating in the electronic  
24 dealer services system shall not release, disclose, use, or share  
25 personal or sensitive information contained in the records accessible  
26 through the electronic dealer services system as prohibited under the  
27 Uniform Motor Vehicle Records Disclosure Act, except that a licensed  
28 dealer may release, disclose, use, or share such personal or sensitive  
29 information when necessary to fulfill the requirements of the electronic  
30 dealer services system as approved by the department. An approved  
31 licensed dealer participating in the electronic dealer services system

1 shall be responsible for ensuring that such licensed dealer's employees  
2 and agents comply with the Uniform Motor Vehicle Records Disclosure Act.

3 (6) The department may adopt and promulgate rules and regulations  
4 governing the eligibility for approval and removal of licensed dealers to  
5 participate in the electronic dealer services system, the procedures and  
6 requirements necessary to implement and maintain such system, and the  
7 procedures and requirements for approved licensed dealers participating  
8 in such system.

9 (7) The department shall implement the electronic dealer services  
10 system on a date to be determined by the director but not later than  
11 January 1, 2021.

12 Sec. 118. Section 69-2441, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere  
15 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol  
16 station or office; detention facility, prison, or jail; courtroom or  
17 building which contains a courtroom; polling place during a bona fide  
18 election; meeting of the governing body of a county, public school  
19 district, municipality, or other political subdivision; meeting of the  
20 Legislature or a committee of the Legislature; financial institution;  
21 professional or semiprofessional athletic event; building, grounds,  
22 vehicle, or sponsored activity or athletic event of any public, private,  
23 denominational, or parochial elementary, vocational, or secondary school,  
24 a private postsecondary career school as defined in section 85-1603, a  
25 community college, or a public or private college, junior college, or  
26 university; place of worship; hospital, emergency room, or trauma center;  
27 political rally or fundraiser; establishment having a license issued  
28 under the Nebraska Liquor Control Act that derives over one-half of its  
29 total income from the sale of alcoholic liquor; place where the  
30 possession or carrying of a firearm is prohibited by state or federal  
31 law; a place or premises where the person, persons, entity, or entities

1 in control of the property or employer in control of the property has  
2 prohibited permitholders from carrying concealed handguns into or onto  
3 the place or premises; or into or onto any other place or premises where  
4 handguns are prohibited by state law.

5 (b) A financial institution may authorize its security personnel to  
6 carry concealed handguns in the financial institution while on duty so  
7 long as each member of the security personnel, as authorized, is in  
8 compliance with the Concealed Handgun Permit Act and possesses a permit  
9 to carry a concealed handgun issued pursuant to the act.

10 (c) A place of worship may authorize its security personnel to carry  
11 concealed handguns on its property so long as each member of the security  
12 personnel, as authorized, is in compliance with the Concealed Handgun  
13 Permit Act and possesses a permit to carry a concealed handgun issued  
14 pursuant to the act and written notice is given to the congregation and,  
15 if the property is leased, the carrying of concealed handguns on the  
16 property does not violate the terms of any real property lease agreement  
17 between the place of worship and the lessor.

18 (2) If a person, persons, entity, or entities in control of the  
19 property or an employer in control of the property prohibits a  
20 permitholder from carrying a concealed handgun into or onto the place or  
21 premises and such place or premises are open to the public, a  
22 permitholder does not violate this section unless the person, persons,  
23 entity, or entities in control of the property or employer in control of  
24 the property has posted conspicuous notice that carrying a concealed  
25 handgun is prohibited in or on the place or premises or has made a  
26 request, directly or through an authorized representative or management  
27 personnel, that the permitholder remove the concealed handgun from the  
28 place or premises.

29 (3) A permitholder carrying a concealed handgun in a vehicle or on  
30 his or her person while riding in or on a vehicle into or onto any  
31 parking area, which is open to the public, used by any location listed in

1 subdivision (1)(a) of this section, does not violate this section if,  
2 prior to exiting the vehicle, the handgun is locked inside the glove box,  
3 trunk, or other compartment of the vehicle, a storage box securely  
4 attached to the vehicle, or, if the vehicle is a motorcycle, other than  
5 an autocycle, a hardened compartment securely attached to the motorcycle.  
6 This subsection does not apply to any parking area used by such location  
7 when the carrying of a concealed handgun into or onto such parking area  
8 is prohibited by federal law.

