LEGISLATIVE BILL 164

Introduced by Geist, 25.
Read first time January 10, 2017
Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to motor vehicles; to amend sections
60-168.02, 60-3,126, 60-3,184, 60-4,168.01, 60-506.01, and 60-699,
Reissue Revised Statutes of Nebraska, and sections 60-3,104,
60-3,104.01, 60-3,118, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02,
60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,161,
60-3,224, 60-3,227, 60-4,168, and 60-2904, Revised Statutes
Cumulative Supplement, 2016; to change provisions relating to
trailers and cabin trailers; to authorize the Department of Motor
Vehicles to keep and sell registration or certificate of title
records on motorboats, all-terrain vehicles, utility-type vehicles,
snowmobiles, and minibikes; to change commercial motor vehicle
disqualification provisions; to change provisions relating to motor
vehicle accident reports; to redefine a term under the Uniform Motor
Vehicle Records Disclosure Act; to harmonize provisions; and to
repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-168.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-168.02 (1) When a motor vehicle, commercial trailer, or semitrailer, or cabin trailer is purchased by a motor vehicle dealer or trailer dealer and the original assigned certificate of title has been lost or mutilated, the dealer selling such motor vehicle or trailer may apply for an original certificate of title in the dealer's name. The following documentation and fees shall be submitted by the dealer:

(a) An application for a certificate of title in the name of such dealer;

(b) A photocopy from the dealer's records of the front and back of the lost or mutilated original certificate of title assigned to a dealer;

(c) A notarized affidavit from the purchaser of such motor vehicle or trailer for which the original assigned certificate of title was lost or mutilated stating that the original assigned certificate of title was lost or mutilated; and

(d) The appropriate certificate of title fee.

(2) The application and affidavit shall be on forms prescribed by the department. When the motor vehicle dealer or trailer dealer receives the new certificate of title in such dealer's name and assigns it to the purchaser, the dealer shall record the original sale date and provide the purchaser with a copy of the front and back of the original lost or mutilated certificate of title as evidence as to why the purchase date of the motor vehicle or trailer is prior to the issue date of the new certificate of title.

Sec. 2. Section 60-3,104, Revised Statutes Cumulative Supplement, 2016, is amended to read:

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

(1) Amateur radio station license plates issued pursuant to section 60-3,126;
(2) Apportionable vehicle license plates issued pursuant to section 60-3,203;
(3) Autocycle license plates issued pursuant to section 60-3,100;
(4) Boat dealer license plates issued pursuant to section 60-379;
(5) Breast Cancer Awareness Plates issued pursuant to sections 60-3,230 and 60-3,231;
(6) Bus license plates issued pursuant to section 60-3,144;
(7) Commercial motor vehicle license plates issued pursuant to section 60-3,147;
(8) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
(9) Disabled veteran license plates issued pursuant to section 60-3,124;
(10) Farm trailer license plates issued pursuant to section 60-3,151;
(11) Farm truck license plates issued pursuant to section 60-3,146;
(12) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;
(13) Fertilizer trailer license plates issued pursuant to section 60-3,151;
(14) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;
(15) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
(16) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
(17) Local truck license plates issued pursuant to section 60-3,145;
(18) Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;
(19) Minitruck license plates issued pursuant to section 60-3,100;
(20) Motor vehicle license plates for motor vehicles owned or
operated by the state, counties, municipalities, or school districts
issued pursuant to section 60-3,105;
   (21) Motor vehicles exempt pursuant to section 60-3,107;
   (22) Motorcycle license plates issued pursuant to section 60-3,100;
   (23) Mountain Lion Conservation Plates issued pursuant to sections
60-3,226 and 60-3,227;
   (24) Nebraska Cornhusker Spirit Plates issued pursuant to sections
60-3,127 to 60-3,129;
   (25) Nebraska 150 Sesquicentennial Plates issued pursuant to
sections 60-3,223 to 60-3,225;
   (26) Nonresident owner thirty-day license plates issued pursuant to
section 60-382;
   (27) Passenger car having a seating capacity of ten persons or less
and not used for hire issued pursuant to section 60-3,143 other than
autocycles;
   (28) Passenger car having a seating capacity of ten persons or less
and used for hire issued pursuant to section 60-3,143 other than
autocycles;
   (29) Pearl Harbor license plates issued pursuant to section
60-3,122;
   (30) Personal-use dealer license plates issued pursuant to section
60-3,116;
   (31) Personalized message license plates for motor vehicles and
cabin trailers, except commercial motor vehicles registered for over ten
tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;
   (32) Prisoner-of-war license plates issued pursuant to section
60-3,123;
   (33) Public power district license plates issued pursuant to section
60-3,228;
   (34) Purple Heart license plates issued pursuant to section
60-3,125;
(35) Recreational vehicle license plates issued pursuant to section 60-3,151;

