AMENDMENTS TO LB263

(Amendments to Standing Committee amendments, AM538)

Introduced by Bolz, 29.

1. Insert the following new sections:

   Sec. 31. Section 60-393, Revised Statutes Cumulative Supplement, 2016, is amended to read:

   60-393 Any owner who has two or more motor vehicles or trailers required to be registered under the Motor Vehicle Registration Act may register all such motor vehicles or trailers on a calendar-year basis or on an annual basis for the same registration period beginning in a month chosen by the owner. When electing to establish the same registration period for all such motor vehicles or trailers, the owner shall pay the registration fee, the motor vehicle tax imposed in section 60-3,185, the motor vehicle fee imposed in section 60-3,190, and the alternative fuel fee imposed in section 60-3,191 on each motor vehicle for the number of months necessary to extend its current registration period to the registration period under which all such motor vehicles or trailers will be registered. Credit shall be given for registration paid on each motor vehicle or trailer when the motor vehicle or trailer has a later expiration date than that chosen by the owner except as otherwise provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and 60-3,227 and section 59 of this act. Thereafter all such motor vehicles or trailers shall be registered on an annual basis starting in the month chosen by the owner.

   Sec. 33. Section 60-395, Revised Statutes Cumulative Supplement, 2016, is amended to read:

   60-395 (1) Except as otherwise provided in subsection (2) of this section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and 60-3,227 and section 59 of this act, the registration shall
expire and the registered owner or lessee may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals and by either making application on a form prescribed by the department to the county treasurer of the occurrence of an event described in subdivisions (a) through (e) of this subsection or, in the case of a change in situs, displaying to the county treasurer the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees and taxes on motor vehicles or trailers based on the number of unexpired months remaining in the registration period from the date of any of the following events:

(a) Upon transfer of ownership of any motor vehicle or trailer;

(b) In case of loss of possession because of fire, theft, dismantlement, or junking;

(c) When a salvage branded certificate of title is issued;

(d) Whenever a type or class of motor vehicle or trailer previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees, the motor vehicle tax imposed in section 60-3,185, the motor vehicle fee imposed in section 60-3,190, and the alternative fuel fee imposed in section 60-3,191;

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

or

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

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

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

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

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

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

(7) If a motor vehicle or trailer was reported stolen under section
60-178, a refund under this section shall not be reduced for a lost plate
charge and a credit under this section may be reduced for a lost plate
charge but the applicant shall not be required to pay the plate fee for
new plates.

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

Sec. 34. Section 60-396, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-396 Whenever the registered owner files an application with the
county treasurer showing that a motor vehicle or trailer is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals or, in the case of the unavailability of such registration certificate or certificates, license plates, or validation decals, then by making an affidavit to the county treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year except as otherwise provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and 60-3,227 and section 59 of this act. The owner shall also receive a credit for the unused portion of the motor vehicle tax and fee based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement motor vehicle or trailer at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement motor vehicle or trailer. When no such replacement motor vehicle or trailer is so registered, the county treasurer shall forward the application and affidavit, if any, to the State Treasurer who shall determine the amount, if any, of the allowable credit for the registration fee and issue a credit certificate to the owner. For the motor vehicle tax and fee, the county treasurer shall determine the amount, if any, of the allowable credit and issue a credit certificate to the owner. When such motor vehicle or trailer is removed from service within the same month in which it was registered, no credits shall be allowed for such month. The credits may be applied against taxes and fees for new or replacement motor vehicles or trailers incurred within one year after cancellation of registration of the motor vehicle or trailer for which the credits were allowed. When any such motor vehicle or trailer is reregistered within the same registration year in which its
registration has been canceled, the taxes and fees shall be that portion
of the registration fee and the motor vehicle tax and fee for the
remainder of the registration year.

Sec. 49. Section 60-3,130.04, Revised Statutes Cumulative
Supplement, 2016, is amended to read:

60-3,130.04 (1) An owner of a historical vehicle eligible for
registration under section 60-3,130 may use a license plate or plates
designed by this state in the year corresponding to the model year when
the vehicle was manufactured in lieu of the plates designed pursuant to
section 60-3,130.03 subject to the approval of the department. The
department shall inspect the plate or plates and may approve the plate or
plates if it is determined that the model-year license plate or plates
are legible and serviceable and that the license plate numbers do not
conflict with or duplicate other numbers assigned and in use. An
original-issued license plate or plates that have been restored to
original condition may be used when approved by the department.

(2) The department may consult with a recognized car club in
determining whether the year of the license plate or plates to be used
corresponds to the model year when the vehicle was manufactured.

(3) If only one license plate is used on the vehicle, the license
plate shall be placed on the rear of the vehicle. The owner of a
historical vehicle may use only one plate on the vehicle even for years
in which two license plates were issued for vehicles in general.

(4) License plates used pursuant to this section corresponding to
the year of manufacture of the vehicle shall not be personalized message
license plates, Pearl Harbor license plates, prisoner-of-war license
plates, disabled veteran license plates, Purple Heart license plates,
amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
handicapped or disabled person license plates, specialty license plates,
special interest motor vehicle license plates, Military Honor Plates,
Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates,
Mountain Lion Conservation Plates, or Native American Cultural Awareness and History Plates.

