

AMENDMENTS TO LB368

Introduced by Hilkeemann, 4.

1           1. Insert the following new sections:

2           Section 1. Section 44-6408, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           44-6408   (1)(a) Except as provided in subdivision (b) of this  
5 subsection, no (1) No policy insuring against liability imposed by law  
6 for bodily injury, sickness, disease, or death suffered by a natural  
7 person arising out of the ownership, operation, maintenance, or use of a  
8 motor vehicle within the United States, its territories or possessions,  
9 or Canada shall be delivered, issued for delivery, or renewed with  
10 respect to any motor vehicle principally garaged in this state unless  
11 coverage is provided for the protection of persons insured who are  
12 legally entitled to recover compensatory damages for bodily injury,  
13 sickness, disease, or death from (i) (a) the owner or operator of an  
14 uninsured motor vehicle in limits of twenty-five thousand dollars because  
15 of bodily injury, sickness, disease, or death of one person in any one  
16 accident and, subject to such limit for one person, fifty thousand  
17 dollars because of bodily injury, sickness, disease, or death of two or  
18 more persons in any one accident, and (ii) (b) the owner or operator of  
19 an underinsured motor vehicle in limits of twenty-five thousand dollars  
20 because of bodily injury, sickness, disease, or death of one person in  
21 any one accident and, subject to such limit for one person, fifty  
22 thousand dollars because of bodily injury, sickness, disease, or death of  
23 two or more persons in any one accident.

24           (b) No policy insuring against liability imposed by law for bodily  
25 injury, sickness, disease, or death suffered by a natural person arising  
26 out of the ownership, operation, maintenance, or use of a motorcycle or  
27 moped within the United States, its territories or possessions, or Canada

1 shall be delivered, issued for delivery, or renewed with respect to any  
2 motorcycle or moped principally garaged in this state unless coverage is  
3 provided for the protection of persons insured who are legally entitled  
4 to recover compensatory damages for bodily injury, sickness, disease, or  
5 death from (i) the owner or operator of an uninsured motorcycle or moped  
6 in limits of one million dollars because of bodily injury, sickness,  
7 disease, or death of one person in any one accident and, subject to such  
8 limit for one person, two million dollars because of bodily injury,  
9 sickness, disease, or death of two or more persons in any one accident,  
10 and (ii) the owner or operator of an underinsured motorcycle or moped in  
11 limits of one million dollars because of bodily injury, sickness,  
12 disease, or death of one person in any one accident and, subject to such  
13 limit for one person, two million dollars because of bodily injury,  
14 sickness, disease, or death of two or more persons in any one accident.

15 (2) At the written request of the named insured, the insurer shall  
16 provide higher limits of uninsured and underinsured motorist coverages in  
17 accordance with its rating plan and rules, except that in no event shall  
18 the insurer be required to provide limits higher than one hundred  
19 thousand dollars per person and three hundred thousand dollars per  
20 accident except as provided in subdivision (1)(b) of this section.

21 (3) After purchase of uninsured and underinsured motorist coverages,  
22 no insurer or any affiliated insurer shall be required to notify any  
23 policyholder in any renewal, reinstatement, substitute, amended, altered,  
24 modified, transfer, or replacement policy as to the availability of  
25 optional limits of such coverages. The named insured may, subject to the  
26 limitations of this section, make a written request for additional  
27 coverage or coverage more extensive than that provided in a prior policy.

28 Sec. 2. Section 60-310, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-310 Automobile liability policy means liability insurance written  
31 by an insurance carrier duly authorized to do business in this state

1 protecting other persons from damages for liability on account of  
2 accidents occurring subsequent to the effective date of the insurance  
3 arising out of the ownership of a motor vehicle (1) in the amount of  
4 twenty-five thousand dollars because of bodily injury to or death of one  
5 person in any one accident, (2) subject to the limit for one person, in  
6 the amount of fifty thousand dollars because of bodily injury to or death  
7 of two or more persons in any one accident, and (3) in the amount of  
8 twenty-five thousand dollars because of injury to or destruction of  
9 property of other persons in any one accident. In addition, if the motor  
10 vehicle is a motorcycle or moped, medical payments coverage in the amount  
11 of one million dollars because of bodily injury to or death of one person  
12 in any one accident and, subject to the limit for one person, in the  
13 amount of two million dollars because of bodily injury or death of two or  
14 more persons in any one accident, shall be required. An automobile  
15 liability policy shall not exclude, limit, reduce, or otherwise alter  
16 liability coverage under the policy solely because the injured person  
17 making a claim is the named insured in the policy or residing in the  
18 household with the named insured.

