

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 263

Introduced by Transportation and Telecommunications Committee: Friesen,
34, Chairperson; Bostelman, 23; Briese, 41; Geist, 25;
Hilgers, 21; Hughes, 44; Murante, 49; Smith, 14.

Read first time January 11, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to certificates of title and registration; to
2 amend sections 13-910, 37-1201, 37-1283, 37-1287, 60-192, 60-394,
3 81-8,219, and 83-123, Reissue Revised Statutes of Nebraska, and
4 sections 60-101, 60-102, 60-144, 60-154, 60-155, 60-161, 60-164,
5 60-166, 60-301, 60-302, 60-385, 60-3,104.01, 60-3,120, 60-3,122.02,
6 60-3,122.04, 60-3,128, 60-3,135.01, 60-3,141, 60-3,224, 60-3,227,
7 60-3,231, 60-2907, and 77-2703, Revised Statutes Cumulative
8 Supplement, 2016; to change provisions relating to liability for
9 certificates of title; to provide for changes to certificates of
10 title and registration certificates; to change procedures relating
11 to application for and issuance of certificates of title and
12 registration certificates; to define terms; to provide for the
13 implementation of an electronic dealer services system; to change a
14 provision relating to odometer readings upon transfer of motor
15 vehicle ownership; to provide a fee; to change provisions relating
16 to delivery of certain license plates, disclosure of motor vehicle
17 record information, and collection of motor vehicle taxes and fees;
18 to eliminate obsolete provisions; to harmonize provisions; to
19 provide an operative date; and to repeal the original sections.
20 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-910, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-910 The Political Subdivisions Tort Claims Act and sections
4 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply to:

5 (1) Any claim based upon an act or omission of an employee of a
6 political subdivision, exercising due care, in the execution of a
7 statute, ordinance, or officially adopted resolution, rule, or
8 regulation, whether or not such statute, ordinance, resolution, rule, or
9 regulation is valid;

10 (2) Any claim based upon the exercise or performance of or the
11 failure to exercise or perform a discretionary function or duty on the
12 part of the political subdivision or an employee of the political
13 subdivision, whether or not the discretion is abused;

14 (3) Any claim based upon the failure to make an inspection or making
15 an inadequate or negligent inspection of any property other than property
16 owned by or leased to such political subdivision to determine whether the
17 property complies with or violates any statute, ordinance, rule, or
18 regulation or contains a hazard to public health or safety unless the
19 political subdivision had reasonable notice of such hazard or the failure
20 to inspect or inadequate or negligent inspection constitutes a reckless
21 disregard for public health or safety;

22 (4) Any claim based upon the issuance, denial, suspension, or
23 revocation of or failure or refusal to issue, deny, suspend, or revoke
24 any permit, license, certificate, or order. Nothing in this subdivision
25 shall be construed to limit a political subdivision's liability for any
26 claim based upon the negligent execution by an employee of the political
27 subdivision in the issuance of a certificate of title under the Motor
28 Vehicle Certificate of Title Act and the State Boat Act, except when such
29 title is issued upon an application filed electronically by an approved
30 licensed dealer participating in the electronic dealer services system
31 pursuant to section 36 of this act;

1 (5) Any claim arising with respect to the assessment or collection
2 of any tax or fee or the detention of any goods or merchandise by any law
3 enforcement officer;

4 (6) Any claim caused by the imposition or establishment of a
5 quarantine by the state or a political subdivision, whether such
6 quarantine relates to persons or property;

7 (7) Any claim arising out of assault, battery, false arrest, false
8 imprisonment, malicious prosecution, abuse of process, libel, slander,
9 misrepresentation, deceit, or interference with contract rights;

10 (8) Any claim by an employee of the political subdivision which is
11 covered by the Nebraska Workers' Compensation Act;

12 (9) Any claim arising out of the malfunction, destruction, or
13 unauthorized removal of any traffic or road sign, signal, or warning
14 device unless it is not corrected by the political subdivision
15 responsible within a reasonable time after actual or constructive notice
16 of such malfunction, destruction, or removal. Nothing in this subdivision
17 shall give rise to liability arising from an act or omission of any
18 political subdivision in placing or removing any traffic or road signs,
19 signals, or warning devices when such placement or removal is the result
20 of a discretionary act of the political subdivision;

21 (10) Any claim arising out of snow or ice conditions or other
22 temporary conditions caused by nature on any highway as defined in
23 section 60-624, bridge, public thoroughfare, or other public place due to
24 weather conditions. Nothing in this subdivision shall be construed to
25 limit a political subdivision's liability for any claim arising out of
26 the operation of a motor vehicle by an employee of the political
27 subdivision while acting within the course and scope of his or her
28 employment by the political subdivision;

29 (11) Any claim arising out of the plan or design for the
30 construction of or an improvement to any highway as defined in such
31 section or bridge, either in original construction or any improvement

1 thereto, if the plan or design is approved in advance of the construction
2 or improvement by the governing body of the political subdivision or some
3 other body or employee exercising discretionary authority to give such
4 approval;