(36) Repossession license plates issued pursuant to section 60-375;

(37) Special interest motor vehicle license plates issued pursuant to section 60-3,135.01;

(38) Specialty license plates issued pursuant to sections 60-3,104.01 and 60-3,104.02;

(39) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;

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

(41) Trailer license plates issued for trailers owned or operated by a public power district pursuant to section 60-3,228;

(42) Trailers exempt pursuant to section 60-3,108;

(43) Transporter license plates issued pursuant to section 60-378;

(44) Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;

(45) Utility trailer license plates issued pursuant to section 60-3,151; and

(46) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 3. Section 60-3,104.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,104.01 (1) A person may apply for specialty license plates in lieu of regular license plates on an application prescribed and provided by the department pursuant to section 60-3,104.02 for any motor vehicle, trailer, or semitrailer, or cabin trailer, except for motor vehicles or trailers registered under section 60-3,198. An applicant receiving a
specialty license plate for a farm truck with a gross weight of over
sixteen tons or for a commercial motor vehicle registered for a gross
weight of five tons or over shall affix the appropriate tonnage decal to
the plate. The department shall make forms available for such
applications. Each application for initial issuance or renewal of
specialty license plates shall be accompanied by a fee of seventy
dollars. Fees collected pursuant to this subsection shall be remitted to
the State Treasurer. The State Treasurer shall credit fifteen percent of
the fee for initial issuance and renewal of specialty license plates to
the Department of Motor Vehicles Cash Fund and eighty-five percent of the
fee to the Highway Trust Fund.

(2) When the department receives an application for specialty
license plates, it shall deliver the plates to the county treasurer of
the county in which the motor vehicle, trailer, or semitrailer, or cabin
trailer is registered. The county treasurer shall issue specialty license
plates in lieu of regular license plates when the applicant complies with
the other provisions of law for registration of the motor vehicle,
trailer, or semitrailer, or cabin trailer. If specialty license plates
are lost, stolen, or mutilated, the licensee shall be issued replacement
license plates pursuant to section 60-3,157.

(3)(a) The owner of a motor vehicle, trailer, or semitrailer, or
cabin trailer bearing specialty license plates may make application to
the county treasurer to have such specialty license plates transferred to
a motor vehicle, trailer, or semitrailer, or cabin trailer other than the
motor vehicle, trailer, or semitrailer, or cabin trailer for which such
plates were originally purchased if such motor vehicle, trailer, or
semitrailer, or cabin trailer is owned by the owner of the specialty
license plates.

(b) The owner may have the unused portion of the specialty license
plate fee credited to the other motor vehicle, trailer, or semitrailer,
or cabin trailer which will bear the specialty license plates at the rate
of eight and one-third percent per month for each full month left in the registration period.

(c) 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.

Sec. 4. Section 60-3,118, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,118 (1) In lieu of the license plates provided for by section 60-3,100, the department shall issue personalized message license plates for motor vehicles, trailers, or semitrailers, or cabin trailers, except for motor vehicles and trailers registered under section 60-3,198, to all applicants who meet the requirements of sections 60-3,119 to 60-3,121. Personalized message license plates shall be the same size and of the same basic design as regular license plates issued pursuant to section 60-3,100. The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-3,100. A maximum of seven characters may be used, except that for an autocycle or a motorcycle, a maximum of six characters may be used.