19 Sec. 3. Section 60-346, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 60-346 Proof of financial responsibility means evidence of ability  
22 to respond in damages for liability, on account of accidents occurring  
23 subsequent to the effective date of such proof, arising out of the  
24 ownership, maintenance, or use of a motor vehicle, (1) in the amount of  
25 twenty-five thousand dollars because of bodily injury to or death of one  
26 person in any one accident, (2) subject to such limit for one person, in  
27 the amount of fifty thousand dollars because of bodily injury to or death  
28 of two or more persons in any one accident, and (3) in the amount of  
29 twenty-five thousand dollars because of injury to or destruction of  
30 property of others in any one accident. In addition, if the motor vehicle  
31 is a motorcycle or moped, medical payments coverage in the amount of one

1 million dollars because of bodily injury to or death of one person in any  
2 one accident and, subject to the limit for one person, in the amount of  
3 two million dollars because of bodily injury or death of two or more  
4 persons in any one accident, shall be required.

5 Sec. 4. Section 60-501, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,  
8 unless the context otherwise requires:

9 (1) Department means Department of Motor Vehicles;

10 (2) Golf car vehicle means a vehicle that has at least four wheels,  
11 has a maximum level ground speed of less than twenty miles per hour, has  
12 a maximum payload capacity of one thousand two hundred pounds, has a  
13 maximum gross vehicle weight of two thousand five hundred pounds, has a  
14 maximum passenger capacity of not more than four persons, and is designed  
15 and manufactured for operation on a golf course for sporting and  
16 recreational purposes;

17 (3) Judgment means any judgment which shall have become final by the  
18 expiration of the time within which an appeal might have been perfected  
19 without being appealed, or by final affirmation on appeal, rendered by a  
20 court of competent jurisdiction of any state or of the United States, (a)  
21 upon a cause of action arising out of the ownership, maintenance, or use  
22 of any motor vehicle for damages, including damages for care and loss of  
23 services, because of bodily injury to or death of any person or for  
24 damages because of injury to or destruction of property, including the  
25 loss of use thereof, or (b) upon a cause of action on an agreement of  
26 settlement for such damages;

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

29 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose  
30 speed attainable in one mile is more than twenty miles per hour and not  
31 more than twenty-five miles per hour on a paved, level surface, (b) whose

1 gross vehicle weight rating is less than three thousand pounds, and (c)  
2 that complies with 49 C.F.R. part 571, as such part existed on January 1,  
3 2016;

4 (6) Minitruck means a foreign-manufactured import vehicle or  
5 domestic-manufactured vehicle which (a) is powered by an internal  
6 combustion engine with a piston or rotor displacement of one thousand  
7 five hundred cubic centimeters or less, (b) is sixty-seven inches or less  
8 in width, (c) has a dry weight of four thousand two hundred pounds or  
9 less, (d) travels on four or more tires, (e) has a top speed of  
10 approximately fifty-five miles per hour, (f) is equipped with a bed or  
11 compartment for hauling, (g) has an enclosed passenger cab, (h) is  
12 equipped with headlights, taillights, turnsignals, windshield wipers, a  
13 rearview mirror, and an occupant protection system, and (i) has a four-  
14 speed, five-speed, or automatic transmission;

15 (7) Motor vehicle means any self-propelled vehicle which is designed  
16 for use upon a highway, including trailers designed for use with such  
17 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not  
18 include (a) mopeds as defined in section 60-637, (b) traction engines,  
19 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power  
20 shovels, (g) well drillers, (h) every vehicle which is propelled by  
21 electric power obtained from overhead wires but not operated upon rails,  
22 (i) electric personal assistive mobility devices as defined in section  
23 60-618.02, (j) off-road designed vehicles, including, but not limited to,  
24 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-  
25 terrain vehicles and utility-type vehicles as defined in section  
26 60-6,355, minibikes as defined in section 60-636, and snowmobiles as  
27 defined in section 60-663, and (k) bicycles as defined in section 60-611;

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

30 (9) Nonresident's operating privilege means the privilege conferred  
31 upon a nonresident by the laws of this state pertaining to the operation

1 by him or her of a motor vehicle or the use of a motor vehicle owned by  
2 him or her in this state;

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

5 (11) Owner means a person who holds the legal title of a motor  
6 vehicle, or in the event (a) a motor vehicle is the subject of an  
7 agreement for the conditional sale or lease thereof with the right of  
8 purchase upon performance of the conditions stated in the agreement and  
9 with an immediate right of possession vested in the conditional vendee or  
10 lessee or (b) a mortgagor of a vehicle is entitled to possession, then  
11 such conditional vendee or lessee or mortgagor shall be deemed the owner  
12 for the purposes of the act;