9 (4) An employer may prohibit employees or other persons who are  
10 permitholders from carrying concealed handguns in vehicles owned by the  
11 employer.

12 (5) A permitholder shall not carry a concealed handgun while he or  
13 she is consuming alcohol or while the permitholder has remaining in his  
14 or her blood, urine, or breath any previously consumed alcohol or any  
15 controlled substance as defined in section 28-401. A permitholder does  
16 not violate this subsection if the controlled substance in his or her  
17 blood, urine, or breath was lawfully obtained and was taken in  
18 therapeutically prescribed amounts.

19 Sec. 119. Section 75-363, Revised Statutes Supplement, 2017, is  
20 amended to read:

21 75-363 (1) The parts, subparts, and sections of Title 49 of the Code  
22 of Federal Regulations listed below, as modified in this section, or any  
23 other parts, subparts, and sections referred to by such parts, subparts,  
24 and sections, in existence and effective as of January 1, 2018 ~~2017~~, are  
25 adopted as Nebraska law.

26 (2) Except as otherwise provided in this section, the regulations  
27 shall be applicable to:

28 (a) All motor carriers, drivers, and vehicles to which the federal  
29 regulations apply; and

30 (b) All motor carriers transporting persons or property in  
31 intrastate commerce to include:

1 (i) All vehicles of such motor carriers with a gross vehicle weight  
2 rating, gross combination weight rating, gross vehicle weight, or gross  
3 combination weight over ten thousand pounds;

4 (ii) All vehicles of such motor carriers designed or used to  
5 transport more than eight passengers, including the driver, for  
6 compensation, or designed or used to transport more than fifteen  
7 passengers, including the driver, and not used to transport passengers  
8 for compensation;

9 (iii) All vehicles of such motor carriers transporting hazardous  
10 materials required to be placarded pursuant to section 75-364; and

11 (iv) All drivers of such motor carriers if the drivers are operating  
12 a commercial motor vehicle as defined in section 60-465 which requires a  
13 commercial driver's license.

14 (3) The Legislature hereby adopts, as modified in this section, the  
15 following parts of Title 49 of the Code of Federal Regulations:

16 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

17 (b) Part 385 - SAFETY FITNESS PROCEDURES;

18 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

19 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR  
20 CARRIERS;

21 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

22 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION  
23 VEHICLE (LCV) DRIVER INSTRUCTORS;

24 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

25 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

26 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

27 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

28 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND  
29 PARKING RULES; and

30 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

31 (4) The provisions of subpart E - Physical Qualifications And

1 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER  
2 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any  
3 driver subject to this section who: (a) Operates a commercial motor  
4 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a  
5 commercial driver's license issued by this state prior to July 30, 1996.

6 (5) The regulations adopted in subsection (3) of this section shall  
7 not apply to farm trucks registered pursuant to section 60-3,146 with a  
8 gross weight of sixteen tons or less. The following parts and sections of  
9 49 C.F.R. chapter III shall not apply to drivers of farm trucks  
10 registered pursuant to section 60-3,146 and operated solely in intrastate  
11 commerce:

12 (a) All of part 391;

13 (b) Section 395.8 of part 395; and

14 (c) Section 396.11 of part 396.

15 (6) The following parts and subparts of 49 C.F.R. chapter III shall  
16 not apply to the operation of covered farm vehicles:

17 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

18 (b) Part 391, subpart E - Physical Qualifications and Examinations;

19 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

20 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

21 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION  
22 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to  
23 fertilizer and agricultural chemical application and distribution  
24 equipment transported in units with a capacity of three thousand five  
25 hundred gallons or less.

26 (8) For purposes of this section, intrastate motor carriers shall  
27 not include any motor carrier or driver excepted from 49 C.F.R. chapter  
28 III by section 390.3(f) of part 390.

29 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor  
30 carriers and drivers who engage in intrastate commerce as defined in  
31 section 75-362, except that no motor carrier who engages in intrastate



1 commerce shall permit or require any driver used by it to drive nor shall  
2 any driver drive:

3 (i) More than twelve hours following ten consecutive hours off duty;  
4 or

5 (ii) For any period after having been on duty sixteen hours  
6 following ten consecutive hours off duty.