5 (12) Any claim arising out of the alleged insufficiency or want of
6 repair of any highway as defined in such section, bridge, or other public
7 thoroughfare. Insufficiency or want of repair shall be construed to refer
8 to the general or overall condition and shall not refer to a spot or
9 localized defect. A political subdivision shall be deemed to waive its
10 immunity for a claim due to a spot or localized defect only if (a) the
11 political subdivision has had actual or constructive notice of the defect
12 within a reasonable time to allow repair prior to the incident giving
13 rise to the claim or (b) the claim arose during the time specified in a
14 notice provided by the political subdivision pursuant to subsection (3)
15 of section 39-1359 and the state or political subdivision had actual or
16 constructive notice; or

17 (13)(a) Any claim relating to recreational activities for which no
18 fee is charged (i) resulting from the inherent risk of the recreational
19 activity, (ii) arising out of a spot or localized defect of the premises
20 unless the spot or localized defect is not corrected by the political
21 subdivision leasing, owning, or in control of the premises within a
22 reasonable time after actual or constructive notice of the spot or
23 localized defect, or (iii) arising out of the design of a skatepark or
24 bicycle motocross park constructed for purposes of skateboarding, inline
25 skating, bicycling, or scootering that was constructed or reconstructed,
26 reasonably and in good faith, in accordance with generally recognized
27 engineering or safety standards or design theories in existence at the
28 time of the construction or reconstruction. For purposes of this
29 subdivision, a political subdivision shall be charged with constructive
30 notice only when the failure to discover the spot or localized defect of
31 the premises is the result of gross negligence.

1 (b) For purposes of this subdivision:

2 (i) Recreational activities include, but are not limited to, whether
3 as a participant or spectator: Hunting, fishing, swimming, boating,
4 camping, picnicking, hiking, walking, running, horseback riding, use of
5 trails, nature study, waterskiing, winter sports, use of playground
6 equipment, biking, roller blading, skateboarding, golfing, athletic
7 contests; visiting, viewing, or enjoying entertainment events, festivals,
8 or historical, archaeological, scenic, or scientific sites; and similar
9 leisure activities;

10 (ii) Inherent risk of recreational activities means those risks that
11 are characteristic of, intrinsic to, or an integral part of the activity;

12 (iii) Gross negligence means the absence of even slight care in the
13 performance of a duty involving an unreasonable risk of harm; and

14 (iv) Fee means a fee to participate in or be a spectator at a
15 recreational activity. A fee shall include payment by the claimant to any
16 person or organization other than the political subdivision only to the
17 extent the political subdivision retains control over the premises or the
18 activity. A fee shall not include payment of a fee or charge for parking
19 or vehicle entry.

20 (c) This subdivision, and not subdivision (3) of this section, shall
21 apply to any claim arising from the inspection or failure to make an
22 inspection or negligent inspection of premises owned or leased by the
23 political subdivision and used for recreational activities.

24 Sec. 2. Section 37-1201, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 37-1201 Sections 37-1201 to 37-12,110 and section 3 of this act
27 shall be known and may be cited as the State Boat Act. It is the policy
28 of this state to promote safety for persons and property in and connected
29 with the use, operation, and equipment of vessels and to promote
30 uniformity of laws relating thereto.

31 Sec. 3. If a motorboat certificate of title is an electronic

1 certificate of title record, upon application by an owner or a lienholder
2 and payment of the fee prescribed in section 37-1287, the following
3 changes may be made to a certificate of title electronically and without
4 printing a certificate of title:

5 (1) Changing the name of an owner to reflect a legal change of name;

6 (2) Removing the name of an owner with the consent of all owners and
7 lienholders; or

8 (3) Adding an additional owner with the consent of all owners and
9 lienholders.

10 Sec. 4. Section 37-1283, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 37-1283 (1) In the event of the transfer of ownership of a motorboat
13 by operation of law as upon inheritance, devise, or bequest, order in
14 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a
15 motorboat is sold to satisfy storage or repair charges, or (3) whenever
16 repossession is had upon default in performance of the terms of a chattel
17 mortgage, trust receipt, conditional sales contract, or other like
18 agreement, and upon acceptance of an electronic certificate of title
19 record after repossession, in addition to the title requirements in this
20 section, the county treasurer of any county or the Department of Motor
21 Vehicles, upon the surrender of the prior certificate of title or the
22 manufacturer's or importer's certificate, or when that is not possible,
23 upon presentation of satisfactory proof of ownership and right of
24 possession to the motorboat, and upon payment of the fee prescribed in
25 section 37-1287 and the presentation of an application for certificate of
26 title, may issue to the applicant a certificate of title thereto. If the
27 prior certificate of title issued for the motorboat provided for joint
28 ownership with right of survivorship, a new certificate of title shall be
29 issued to a subsequent purchaser upon the assignment of the prior
30 certificate of title by the surviving owner and presentation of
31 satisfactory proof of death of the deceased owner. Only an affidavit by

1 the person or agent of the person to whom possession of the motorboat has
2 so passed, setting forth facts entitling him or her to such possession
3 and ownership, together with a copy of the journal entry, court order, or
4 instrument upon which such claim of possession and ownership is founded
5 shall be considered satisfactory proof of ownership and right of
6 possession, except that if the applicant cannot produce such proof of
7 ownership, he or she may submit to the department such evidence as he or
8 she may have and the department may thereupon, if it finds the evidence
9 sufficient, issue the certificate of title or authorize any county
10 treasurer to issue a certificate of title, as the case may be. If from
11 the records of the county treasurer or the department there appear to be
12 any liens on the motorboat, the certificate of title shall comply with
13 section 37-1282 regarding the liens unless the application is accompanied
14 by proper evidence of their satisfaction or extinction.