(2) The following conditions apply to all personalized message license plates:

(a) County prefixes shall not be allowed except in counties using the alphanumeric system for motor vehicle registration. The numerals in the county prefix shall be the numerals assigned to the county, pursuant to subsection (2) of section 60-370, in which the motor vehicle or cabin trailer is registered. Renewal of a personalized message license plate containing a county prefix shall be conditioned upon the motor vehicle or cabin trailer being registered in such county. The numerals in the county prefix, including the hyphen or any other unique design for an existing license plate style, count against the maximum number of characters.
allowed under this section;

(b) The characters in the order used shall not conflict with or duplicate any number used or to be used on the regular license plates or any number or license plate already approved pursuant to sections 60-3,118 to 60-3,121;

(c) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(d) An applicant receiving a personalized message license plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to such license plate.

(3) The department shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

Sec. 5. Section 60-3,120, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,120 When the department approves an application for personalized message license plates, it shall notify the applicant and deliver the license plates to the county treasurer of the county in which the motor vehicle or cabin trailer is to be registered. The county treasurer shall deliver such plates to the applicant, in lieu of regular license plates, when the applicant complies with the other provisions of law for registration of the motor vehicle or cabin trailer.

Sec. 6. Section 60-3,121, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,121 (1) The owner of a motor vehicle or cabin trailer bearing personalized message license plates may make application to the county treasurer to have such license plates transferred to a motor vehicle or cabin trailer other than the motor vehicle or cabin trailer for which such license plates were originally purchased if such motor vehicle or cabin trailer is owned by the owner of the license plates.

(2) The owner may have the unused portion of the message plate fee
credited to the other motor vehicle or cabin trailer which will bear the license plate at the rate of eight and one-third percent per month for each full month left in the registration period.

(3) Application for such transfer shall be accompanied by a fee of three dollars. The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 7. Section 60-3,122, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,122 (1) Any person may, in addition to the application required by section 60-385, apply to the department for license plates designed by the department to indicate that he or she is a survivor of the Japanese attack on Pearl Harbor if he or she:

(a) Was a member of the United States Armed Forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) Was discharged or otherwise separated with a characterization of honorable from the United States Armed Forces; and

(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.

(2) The license plates shall be issued upon the applicant paying the regular license fee and furnishing proof satisfactory to the department that the applicant fulfills the requirements provided by subsection (1) of this section. Any number of motor vehicles, trailers, or semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.
Sec. 8. Section 60-3,122.02, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,122.02 (1) A person may apply to the department for Gold Star Family plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, or cabin trailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a Gold Star Family 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 and furnishing proof satisfactory to the department that the applicant is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States.

(2)(a) Each application for initial issuance of consecutively numbered Gold Star Family plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee for initial issuance and renewal of such plates to the Nebraska Veteran Cemetery System Operation Fund.

(b) Each application for initial issuance of personalized message Gold Star Family plates shall be accompanied by a fee of forty dollars. An application for renewal of such plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees for renewals 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 Nebraska Veteran Cemetery System Operation Fund.

(3) When the department receives an application for Gold Star Family plates, the department shall deliver the plates to the county treasurer of the county in which the motor vehicle or cabin trailer is registered. The county treasurer shall issue Gold Star Family 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 cabin trailer. If Gold Star Family plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request and without charge.

(4) The owner of a motor vehicle or cabin trailer bearing Gold Star Family plates may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle 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 vehicle 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 Gold Star Family plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Gold Star Family plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.
Sec. 9. Section 60-3,122.04, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,122.04 (1) An eligible person may apply to the department for Military Honor Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, or cabin trailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a Military Honor 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 and verification by the department of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section 80-414. To be eligible an applicant shall be (a) active duty armed forces personnel serving in any of the armed forces listed in subsection (1) of section 60-3,122.03 or (b) a veteran of any of such armed forces who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions). Any person using Military Honor Plates shall surrender the plates to the county treasurer if such person is no longer eligible for the plates. Regular plates shall be issued to any such person upon surrender of the Military Honor Plates for a three-dollar transfer fee and forfeiture of any of the remaining annual fee. The three-dollar transfer fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(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 Military Honor 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 Nebraska Veteran Cemetery System Operation 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 Military Honor 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 Nebraska Veteran Cemetery System Operation Fund.