7 (b) No motor carrier who engages in intrastate commerce shall permit  
8 or require a driver of a commercial motor vehicle, regardless of the  
9 number of motor carriers using the driver's services, to drive, nor shall  
10 any driver of a commercial motor vehicle drive, for any period after:

11 (i) Having been on duty seventy hours in any seven consecutive days  
12 if the employing motor carrier does not operate every day of the week; or

13 (ii) Having been on duty eighty hours in any period of eight  
14 consecutive days if the employing motor carrier operates motor vehicles  
15 every day of the week.

16 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in  
17 subsections (3) and (9) of this section, shall not apply to drivers  
18 transporting agricultural commodities or farm supplies for agricultural  
19 purposes during planting and harvesting season when:

20 (a) The transportation of such agricultural commodities is from the  
21 source of the commodities to a location within a one-hundred-fifty-air-  
22 mile radius of the source of the commodities;

23 (b) The transportation of such farm supplies is from a wholesale or  
24 retail distribution point of the farm supplies to a farm or other  
25 location where the farm supplies are intended to be used which is within  
26 a one-hundred-fifty-air-mile radius of the wholesale or retail  
27 distribution point; or

28 (c) The transportation of such farm supplies is from a wholesale  
29 distribution point of the farm supplies to a retail distribution point of  
30 the farm supplies which is within a one-hundred-fifty-air-mile radius of  
31 the wholesale distribution point.

1 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and  
2 intermodal equipment shall not apply to farm trucks and farm truck-  
3 tractors registered pursuant to section 60-3,146 and operated solely in  
4 intrastate commerce.

5 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to  
6 Nebraska motor carriers operating commercial motor vehicles solely in  
7 intrastate commerce.

8 (13) No motor carrier shall permit or require a driver of a  
9 commercial motor vehicle to violate, and no driver of a commercial motor  
10 vehicle shall violate, any out-of-service order.

11 Sec. 120. Section 75-364, Revised Statutes Supplement, 2017, is  
12 amended to read:

13 75-364 The parts, subparts, and sections of Title 49 of the Code of  
14 Federal Regulations listed below, or any other parts, subparts, and  
15 sections referred to by such parts, subparts, and sections, in existence  
16 and effective as of January 1, 2018 ~~2017~~, are adopted as part of Nebraska  
17 law and shall be applicable to all motor carriers whether engaged in  
18 interstate or intrastate commerce, drivers of such motor carriers, and  
19 vehicles of such motor carriers:

20 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -  
21 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,  
22 Assemblers, Repairers, Inspectors, Testers, and Design Certifying  
23 Engineers;

24 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -  
25 Registration of Persons Who Offer or Transport Hazardous Materials;

26 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

27 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,  
28 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,  
29 TRAINING REQUIREMENTS, AND SECURITY PLANS;

30 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND  
31 PACKAGINGS;

- 1 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;  
2 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and  
3 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF  
4 PACKAGINGS.

5 Sec. 121. Section 75-366, Revised Statutes Supplement, 2017, is  
6 amended to read:

7 75-366 For the purpose of enforcing Chapter 75, article 3, any  
8 officer of the Nebraska State Patrol may, upon demand, inspect the  
9 accounts, records, and equipment of any motor carrier or shipper. Any  
10 officer of the Nebraska State Patrol shall have the authority to enforce  
11 the federal motor carrier safety regulations, as such regulations existed  
12 on January 1, 2018 ~~2017~~, and federal hazardous materials regulations, as  
13 such regulations existed on January 1, 2018 ~~2017~~, and is authorized to  
14 enter upon, inspect, and examine any and all lands, buildings, and  
15 equipment of any motor carrier, any shipper, and any other person subject  
16 to the federal Interstate Commerce Act, the federal Department of  
17 Transportation Act, and other related federal laws and to inspect and  
18 copy any and all accounts, books, records, memoranda, correspondence, and  
19 other documents of a motor carrier, a shipper, and any other person  
20 subject to Chapter 75, article 3, for the purposes of enforcing Chapter  
21 75, article 3. To promote uniformity of enforcement, the carrier  
22 enforcement division of the Nebraska State Patrol shall cooperate and  
23 consult with the Public Service Commission and the Division of Motor  
24 Carrier Services.