15 Sec. 5. Section 37-1287, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 37-1287 (1) The county treasurers or the Department of Motor
18 Vehicles shall charge a fee of six dollars for each certificate of title
19 and a fee of three dollars for each notation of any lien on a certificate
20 of title. The county treasurers shall retain for the county four dollars
21 of the six dollars charged for each certificate of title and two dollars
22 for each notation of lien. The remaining amount of the fee charged for
23 the certificate of title and notation of lien under this subsection shall
24 be remitted to the State Treasurer for credit to the General Fund.

25 (2) The county treasurers or the department shall charge a fee of
26 ten dollars for each replacement or duplicate copy of a certificate of
27 title, and the duplicate copy issued shall show only those unreleased
28 liens of record. Such fees shall be remitted by the county or the
29 department to the State Treasurer for credit to the General Fund.

30 (3) In addition to the fees prescribed in subsections (1) and (2) of
31 this section, the county treasurers or the department shall charge a fee

1 of (a) four dollars for each certificate of title, each replacement or
2 duplicate copy of a certificate of title, and each notation of lien on a
3 certificate of title. The county treasurers or the department shall remit
4 the fee charged under this subsection to the State Treasurer for credit
5 to the Department of Motor Vehicles Cash Fund.

6 (4) The county treasurers shall remit fees due the State Treasurer
7 under this section monthly and not later than the twentieth ~~fifteenth~~ day
8 of the month following collection. The county treasurers shall credit
9 fees not due to the State Treasurer to their respective county general
10 fund.

11 Sec. 6. Section 60-101, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 60-101 Sections 60-101 to 60-197 and sections 8, 14, and 15 of this
14 act shall be known and may be cited as the Motor Vehicle Certificate of
15 Title Act.

16 Sec. 7. Section 60-102, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-102 For purposes of the Motor Vehicle Certificate of Title Act,
19 unless the context otherwise requires, the definitions found in sections
20 60-103 to 60-136.01 and section 8 of this act shall be used.

21 Sec. 8. Licensed dealer means a motor vehicle dealer, motorcycle
22 dealer, or trailer dealer licensed under the Motor Vehicle Industry
23 Regulation Act.

24 Sec. 9. Section 60-144, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
27 (d) of this subsection, the county treasurer shall be responsible for
28 issuing and filing certificates of title for vehicles, and each county
29 shall issue and file such certificates of title using the Vehicle Title
30 and Registration System which shall be provided and maintained vehicle
31 ~~titling and registration computer system~~ prescribed by the department.

1 Application for a certificate of title shall be made upon a form
2 prescribed by the department. All applications shall be accompanied by
3 the appropriate fee or fees.

4 (ii) This subdivision applies beginning on an implementation date
5 designated by the director. The director shall designate an
6 implementation date which is on or before January 1, 2020. In addition to
7 the information required under subdivision (1)(a)(i) of this section, the
8 application for a certificate of title shall contain (A) the full legal
9 name as defined in section 60-468.01 of each owner and (B)(I) the motor
10 vehicle operator's license number or state identification card number of
11 each owner, if applicable, and one or more of the identification elements
12 as listed in section 60-484 of each owner, if applicable, and (II) if any
13 owner is a business entity, a nonprofit organization, an estate, a trust,
14 or a church-controlled organization, its tax identification number.

15 (b) The department shall issue and file certificates of title for
16 Nebraska-based fleet vehicles. Application for a certificate of title
17 shall be made upon a form prescribed by the department. All applications
18 shall be accompanied by the appropriate fee or fees.

19 (c) The department shall issue and file certificates of title for
20 state-owned vehicles. Application for a certificate of title shall be
21 made upon a form prescribed by the department. All applications shall be
22 accompanied by the appropriate fee or fees.

23 (d) The department shall issue certificates of title pursuant to
24 section 60-142.06. Application for a certificate of title shall be made
25 upon a form prescribed by the department. All applications shall be
26 accompanied by the appropriate fee or fees.

27 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
28 or a minibike resides in Nebraska, the application shall be filed with
29 the county treasurer of the county in which the owner resides.

30 (3)(a) ~~If Except as otherwise provided in subdivision (b) of this~~
31 ~~subsection, if a vehicle, other than an all-terrain vehicle, a utility-~~

1 ~~type vehicle, or a minibike,~~ has situs in Nebraska, the certificate of
2 title application ~~may shall~~ be filed with the county treasurer of any the
3 ~~county in which the vehicle has situs.~~

4 (b) If a motor vehicle dealer licensed under the Motor Vehicle
5 Industry Regulation Act applies for a certificate of title for a vehicle,
6 the application may be filed with the county treasurer of any county.