(3) When the Department of Motor Vehicles receives an application for Military Honor Plates, the department shall deliver the plates to the county treasurer of the county in which the motor vehicle or cabin trailer is registered. The county treasurer shall issue Military Honor 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 cabin trailer. If Military Honor 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 cabin trailer bearing Military Honor 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 Military Honor Plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Military Honor Plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.

(6) If the director discovers evidence of fraud in an application for Military Honor Plates or that the holder is no longer eligible to have Military Honor Plates, the director may summarily cancel the plates and registration and send notice of the cancellation to the holder of the license plates.

Sec. 10. Section 60-3,123, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,123 (1) Any person who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-385, apply to the department for license plates designed to indicate that he or she is a former prisoner of war.

(2) The license plates shall be issued upon the applicant paying the regular license fee and furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. Any number of motor vehicles, trailers, or semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued
replacement license plates upon request and without charge.

Sec. 11. Section 60-3,124, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,124 (1) Any person who is a veteran of the United States Armed Forces, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who is classified by the United States Department of Veterans Affairs as one hundred percent service-connected disabled may, in addition to the application required in section 60-385, apply to the Department of Motor Vehicles for license plates designed by the department to indicate that the applicant is a disabled veteran. The inscription on the license plates shall be D.A.V. immediately below the license plate number to indicate that the holder of the license plates is a disabled veteran.

(2) The plates shall be issued upon the applicant paying the regular license fee and furnishing proof satisfactory to the department that the applicant is a disabled veteran. Any number of motor vehicles, trailers, or semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates as provided in section 60-3,157.

Sec. 12. Section 60-3,125, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,125 (1) Any person may, in addition to the application required by section 60-385, apply to the department for license plates designed by the department to indicate that the applicant has received from the federal government an award of a Purple Heart. The inscription of the plates shall be designed so as to include a facsimile of the award and beneath any numerical designation upon the plates pursuant to section 60-370 the words Purple Heart separately on one line and the words Combat
Wounded on the line below.

(2) The license plates shall be issued upon payment of the regular license fee and furnishing proof satisfactory to the department that the applicant was awarded the Purple Heart. Any number of motor vehicles, trailers, or semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.

Sec. 13. Section 60-3,126, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,126 (1) Any person who holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission and is the owner of a motor vehicle, trailer, or semitrailer, or cabin trailer, except for motor vehicles and trailers registered under section 60-3,198, may, in addition to the application required by section 60-385, apply to the department for license plates upon which shall be inscribed the official amateur radio call letters of such applicant.

(2) Such license plates shall be issued, in lieu of the usual numbers and letters, to such an applicant upon payment of the regular license fee and the payment of an additional fee of five dollars and furnishing proof that the applicant holds such an unrevoked and unexpired amateur radio station license. The additional fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. Only one such motor vehicle or trailer owned by an applicant shall be so registered at any one time.

(3) An applicant applying for renewal of amateur radio station license plates shall again furnish proof that he or she holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission.
(4) The department shall prescribe the size and design of the license plates and furnish such plates to the persons applying for and entitled to the same upon the payment of the required fee.

Sec. 14. Section 60-3,128, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,128 (1) A person may apply to the department for Nebraska Cornhusker Spirit Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, or cabin trailer, except for motor vehicles or trailers registered under section 60-3,198. An applicant receiving a spirit plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the spirit plate. The department shall make forms available for such applications through the county treasurers. Each application for initial issuance or renewal of spirit plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit forty-three percent of the fees for initial issuance and renewal of spirit plates to the Department of Motor Vehicles Cash Fund. The State Treasurer shall credit fifty-seven percent of the fees to the Spirit Plate Proceeds Fund until the fund has been credited five million dollars from such fees and thereafter to the Highway Trust Fund.