Sec. 58. (1) The department, in consultation with the Commission on Indian Affairs, shall design license plates to be known as Native American Cultural Awareness and History Plates. The design shall reflect the unique culture and history of Native American tribes historically and currently located in Nebraska. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section 60-3,102. The department shall make applications available for this type of plate by January 1, 2018. The department may adopt and promulgate rules and regulations to carry out this section and section 59 of this act.

(2) One type of Native American Cultural Awareness and History Plates shall be alphanumeric plates.

The department shall:

(a) Assign a designation up to five characters; and

(b) Not use a county designation.

(3) One type of Native American Cultural Awareness and History Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section 60-3,118, except that a maximum of five characters may be used.

Sec. 59. (1) Beginning January 1, 2018, a person may apply to the department for Native American Cultural Awareness and History Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle or trailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a Native American Cultural Awareness and History Plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms
available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Native American Cultural Awareness and History Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Native American Scholarship and Leadership Fund.

(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Native American Cultural Awareness and History Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Native American Scholarship and Leadership Fund.

(3) Until January 1, 2019, when the department receives an application for Native American Cultural Awareness and History Plates, the department shall deliver the plates to the county treasurer of the county in which the motor vehicle or trailer is registered. Beginning January 1, 2019, when the department receives an application for Native American Cultural Awareness and History Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. The county treasurer or the department shall issue Native American Cultural Awareness and History Plates in lieu of regular license
plates when the applicant complies with the other provisions of the Motor
Vehicle Registration Act for registration of the motor vehicle or
trailer. If Native American Cultural Awareness and History Plates are
lost, stolen, or mutilated, the licensee shall be issued replacement
license plates upon request pursuant to section 60-3,157.
(4) The owner of a motor vehicle or trailer bearing Native American
Cultural Awareness and History Plates may apply to the county treasurer
to have such plates transferred to a motor vehicle or trailer other than
the motor vehicle or trailer for which such plates were originally
purchased if such motor vehicle or trailer is owned by the owner of the
plates. The owner may have the unused portion of the fee for the plates
credited to the other motor vehicle or trailer which will bear the plates
at the rate of eight and one-third percent per month for each full month
left in the registration period. Application for such transfer shall be
accompanied by a fee of three dollars. Fees collected pursuant to this
subsection shall be remitted to the State Treasurer for credit to the
Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Native American Cultural Awareness
and History Plates at any time exceeds the amount charged for license
plates pursuant to section 60-3,102, any money to be credited to the
Native American Scholarship and Leadership Fund shall instead be credited
first to the Highway Trust Fund in an amount equal to the difference
between the manufacturing costs of Native American Cultural Awareness and
History Plates and the amount charged pursuant to section 60-3,102 with
respect to such plates and the remainder shall be credited to the Native
American Scholarship and Leadership Fund.
Sec. 98. The Native American Scholarship and Leadership Fund is
created. The fund shall be administered by the Commission on Indian
Affairs and shall consist of money credited to the fund pursuant to
section 59 of this act. The commission shall use the fund to provide
scholarships to Native Americans to attend a postsecondary educational
institution in this state and to provide other leadership opportunities
to Native Americans as determined by the commission. Any money in the
fund available for investment shall be invested by the state investment
officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
State Funds Investment Act.

2. On page 23, line 20, strike "section 25" and insert "sections 25, 58, and 59".

3. On page 28, after line 7 insert the following new subdivision:

"(24) Native American Cultural Awareness and History Plates issued
pursuant to sections 58 and 59 of this act:"; in line 8 strike "(24)",
show as stricken, and insert "(25)"; in line 10 strike "(25)", show as
stricken, and insert "(26)"; in line 12 strike "(26)", show as stricken,
and insert "(27)"; in line 14 strike "(27)", show as stricken, and insert
"(28)"; in line 17 strike "(28)", show as stricken, and insert "(29)"; in
line 20 strike "(29)", show as stricken, and insert "(30)"; in line 22
strike "(30)", show as stricken, and insert "(31)"; in line 24 strike
"(31)", show as stricken, and insert "(32)"; in line 27 strike "(32)",
show as stricken, and insert "(33)"; in line 29 strike "(33)", show as
stricken, and insert "(34)"; and in line 31 strike "(34)", show as
stricken, and insert "(35)".

4. On page 29, line 2, strike "(35)", show as stricken, and insert
"(36)"; in line 4 strike "(36)", show as stricken, and insert "(37)"; in
line 5 strike "(37)", show as stricken, and insert "(38)"; in line 7
strike "(38)", show as stricken, and insert "(39)"; in line 9 strike
"(39)", show as stricken, and insert "(40)"; in line 12 strike "(40)",
show as stricken, and insert "(41)"; in line 13 strike "(41)", show as
stricken, and insert "(42)"; in line 15 strike "(42)", show as stricken,
and insert "(43)"; in line 16 strike "(43)", show as stricken, and insert
"(44)"; in line 17 strike "(44)", show as stricken, and insert "(45)"; in
line 22 strike "(45)", show as stricken, and insert "(46)"; and in line
24 strike "(46)", show as stricken, and insert "(47)".

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5. Renumber the remaining sections and correct internal references accordingly.

6. Correct the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.