7 (c) An approved licensed dealer participating in the electronic
8 dealer services system pursuant to section 36 of this act may apply for a
9 certificate of title for a vehicle to the county treasurer of any county
10 or the department in a manner provided by the electronic dealer services
11 system.

12 (4) If the owner of a vehicle is a nonresident, the application
13 shall be filed in the county in which the transaction is consummated.

14 (5) The application shall be filed within thirty days after the
15 delivery of the vehicle.

16 (6) All applicants registering a vehicle pursuant to section
17 60-3,198 shall file the application for a certificate of title with the
18 Division of Motor Carrier Services of the department. The division shall
19 deliver the certificate to the applicant if there are no liens on the
20 vehicle. If there are one or more liens on the vehicle, the certificate
21 of title shall be handled as provided in section 60-164. All certificates
22 of title issued by the division shall be issued in the manner prescribed
23 for the county treasurer in section 60-152.

24 Sec. 10. Section 60-154, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-154 (1)(a) For each original certificate of title issued by a
27 county for a motor vehicle or trailer, the fee shall be ten dollars.
28 Three dollars and twenty-five cents shall be retained by the county. Four
29 dollars shall be remitted to the State Treasurer for credit to the
30 Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to
31 the State Treasurer for credit to the General Fund. Seventy-five cents

1 shall be remitted to the State Treasurer for credit as follows: Twenty
2 cents to the Motor Vehicle Fraud Cash Fund; forty-five cents to the
3 Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor
4 Vehicle Industry Licensing Fund.

5 (b) For each original certificate of title issued by a county for an
6 all-terrain vehicle, a utility-type vehicle, or a minibike, the fee shall
7 be ten dollars. Three dollars and twenty-five cents shall be retained by
8 the county. Four dollars shall be remitted to the State Treasurer for
9 credit to the Department of Motor Vehicles Cash Fund. Two dollars shall
10 be remitted to the State Treasurer for credit to the General Fund.
11 Seventy-five cents shall be remitted to the State Treasurer for credit as
12 follows: Twenty cents to the Motor Vehicle Fraud Cash Fund; and fifty-
13 five cents to the Nebraska State Patrol Cash Fund.

14 (2) For each original certificate of title issued by the department
15 for a vehicle except as provided in section 60-159.01, the fee shall be
16 ten dollars. Four dollars shall be remitted to the State Treasurer for
17 credit to the Department of Motor Vehicles Cash Fund. Six dollars shall
18 be remitted to the State Treasurer for credit to the Motor Carrier
19 Division Cash Fund.

20 (3) An approved licensed dealer participating in the electronic
21 dealer services system pursuant to section 36 of this act may collect the
22 fees prescribed by this section and shall remit any such fees to the
23 appropriate county treasurer or the department.

24 Sec. 11. Section 60-155, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-155 (1) For each notation of a lien by a county, the fee shall be
27 seven dollars. Two dollars shall be retained by the county. Four dollars
28 shall be remitted to the State Treasurer for credit to the Department of
29 Motor Vehicles Cash Fund. One dollar shall be remitted to the State
30 Treasurer for credit to the General Fund.

31 (2) For each notation of a lien by the department, the fee shall be

1 seven dollars. Four dollars shall be remitted to the State Treasurer for
2 credit to the Department of Motor Vehicles Cash Fund. Three dollars shall
3 be remitted to the State Treasurer for credit to the Motor Carrier
4 Division Cash Fund.

5 (3) An approved licensed dealer participating in the electronic
6 dealer services system pursuant to section 36 of this act may collect the
7 fees prescribed by this section and shall remit any such fees to the
8 appropriate county treasurer or the department.

9 Sec. 12. Section 60-161, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-161 The county treasurer shall remit all funds due the State
12 Treasurer under sections 60-154 to 60-160 monthly and not later than the
13 twentieth ~~fifteenth~~ day of the month following collection. The county
14 treasurer shall credit the fees not due the State Treasurer to the county
15 general fund.

16 Sec. 13. Section 60-164, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-164 (1) The department shall implement an electronic title and
19 lien system for vehicles. ~~The no later than January 1, 2011. The director~~
20 ~~shall designate the date for the implementation of the system. Beginning~~
21 ~~on the implementation date,~~ the holder of a security interest, trust
22 receipt, conditional sales contract, or similar instrument regarding a
23 vehicle, or a licensed dealer, may file a lien electronically as
24 prescribed by the department. Upon ~~Beginning on the implementation date,~~
25 ~~upon~~ receipt of an application for a certificate of title for a vehicle,
26 any lien filed electronically shall become part of the electronic
27 certificate of title record created by the county treasurer or department
28 maintained on the electronic title and lien system. If ~~Beginning on the~~
29 ~~implementation date,~~ if an application for a certificate of title
30 indicates that there is a lien or encumbrance on a vehicle or if a lien
31 or notice of lien has been filed electronically, the department shall

1 retain an electronic certificate of title record and shall note and
2 cancel such liens electronically on the system. The department shall
3 provide access to the electronic certificate of title records for
4 licensed ~~motor vehicle~~ dealers and lienholders who participate in the
5 system by a method determined by the director.