(2) When the department receives an application for spirit plates, it shall deliver the plates to the county treasurer of the county in which the motor vehicle or cabin trailer is registered. The county treasurer shall issue spirit plates in lieu of regular license plates when the applicant complies with the other provisions of law for registration of the motor vehicle or cabin trailer. If spirit plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates pursuant to section 60-3,157.
(3)(a) The owner of a motor vehicle or cabin trailer bearing spirit plates may make application to the county treasurer to have such spirit plates transferred to a motor vehicle or cabin trailer other than the motor vehicle or cabin trailer for which such plates were originally purchased if such motor vehicle or cabin trailer is owned by the owner of the spirit plates.

(b) The owner may have the unused portion of the spirit plate fee credited to the other motor vehicle or cabin trailer which will bear the spirit plate at the rate of eight and one-third percent per month for each full month left in the registration period.

(c) 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.

Sec. 15. Section 60-3,184, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,184 For purposes of sections 60-3,184 to 60-3,190:

(1) Automobile means passenger cars, trucks, utility vehicles, and vans up to and including seven tons;

(2) Motor vehicle means every motor vehicle, and trailer, and semitrailer subject to the payment of registration fees or permit fees under the laws of this state and every cabin trailer registered for operation upon the highways of this state;

(3) Motor vehicle fee means the fee imposed upon motor vehicles under section 60-3,190;

(4) Motor vehicle tax means the tax imposed upon motor vehicles under section 60-3,185; and

(5) Registration period means the period from the date of registration pursuant to section 60-392 to the first day of the month following one year after such date.

Sec. 16. Section 60-3,224, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-3,224 (1) Beginning October 1, 2015, and ending December 31, 2022, a person may apply to the department for Nebraska 150 Sesquicentennial Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, or cabin trailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a plate under this section 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.

(2) Each application for initial issuance or renewal of Nebraska 150 Sesquicentennial Plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifteen percent of the fee for initial issuance and renewal of plates under subsection (3) of section 60-3,223 to the Department of Motor Vehicles Cash Fund and eighty-five percent of such fee to the Nebraska 150 Sesquicentennial Plate Proceeds Fund. The State Treasurer shall credit forty-three percent of the fee for initial issuance and renewal of plates under subsection (4) of section 60-3,223 to the Department of Motor Vehicles Cash Fund and fifty-seven percent of such fee to the Nebraska 150 Sesquicentennial Plate Proceeds Fund.

(3) When the department receives an application for Nebraska 150 Sesquicentennial Plates, the department shall deliver the plates to the county treasurer of the county in which the motor vehicle or cabin trailer is registered. The county treasurer shall issue plates under this section 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 cabin trailer. If plates are lost, stolen, or mutilated, the licensee shall be issued replacement license
plates pursuant to section 60-3,157.

(4) The owner of a motor vehicle or cabin trailer bearing Nebraska 150 Sesquicentennial Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or cabin 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. The State Treasurer shall credit fees collected pursuant to this subsection to the Department of Motor Vehicles Cash Fund.

(5) Nebraska 150 Sesquicentennial Plates shall not be issued or renewed beginning on January 1, 2023.

Sec. 17. Section 60-3,227, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,227 (1) Beginning October 1, 2016, a person may apply to the department for Mountain Lion Conservation Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, or cabin trailer, or semitrailer, except for a motor vehicle, or cabin trailer, or semitrailer registered under section 60-3,198. An applicant receiving a Mountain Lion Conservation 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 of alphanumeric Mountain Lion Conservation Plates shall be accompanied by
a fee of five dollars. An application for renewal of such 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 Game and
Parks Commission Educational 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 Mountain Lion Conservation 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
Game and Parks Commission Educational Fund.

(3) When the department receives an application for Mountain Lion
Conservation Plates, the department shall deliver the plates to the
county treasurer of the county in which the motor vehicle, or cabin
trailer, or semitrailer is registered. The county treasurer shall issue
Mountain Lion Conservation 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 semitrailer or
cabin trailer. If Mountain Lion Conservation 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 cabin trailer, or semitrailer
bearing Mountain Lion Conservation Plates may apply to the county
treasurer to have such plates transferred to a motor vehicle other than
the vehicle for which such plates were originally purchased if such
vehicle 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 vehicle
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 Mountain Lion Conservation Plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Game and Parks Commission Educational Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Mountain Lion Conservation Plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Game and Parks Commission Educational Fund.