25 Sec. 122. Section 75-369.03, Revised Statutes Supplement, 2017, is  
26 amended to read:

27 75-369.03 (1) The Superintendent of Law Enforcement and Public  
28 Safety may issue an order imposing a civil penalty against a motor  
29 carrier transporting persons or property in interstate commerce for a  
30 violation of sections 75-392 to 75-399 or against a motor carrier  
31 transporting persons or property in intrastate commerce for a violation

1 or violations of section 75-363 or 75-364 based upon an inspection  
2 conducted pursuant to section 75-366 in an amount which shall not exceed  
3 eight hundred dollars for any single violation in any proceeding or  
4 series of related proceedings against any person or motor carrier as  
5 defined in 49 C.F.R. ~~part~~ 390.5 as adopted in section 75-363.

6 (2) The superintendent shall issue an order imposing a civil penalty  
7 in an amount not to exceed fifteen thousand seven hundred twenty-seven  
8 ~~four hundred seventy-four~~ dollars against a motor carrier transporting  
9 persons or property in interstate commerce for a violation of subdivision  
10 (2)(e) of section 60-4,162 based upon a conviction of such a violation.

11 (3) The superintendent shall issue an order imposing a civil penalty  
12 against a driver operating a commercial motor vehicle, as defined in  
13 section 60-465, that requires a commercial driver's license or CLP-  
14 commercial learner's permit, in violation of an out-of-service order. The  
15 civil penalty shall be in an amount not less than three thousand thirty-  
16 four ~~two thousand nine hundred eighty-five~~ dollars for a first violation  
17 and not less than six thousand sixty-eight ~~five thousand nine hundred~~  
18 ~~seventy~~ dollars for a second or subsequent violation.

19 (4) The superintendent shall issue an order imposing a civil penalty  
20 against a motor carrier who knowingly allows, requires, permits, or  
21 authorizes the operation of a commercial motor vehicle, as defined in  
22 section 60-465, that requires a commercial driver's license or CLP-  
23 commercial learner's permit, in violation of an out-of-service order. The  
24 civil penalty shall be not less than five thousand four hundred seventy-  
25 nine ~~three hundred ninety-one~~ dollars but not more than thirty thousand  
26 three hundred thirty-seven ~~twenty-nine thousand eight hundred forty-nine~~  
27 dollars per violation.

28 (5) Upon the discovery of any violation by a motor carrier  
29 transporting persons or property in interstate commerce of section  
30 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an  
31 inspection conducted pursuant to section 75-366, the superintendent shall

1 immediately refer such violation to the appropriate federal agency for  
2 disposition, and upon the discovery of any violation by a motor carrier  
3 transporting persons or property in intrastate commerce of section 75-307  
4 based upon such inspection, the superintendent shall refer such violation  
5 to the Public Service Commission for disposition.

6 Sec. 123. Section 75-392, Revised Statutes Supplement, 2017, is  
7 amended to read:

8 75-392 For purposes of sections 75-392 to 75-399:

9 (1) Director means the Director of Motor Vehicles;

10 (2) Division means the Division of Motor Carrier Services of the  
11 Department of Motor Vehicles; and

12 (3) Unified carrier registration plan and agreement means the plan  
13 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as  
14 such section existed on January 1, 2018 ~~2017~~.

15 Sec. 124. Section 75-393, Revised Statutes Supplement, 2017, is  
16 amended to read:

17 75-393 The director may participate in the unified carrier  
18 registration plan and agreement pursuant to the Unified Carrier  
19 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January  
20 1, 2018 ~~2017~~, and may file on behalf of this state the plan required by  
21 such plan and agreement for enforcement of the act in this state.

22 Sec. 125. The Revisor of Statutes shall assign section 116 of this  
23 act to Chapter 60, article 15.

24 Sec. 126. Original sections 28-1204.04, 37-1280, 37-1285, 37-1293,  
25 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174,  
26 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185,  
27 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279,  
28 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised  
29 Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148,  
30 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340,  
31 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148,

1 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480,  
2 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131,  
3 60-4,131.01, 60-4,132, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226,  
4 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes  
5 Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102,  
6 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01,  
7 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229,  
8 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294,  
9 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393,  
10 Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes  
11 Supplement, 2017, as amended by section 75, Legislative Bill 193, One  
12 Hundred Fifth Legislature, Second Session, 2018, and section 60-166,  
13 Revised Statutes Supplement, 2017, as amended by section 87, Legislative  
14 Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and  
15 section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second  
16 Session, 2018, are repealed.

17       Sec. 127. Since an emergency exists, this act takes effect when  
18 passed and approved according to law.