6 (2) Except as provided in section 60-165, the provisions of article
7 9, Uniform Commercial Code, shall never be construed to apply to or to
8 permit or require the deposit, filing, or other record whatsoever of a
9 security agreement, conveyance intended to operate as a mortgage, trust
10 receipt, conditional sales contract, or similar instrument or any copy of
11 the same covering a vehicle. Any mortgage, conveyance intended to operate
12 as a security agreement as provided by article 9, Uniform Commercial
13 Code, trust receipt, conditional sales contract, or other similar
14 instrument covering a vehicle, if such instrument is accompanied by
15 delivery of such manufacturer's or importer's certificate and followed by
16 actual and continued possession of the same by the holder of such
17 instrument or, in the case of a certificate of title, if a notation of
18 the same has been made electronically as prescribed in subsection (1) of
19 this section or by the county treasurer or department on the face of the
20 certificate of title or on the electronic certificate of title record,
21 shall be valid as against the creditors of the debtor, whether armed with
22 process or not, and subsequent purchasers, secured parties, and other
23 lienholders or claimants but otherwise shall not be valid against them,
24 except that during any period in which a vehicle is inventory, as defined
25 in section 9-102, Uniform Commercial Code, held for sale by a person or
26 corporation that is required to be licensed as provided in the Motor
27 Vehicle Industry Regulation Act and is in the business of selling such
28 vehicles, the filing provisions of article 9, Uniform Commercial Code, as
29 applied to inventory, shall apply to a security interest in such vehicle
30 created by such person or corporation as debtor without the notation of
31 lien on the certificate of title. A buyer of a vehicle at retail from a

1 dealer required to be licensed as provided in the Motor Vehicle Industry
2 Regulation Act shall take such vehicle free of any security interest. A
3 purchase-money security interest, as defined in section 9-103, Uniform
4 Commercial Code, in a vehicle is perfected against the rights of judicial
5 lien creditors and execution creditors on and after the date the
6 purchase-money security interest attaches.

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

18 (4) The holder of a security agreement, trust receipt, conditional
19 sales contract, or similar instrument, upon presentation of such
20 instrument to the department or to any county treasurer, together with
21 the certificate of title and the fee prescribed for notation of lien, may
22 have a notation of such lien made on the face of such certificate of
23 title. The owner of a vehicle may present a valid out-of-state
24 certificate of title issued to such owner for such vehicle with a
25 notation of lien on such certificate of title and the prescribed fee to
26 the county treasurer or department and have the notation of lien made on
27 the new certificate of title issued pursuant to section 60-144 without
28 presenting a copy of the lien instrument. The county treasurer or the
29 department shall enter the notation and the date thereof over the
30 signature of the person making the notation and the seal of the office.
31 If noted by a county treasurer, he or she shall on that day notify the

1 department which shall note the lien on its records. The county treasurer
2 or the department shall also indicate by appropriate notation and on such
3 instrument itself the fact that such lien has been noted on the
4 certificate of title.

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

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

26 (7) ~~Upon Beginning on the implementation date of the electronic~~
27 ~~title and lien system, upon~~ receipt of a subsequent lien instrument duly
28 signed by the owner in the manner prescribed by law governing such lien
29 instruments or a notice of lien filed electronically, together with an
30 application for notation of the subsequent lien, the fee prescribed in
31 section 60-154, and, if a printed certificate of title exists, the

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

19 (8) When a lien is discharged, the holder shall, within fifteen days
20 after payment is received, note a cancellation of the lien on the
21 certificate of title over his, her, or its signature and deliver the
22 certificate of title to the county treasurer or the department, which
23 shall note the cancellation of the lien on the face of the certificate of
24 title and on the records of such office. If delivered to a county
25 treasurer, he or she shall on that day notify the department which shall
26 note the cancellation on its records. The county treasurer or the
27 department shall then return the certificate of title to the owner or as
28 otherwise directed by the owner. The cancellation of lien shall be noted
29 on the certificate of title without charge. For an electronic certificate
30 of title record, the lienholder shall, within fifteen days after payment
31 is received when such lien is discharged, notify the department

1 electronically or provide written notice of such lien release, in a
2 manner prescribed by the department, to the county treasurer or
3 department. The department shall note the cancellation of lien and, if no
4 other liens exist, issue the certificate of title to the owner or as
5 otherwise directed by the owner or lienholder. If the holder of the title
6 cannot locate a lienholder, a lien may be discharged ten years after the
7 date of filing by presenting proof that thirty days have passed since the
8 mailing of a written notice by certified mail, return receipt requested,
9 to the last-known address of the lienholder.

10 Sec. 14. If a certificate of title is an electronic certificate of
11 title record, upon application by an owner or a lienholder and payment of
12 the fee prescribed in section 60-154, the following changes may be made
13 to a certificate of title electronically and without printing a
14 certificate of title:

15 (1) Changing the name of an owner to reflect a legal change of name;

16 (2) Removing the name of an owner with the consent of all owners and
17 lienholders; or

18 (3) Adding an additional owner with the consent of all owners and
19 lienholders.