Sec. 18. Section 60-4,168, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,168 (1) Except as provided in subsections (2) and (3) of this section, a person shall be disqualified from operating a commercial motor vehicle for one year upon his or her first conviction, after April 1, 1992, in this or any other state for:

(a) Operating a commercial motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance or, beginning September 30, 2005, operating any motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance;

(b) Operating a commercial motor vehicle in violation of section 60-4,163 or 60-4,164;

(c) Leaving the scene of an accident involving a commercial motor vehicle operated by the person or, beginning September 30, 2005, leaving the scene of an accident involving any motor vehicle operated by the person;

(d) Using a commercial motor vehicle in the commission of a felony
other than a felony described in subdivision (3)(b) of this section or,
beginning September 30, 2005, using any motor vehicle in the commission
of a felony other than a felony described in subdivision (3)(b) of this
section;

(e) Beginning September 30, 2005, operating a commercial motor
vehicle after his or her commercial driver's license has been suspended,
revoked, or canceled or the driver is disqualified from operating a
commercial motor vehicle; or

(f) Beginning September 30, 2005, causing a fatality through the
negligent or criminal operation of a commercial motor vehicle.

(2) Except as provided in subsection (3) of this section, if any of
the offenses described in subsection (1) of this section occurred while a
person was transporting hazardous material in a commercial motor vehicle
which required placarding pursuant to section 75-364, the person shall,
upon conviction or administrative determination, be disqualified from
operating a commercial motor vehicle for three years.

(3) A person shall be disqualified from operating a commercial motor
vehicle for life if, after April 1, 1992, he or she:

(a) Is convicted of or administratively determined to have committed
a second or subsequent violation of any of the offenses described in
subsection (1) of this section or any combination of those offenses
arising from two or more separate incidents; or

(b) Beginning September 30, 2005, used a commercial motor vehicle in
the commission of a felony involving the manufacturing, distributing, or
dispensing of a controlled substance.

(4)(a) A person is disqualified from operating a commercial motor
vehicle for a period of not less than sixty days if he or she is
convicted in this or any other state of two serious traffic violations,
or not less than one hundred twenty days if he or she is convicted in
this or any other state of three serious traffic violations, arising from
separate incidents occurring within a three-year period while operating a
commercial motor vehicle.

(b) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a motor vehicle other than a commercial motor vehicle if the convictions have resulted in the revocation, cancellation, or suspension of the person's operator's license or driving privileges.

(5)(a) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to one of the following six offenses at a highway-rail grade crossing shall be disqualified for the period of time specified in subdivision (5)(b) of this section:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b)(i) A person shall be disqualified for not less than sixty days if the person is convicted of a first violation described in this subsection.

(ii) A person shall be disqualified for not less than one hundred
twenty days if, during any three-year period, the person is convicted of a second violation described in this subsection in separate incidents.

(iii) A person shall be disqualified for not less than one year if, during any three-year period, the person is convicted of a third or subsequent violation described in this subsection in separate incidents.

(6) A person shall be disqualified from operating a commercial motor vehicle for at least one year if, on or after July 8, 2015, the person has been convicted of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license.

(7) If the department receives credible information that a CLP-commercial learner's permit holder or a commercial driver's license holder is suspected, but has not been convicted, on or after July 8, 2015, of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license, the department must require the driver to retake the skills and knowledge tests. Within thirty days after receiving notification from the department that retesting is necessary, the affected CLP-commercial learner's permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the CLP-commercial learner's permit holder or commercial driver's license holder fails to make an appointment within thirty days, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the holder of a CLP-commercial learner's permit or commercial driver's license has had his or her CLP-commercial learner's permit or commercial driver's license disqualified, he or she must reapply for a CLP-commercial learner's permit or commercial driver's license under department procedures applicable to all applicants for a CLP-commercial learner's permit or commercial driver's license.
(8) For purposes of this section, controlled substance has the same meaning as in section 28-401.