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

15 (13) Proof of financial responsibility means evidence of ability to  
16 respond in damages for liability, on account of accidents occurring  
17 subsequent to the effective date of such proof, arising out of the  
18 ownership, maintenance, or use of a motor vehicle, (a) in the amount of  
19 twenty-five thousand dollars because of bodily injury to or death of one  
20 person in any one accident, (b) subject to such limit for one person, in  
21 the amount of fifty thousand dollars because of bodily injury to or death  
22 of two or more persons in any one accident, and (c) in the amount of  
23 twenty-five thousand dollars because of injury to or destruction of  
24 property of others in any one accident. In addition, if the motor vehicle  
25 is a motorcycle or moped, medical payments coverage in the amount of one  
26 million dollars because of bodily injury to or death of one person in any  
27 one accident and, subject to the limit for one person, in the amount of  
28 two million dollars because of bodily injury or death of two or more  
29 persons in any one accident, shall be required;

30 (14) Registration means registration certificate or certificates and  
31 registration plates issued under the laws of this state pertaining to the

1 registration of motor vehicles;

2 (15) State means any state, territory, or possession of the United  
3 States, the District of Columbia, or any province of the Dominion of  
4 Canada; and

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

8 Sec. 5. Section 60-509, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-509 No such policy or bond shall be effective under section  
11 60-508 unless issued by an insurance company or surety company authorized  
12 to do business in this state, except that if such motor vehicle was not  
13 registered in this state or was a motor vehicle which was registered  
14 elsewhere than in this state at the effective date of a policy or bond or  
15 the most recent renewal thereof, such policy or bond shall not be  
16 effective under section 60-508 unless the insurance company or surety  
17 company, if not authorized to do business in this state, shall execute an  
18 acknowledgment that the company shall be amenable to process issued by a  
19 court of this state in any action upon such policy or bond arising out of  
20 such accident. Every such policy or bond is subject, if the accident has  
21 resulted in bodily injury, sickness, disease, or death, to a limit,  
22 exclusive of interest and costs, of not less than twenty-five thousand  
23 dollars because of bodily injury to or death of one person in any one  
24 accident and, subject to such limit for one person, to a limit of not  
25 less than fifty thousand dollars because of bodily injury to or death of  
26 two or more persons in any one accident and, if the accident has resulted  
27 in injury to or destruction of property, to a limit of not less than  
28 twenty-five thousand dollars because of injury to or destruction of  
29 property of others in any one accident. In addition, if the motor vehicle  
30 is a motorcycle or moped, medical payments coverage in the amount of one  
31 million dollars because of bodily injury to or death of one person in any

1 one accident and, subject to the limit for one person, in the amount of  
2 two million dollars because of bodily injury or death of two or more  
3 persons in any one accident, shall be required. Upon receipt of a notice  
4 of such accident, the insurance company or surety company which issued  
5 such policy or bond shall furnish, for filing with the department, a  
6 written notice that such policy or bond was in effect at the time of such  
7 accident.

8       Sec. 6. Section 60-534, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       60-534 Such motor vehicle liability policy shall (1) designate by  
11 explicit description or by appropriate reference all motor vehicles with  
12 respect to which coverage is thereby to be granted and (2) insure the  
13 person named therein and any other person, as insured, using any such  
14 motor vehicle or motor vehicles with the express or implied permission of  
15 such named insured, against loss from the liability imposed by law for  
16 damages arising out of the ownership, maintenance, or use of such motor  
17 vehicle or motor vehicles within the United States of America or the  
18 Dominion of Canada, subject to limits exclusive of interest and costs,  
19 with respect to each such motor vehicle as follows: Twenty-five thousand  
20 dollars because of bodily injury to or death of one person in any one  
21 accident and, subject to such limit for one person, fifty thousand  
22 dollars because of bodily injury to or death of two or more persons in  
23 any one accident, and twenty-five thousand dollars because of injury to  
24 or destruction of property of others in any one accident. In addition, if  
25 the motor vehicle is a motorcycle or moped, medical payments coverage in  
26 the amount of one million dollars because of bodily injury to or death of  
27 one person in any one accident and, subject to the limit for one person,  
28 in the amount of two million dollars because of bodily injury or death of  
29 two or more persons in any one accident, shall be required.

30       Sec. 7. Section 60-549, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           60-549 Proof of financial responsibility may be evidenced by the  
2 certificate of the State Treasurer that the person named in the  
3 certificate has deposited with him or her an amount equal to the sum of  
4 the amounts specified in subdivisions (13)(b) and (c) of section 60-501  
5 ~~seventy-five thousand dollars~~ per vehicle in cash or securities such as  
6 may legally be purchased by savings banks or for trust funds of a market  
7 value of such amount ~~seventy-five thousand dollars~~. The State Treasurer  
8 shall not accept any such deposit and issue a certificate therefor and  
9 the department shall not accept such certificate unless it is accompanied  
10 by evidence that there are no unsatisfied judgments of any character  
11 against the depositor in the county where the depositor resides.

12           2. Renumber the remaining sections and correct the repealer  
13 accordingly.