20 Sec. 15. Section 60-166, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-166 (1) In the event of (a) the transfer of ownership of a
23 vehicle by operation of law as upon inheritance, devise, or bequest,
24 order in bankruptcy, insolvency, replevin, or execution sale or as
25 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,
26 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by
27 another engine, (c) a vehicle being sold to satisfy storage or repair
28 charges, or (d) repossession being had upon default in performance of the
29 terms of a chattel mortgage, trust receipt, conditional sales contract,
30 or other like agreement, and upon acceptance of an electronic certificate
31 of title record after repossession, in addition to the title requirements

1 in this section, the county treasurer of any county or the department,
2 upon the surrender of the prior certificate of title or the
3 manufacturer's or importer's certificate, or when that is not possible,
4 upon presentation of satisfactory proof of ownership and right of
5 possession to such vehicle, and upon payment of the appropriate fee and
6 the presentation of an application for certificate of title, may issue to
7 the applicant a certificate of title thereto. If the prior certificate of
8 title issued for such vehicle provided for joint ownership with right of
9 survivorship, a new certificate of title shall be issued to a subsequent
10 purchaser upon the assignment of the prior certificate of title by the
11 surviving owner and presentation of satisfactory proof of death of the
12 deceased owner. Only an affidavit by the person or agent of the person to
13 whom possession of such vehicle has so passed, setting forth facts
14 entitling him or her to such possession and ownership, together with a
15 copy of the journal entry, court order, or instrument upon which such
16 claim of possession and ownership is founded, shall be considered
17 satisfactory proof of ownership and right of possession, except that if
18 the applicant cannot produce such proof of ownership, he or she may
19 submit to the department such evidence as he or she may have, and the
20 department may thereupon, if it finds the evidence sufficient, issue the
21 certificate of title or authorize any county treasurer to issue a
22 certificate of title, as the case may be.

23 (2) If from the records of the county treasurer or the department
24 there appear to be any liens on such vehicle, such certificate of title
25 shall comply with section 60-164 or 60-165 regarding such liens unless
26 the application is accompanied by proper evidence of their satisfaction
27 or extinction.

28 Sec. 16. Section 60-192, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-192 The transferor of any motor vehicle of an age of less than
31 ten years, which was equipped with an odometer by the manufacturer, shall

1 provide to the transferee a statement, signed by the transferor, setting
2 forth: (1) The mileage on the odometer at the time of transfer; and (2)
3 (a) a statement that, to the transferor's best knowledge, such mileage is
4 that actually driven by the motor vehicle, (b) a statement that the
5 transferor has knowledge that the mileage shown on the odometer is in
6 excess of the designated mechanical odometer limit, or (c) a statement
7 that the odometer reading does not reflect the actual mileage and should
8 not be relied upon because the transferor has knowledge that the odometer
9 reading differs from the actual mileage and that the difference is
10 greater than that caused by odometer calibration error. If a discrepancy
11 exists between the odometer reading and the actual mileage, a warning
12 notice to alert the transferee shall be included with the statement. The
13 transferor shall retain a true copy of such statement for a period of
14 five years from the date of the transaction. If motor vehicle ownership
15 has been transferred by operation of law pursuant to repossession under
16 subdivision (1)(d) of section 60-166, the mileage shall be listed as the
17 odometer reading at the time of the most recent transfer of ownership
18 prior to the repossession of the motor vehicle. The adjustment shall not
19 be deemed a violation of section 60-190.

20 Sec. 17. Section 60-301, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-301 Sections 60-301 to 60-3,231 and sections 20, 31, and 32 of
23 this act shall be known and may be cited as the Motor Vehicle
24 Registration Act.

25 Sec. 18. Section 60-302, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-302 For purposes of the Motor Vehicle Registration Act, unless
28 the context otherwise requires, the definitions found in sections
29 60-302.01 to 60-360 and section 19 of this act shall be used.

30 Sec. 19. Licensed dealer means a motor vehicle dealer, motorcycle
31 dealer, or trailer dealer licensed under the Motor Vehicle Industry

1 Regulation Act.

2 Sec. 20. Section 60-385, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-385 Every owner of a motor vehicle or trailer required to be
5 registered shall make application for registration to the county
6 treasurer of the county in which the motor vehicle or trailer has situs.
7 The application shall be by any means designated by the department. An
8 approved licensed dealer participating in the electronic dealer services
9 system pursuant to section 36 of this act may submit such application
10 electronically to the appropriate county treasurer or the department. A
11 salvage branded certificate of title and a nontransferable certificate of
12 title provided for in section 60-170 shall not be valid for registration
13 purposes.

14 Sec. 21. Section 60-394, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 60-394 (1) Registration which is in the name of one spouse may be
17 transferred to the other spouse for a fee of one dollar and fifty cents.

18 (2) So long as one registered name on a registration of a
19 noncommercial motor vehicle or trailer remains the same, other names may
20 be deleted therefrom or new names added thereto for a fee of one dollar
21 and fifty cents.

22 (3) At any time prior to annual renewal, an owner may voluntarily
23 update his or her address on the registration certificate upon payment of
24 a fee of one dollar and fifty cents as prescribed by section 60-394.