(9) For purposes of this section, conviction means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(10) For purposes of this section, serious traffic violation means:

(a) Speeding at or in excess of fifteen miles per hour over the legally posted speed limit;

(b) Willful reckless driving as described in section 60-6,214 or reckless driving as described in section 60-6,213;

(c) Improper lane change as described in section 60-6,139;

(d) Following the vehicle ahead too closely as described in section 60-6,140;

(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person;

(f) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license;

(g) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license in the operator's possession;

(h) Beginning September 30, 2005, operating a commercial motor vehicle without the proper class of commercial driver's license and any endorsements, if required, for the specific vehicle group being operated
or for the passengers or type of cargo being transported on the vehicle;  

(i) Beginning October 27, 2013, texting while driving as described in section 60-6,179.02; and  

(j) Using a handheld mobile telephone as described in section 60-6,179.02.  

(11) Each period of disqualification imposed under this section shall be served consecutively and separately.  

Sec. 19. Section 60-4,168.01, Reissue Revised Statutes of Nebraska, is amended to read:  

60-4,168.01 (1) Except as provided in subsection (2) of this section, a person who is convicted of violating an out-of-service order while operating a commercial motor vehicle which is transporting nonhazardous materials shall be subject to disqualification as follows:  

(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one hundred eighty days but no more than one year upon a court conviction for violating an out-of-service order;  

(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least two years but no more than five years upon a second court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period; and  

(c) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a third or subsequent court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period.  

(2) A person who is convicted of violating an out-of-service order while operating a commercial motor vehicle which is transporting hazardous materials required to be placarded pursuant to section 75-364 or while operating a commercial motor vehicle designed or used to transport sixteen or more passengers, including the driver, shall be subject to disqualification as follows:
(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one hundred eighty days but no more than two years upon conviction for violating an out-of-service order; and

(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a second or subsequent conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period.

(3) For purposes of this section, out-of-service order has the same meaning as in section 75-362.

(4) Each period of disqualification imposed under this section shall be served consecutively and separately.

Sec. 20. Section 60-506.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-506.01 If the Department of Motor Vehicles receives shall, within ten days after receipt of Part II of a report of an accident from the Department of Roads pursuant to section 60-699, forward such part by United States mail to the insurance company, if any, named in such report as furnishing liability insurance. Unless express denial of the truth of the statements shown on such Part II is received from the named insurance company by the department within the time limited by section 60-507, it shall be presumed for purposes of the Motor Vehicle Safety Responsibility Act that the Part II information is such statements are true, and such presumption shall be accepted, when applicable, as satisfying the requirements of sections 60-507, 60-508, and 60-509.

Sec. 21. Section 60-699, Reissue Revised Statutes of Nebraska, is amended to read:

60-699 (1) The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than one thousand dollars shall within ten days forward a report of such
accident to the Department of Roads. If the operator is physically
incapable of making the report, the owner of the motor vehicle involved
in the accident shall, within ten days from the time he or she learns of
the accident, report the matter in writing to the Department of Roads.
The Department of Roads or Department of Motor Vehicles may require
operators involved in accidents to file supplemental reports of accidents
upon forms furnished by it whenever the original report is insufficient
in the opinion of either department. The operator or the owner of the
motor vehicle shall make such other and additional reports relating to
the accident as either department requires. Such records shall be
retained for the period of time specified by the State Records
Administrator pursuant to the Records Management Act.

(2) The report of accident required by this section shall be in two
parts. Part I shall be in such form as the Department of Roads may
prescribe and shall disclose full information concerning the accident.
Part II shall be in such form as the Department of Motor Vehicles may
prescribe and shall disclose sufficient information to disclose whether
or not the financial responsibility requirements of the Motor Vehicle
Safety Responsibility Act are met through the carrying of liability
insurance. The form used for the report shall be so perforated that the
parts may be readily separated.

(3) Upon receipt of a report of accident, the Department of Roads
shall determine the reportability and classification of the accident and
enter all information into a computerized data base. Upon completion, the
Department of Roads shall electronically send department shall separate
the parts of the accident report and shall forward Part II of the report
to the Department of Motor Vehicles for purposes of processing as
provided in section 60-506.01.