25 Sec. 22. Section 60-3,104.01, Revised Statutes Cumulative
26 Supplement, 2016, is amended to read:

27 60-3,104.01 (1) A person may apply for specialty license plates in
28 lieu of regular license plates on an application prescribed and provided
29 by the department pursuant to section 60-3,104.02 for any motor vehicle,
30 trailer, semitrailer, or cabin trailer, except for motor vehicles or
31 trailers registered under section 60-3,198. An applicant receiving a

1 specialty license plate for a farm truck with a gross weight of over
2 sixteen tons or for a commercial motor vehicle registered for a gross
3 weight of five tons or over shall affix the appropriate tonnage decal to
4 the plate. The department shall make forms available for such
5 applications. Each application for initial issuance or renewal of
6 specialty license plates shall be accompanied by a fee of seventy
7 dollars. Fees collected pursuant to this subsection shall be remitted to
8 the State Treasurer. The State Treasurer shall credit fifteen percent of
9 the fee for initial issuance and renewal of specialty license plates to
10 the Department of Motor Vehicles Cash Fund and eighty-five percent of the
11 fee to the Highway Trust Fund.

12 (2) When the department receives an application for specialty
13 license plates, it ~~may shall~~ deliver the plates and registration
14 certificate by United States mail to the applicant or to the county
15 treasurer of the county in which the motor vehicle, trailer, semitrailer,
16 or cabin trailer is registered. The delivery of the plates and
17 registration certificate shall be made through a secure process and
18 system. The county treasurer or the department shall issue specialty
19 license plates in lieu of regular license plates when the applicant
20 complies with the other provisions of law for registration of the motor
21 vehicle, trailer, semitrailer, or cabin trailer. If specialty license
22 plates are lost, stolen, or mutilated, the licensee shall be issued
23 replacement license plates pursuant to section 60-3,157.

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

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

6 (c) Application for such transfer shall be accompanied by a fee of
7 three dollars. Fees collected pursuant to this subsection shall be
8 remitted to the State Treasurer for credit to the Department of Motor
9 Vehicles Cash Fund.

10 Sec. 23. Section 60-3,120, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-3,120 When the department approves an application for
13 personalized message license plates, it shall notify the applicant and
14 deliver the license plates and registration certificate to the applicant
15 by United States mail or to the county treasurer of the county in which
16 the motor vehicle or cabin trailer is to be registered. The delivery of
17 the plates and registration certificate shall be made through a secure
18 process and system. The county treasurer or the department shall deliver
19 such plates to the applicant, in lieu of regular license plates, when the
20 applicant complies with the other provisions of law for registration of
21 the motor vehicle or cabin trailer.

22 Sec. 24. Section 60-3,122.02, Revised Statutes Cumulative
23 Supplement, 2016, is amended to read:

24 60-3,122.02 (1) A person may apply to the department for Gold Star
25 Family plates in lieu of regular license plates on an application
26 prescribed and provided by the department for any motor vehicle, trailer,
27 semitrailer, or cabin trailer, except for a motor vehicle or trailer
28 registered under section 60-3,198. An applicant receiving a Gold Star
29 Family plate for a farm truck with a gross weight of over sixteen tons
30 shall affix the appropriate tonnage decal to the plate. The department
31 shall make forms available for such applications through the county

1 treasurers. The license plates shall be issued upon payment of the
2 license fee described in subsection (2) of this section and furnishing
3 proof satisfactory to the department that the applicant is a surviving
4 spouse, whether remarried or not, or an ancestor, including a stepparent,
5 a descendant, including a stepchild, a foster parent or a person in loco
6 parentis, or a sibling of a person who died while in good standing on
7 active duty in the military service of the United States.

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

16 (b) Each application for initial issuance of personalized message
17 Gold Star Family plates shall be accompanied by a fee of forty dollars.
18 An application for renewal of such plates shall be accompanied by a fee
19 of forty dollars. County treasurers collecting fees for renewals pursuant
20 to this subdivision shall remit them to the State Treasurer. The State
21 Treasurer shall credit twenty-five percent of the fee for initial
22 issuance and renewal of such plates to the Department of Motor Vehicles
23 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran
24 Cemetery System Operation Fund.

25 (3) When the department receives an application for Gold Star Family
26 plates, the department ~~may shall~~ deliver the plates and registration
27 certificate to the applicant by United States mail or to the county
28 treasurer of the county in which the motor vehicle or cabin trailer is
29 registered. The delivery of the plates and registration certificate shall
30 be made through a secure process and system. The county treasurer or the
31 department shall issue Gold Star Family plates in lieu of regular license

1 plates when the applicant complies with the other provisions of the Motor
2 Vehicle Registration Act for registration of the motor vehicle or cabin
3 trailer. If Gold Star Family plates are lost, stolen, or mutilated, the
4 licensee shall be issued replacement license plates upon request and
5 without charge.

6 (4) The owner of a motor vehicle or cabin trailer bearing Gold Star
7 Family plates may apply to the county treasurer to have such plates
8 transferred to a motor vehicle other than the vehicle for which such
9 plates were originally purchased if such vehicle is owned by the owner of
10 the plates. The owner may have the unused portion of the fee for the
11 plates credited to the other vehicle which will bear the plates at the
12 rate of eight and one-third percent per month for each full month left in
13 the registration period. Application for such transfer shall be
14 accompanied by a fee of three dollars. Fees collected pursuant to this
15 subsection shall be remitted to the State Treasurer for credit to the
16 Department of Motor Vehicles Cash Fund.