(4) Such reports shall be without prejudice. All reports made by
peace officers, made to or filed with peace officers in their respective
offices or departments, or filed with or made by or to any other law
enforcement agency of the state shall be open to public inspection, but
accident reports filed by the operator or owner of a motor vehicle
pursuant to this section shall not be open to public inspection. The fact
that a report by an operator or owner has been so made shall be
admissible in evidence solely to prove compliance with this section, but
no such report or any part of or statement contained in the report shall
be admissible in evidence for any other purpose in any trial, civil or
criminal, arising out of such accidents nor shall the report be referred
to in any way or be any evidence of the negligence or due care of either
party at the trial of any action at law to recover damages.

(5) The failure by any person to report an accident as provided in
this section or to correctly give the information required in connection
with the report shall be a Class V misdemeanor.

Sec. 22. Section 60-3,161, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-3,161 (1) The Department of Motor Vehicles department shall keep
a record of each motor vehicle, and trailer, motorboat, all-terrain
vehicle, utility-type vehicle, snowmobile, and minibike registered or
titled in this state, alphabetically by name of the owner, with cross
reference in each instance to the registration number assigned to such
motor vehicle, and trailer, motorboat, all-terrain vehicle, utility-type
vehicle, snowmobile, and minibike. The record may be destroyed by any
public officer having custody of it after three years from the date of
its issuance.

(2) The department shall issue a copy of the record of a registered
or titled motor vehicle, or trailer, motorboat, all-terrain vehicle,
utility-type vehicle, snowmobile, or minibike to any person after
receiving from the person the name on the registration or certificate of
title, the license plate number, the vehicle identification or other type
of identification number, or the title number of a motor vehicle, or
trailer, motorboat, all-terrain vehicle, utility-type vehicle,
snowmobile, or minibike, if the person provides to the department verification of identity and purpose pursuant to section 60-2906 or 60-2907. A fee of one dollar shall be charged for the copy. An extract of the entire file of motor vehicles, motorboats, all-terrain vehicles, utility-type vehicles, snowmobiles, and minibikes registered or titled in the state or updates to the entire file may be provided to a person upon payment of a fee of eighteen dollars per thousand records. Any fee received by the department pursuant to this subsection shall be deposited into the Department of Motor Vehicles Cash Fund.

(3) The record of each motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike registration or title maintained by the department pursuant to this section may be made available electronically through the portal established under section 84-1204 so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. There shall be a fee of one dollar per record for individual records. For data-to-data batch requests for multiple motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike title and registration records selected on the basis of criteria of the individual making the request, there shall be a fee of fifty dollars for every request under two thousand records and a fee of eighteen dollars per one thousand records for any number of records over two thousand, plus a reasonable programming fee not to exceed five hundred twenty dollars. All fees collected pursuant to this subsection for electronic access to records through the portal shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the department.

Sec. 23. Section 60-2904, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-2904 For purposes of the Uniform Motor Vehicle Records Disclosure Act:
(1) Department means the Department of Motor Vehicles or the duly authorized agents or contractors of the department responsible to compile and maintain motor vehicle records;

(2) Disclose means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to any other person, organization, or entity by any means of communication;

(3) Individual record means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request;

(4) Motor vehicle record means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike registration or motor vehicle certificate of title, motorboat certificate of title, or state identification card issued by the department or any other state or local agency authorized to issue any of such forms of credentials;

(5) Person means an individual, organization, or entity;

(6) Personal information means information that identifies a person, including an individual's driver identification number, name, address excluding zip code, and telephone number, but does not include information on collisions vehicular accidents, driving, operating, or equipment-related violations, or operator's and driver's license or registration status; and

(7) Sensitive personal information means an individual's operator's license digital image, social security number, and medical or disability information.

Sec. 24. The Revisor of Statutes shall assign section 22 of this act to Chapter 60, article 15.

Sec. 25. Original sections 60-168.02, 60-3,126, 60-3,184, 60-4,168.01, 60-506.01, and 60-699, Reissue Revised Statutes of Nebraska,
and sections 60-3,104, 60-3,104.01, 60-3,118, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,161, 60-3,224, 60-3,227, 60-4,168, and 60-2904, Revised Statutes Cumulative Supplement, 2016, are repealed.