17 (5) If the cost of manufacturing Gold Star Family plates at any time
18 exceeds the amount charged for license plates pursuant to section
19 60-3,102, any money to be credited to the Nebraska Veteran Cemetery
20 System Operation Fund shall instead be credited first to the Highway
21 Trust Fund in an amount equal to the difference between the manufacturing
22 costs of Gold Star Family plates and the amount charged pursuant to
23 section 60-3,102 with respect to such plates and the remainder shall be
24 credited to the Nebraska Veteran Cemetery System Operation Fund.

25 Sec. 25. Section 60-3,122.04, Revised Statutes Cumulative
26 Supplement, 2016, is amended to read:

27 60-3,122.04 (1) ~~An Beginning January 2, 2016,~~ an eligible person may
28 apply to the department for Military Honor Plates in lieu of regular
29 license plates on an application prescribed and provided by the
30 department for any motor vehicle, trailer, semitrailer, or cabin trailer,
31 except for a motor vehicle or trailer registered under section 60-3,198.

1 An applicant receiving a Military Honor Plate for a farm truck with a
2 gross weight of over sixteen tons shall affix the appropriate tonnage
3 decal to the plate. The department shall make forms available for such
4 applications through the county treasurers. The license plates shall be
5 issued upon payment of the license fee described in subsection (2) of
6 this section and verification by the department of an applicant's
7 eligibility using the registry established by the Department of Veterans'
8 Affairs pursuant to section 80-414. To be eligible an applicant shall be
9 (a) active duty armed forces personnel serving in any of the armed forces
10 listed in subsection (1) of section 60-3,122.03 or (b) a veteran of any
11 of such armed forces who was discharged or otherwise separated with a
12 characterization of honorable or general (under honorable conditions).
13 Any person using Military Honor Plates shall surrender the plates to the
14 county treasurer if such person is no longer eligible for the plates.
15 Regular plates shall be issued to any such person upon surrender of the
16 Military Honor Plates for a three-dollar transfer fee and forfeiture of
17 any of the remaining annual fee. The three-dollar transfer fee shall be
18 remitted to the State Treasurer for credit to the Department of Motor
19 Vehicles Cash Fund.

20 (2)(a) In addition to all other fees required for registration under
21 the Motor Vehicle Registration Act, each application for initial issuance
22 or renewal of alphanumeric Military Honor Plates shall be accompanied by
23 a fee of five dollars. County treasurers collecting fees pursuant to this
24 subdivision shall remit them to the State Treasurer. The State Treasurer
25 shall credit five dollars of the fee to the Nebraska Veteran Cemetery
26 System Operation Fund.

27 (b) In addition to all other fees required for registration under
28 the Motor Vehicle Registration Act, each application for initial issuance
29 or renewal of personalized message Military Honor Plates shall be
30 accompanied by a fee of forty dollars. County treasurers collecting fees
31 pursuant to this subdivision shall remit them to the State Treasurer. The

1 State Treasurer shall credit twenty-five percent of the fee for initial
2 issuance and renewal of such plates to the Department of Motor Vehicles
3 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran
4 Cemetery System Operation Fund.

5 (3) When the Department of Motor Vehicles receives an application
6 for Military Honor Plates, the department may ~~shall~~ deliver the plates
7 and registration certificate to the applicant by United States mail or to
8 the county treasurer of the county in which the motor vehicle or cabin
9 trailer is registered. The delivery of the plates and registration
10 certificate shall be made through a secure process and system. The county
11 treasurer or the department shall issue Military Honor Plates in lieu of
12 regular license plates when the applicant complies with the other
13 provisions of the Motor Vehicle Registration Act for registration of the
14 motor vehicle or cabin trailer. If Military Honor Plates are lost,
15 stolen, or mutilated, the licensee shall be issued replacement license
16 plates upon request pursuant to section 60-3,157.

17 (4) The owner of a motor vehicle or cabin trailer bearing Military
18 Honor Plates may apply to the county treasurer to have such plates
19 transferred to a motor vehicle other than the vehicle for which such
20 plates were originally purchased if such vehicle is owned by the owner of
21 the plates. The owner may have the unused portion of the fee for the
22 plates credited to the other vehicle which will bear the plates at the
23 rate of eight and one-third percent per month for each full month left in
24 the registration period. Application for such transfer shall be
25 accompanied by a fee of three dollars. Fees collected pursuant to this
26 subsection shall be remitted to the State Treasurer for credit to the
27 Department of Motor Vehicles Cash Fund.

28 (5) If the cost of manufacturing Military Honor Plates at any time
29 exceeds the amount charged for license plates pursuant to section
30 60-3,102, any money to be credited to the Nebraska Veteran Cemetery
31 System Operation Fund shall instead be credited first to the Highway

1 Trust Fund in an amount equal to the difference between the manufacturing
2 costs of Military Honor Plates and the amount charged pursuant to section
3 60-3,102 with respect to such plates and the remainder shall be credited
4 to the Nebraska Veteran Cemetery System Operation Fund.

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

10 Sec. 26. Section 60-3,128, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-3,128 (1) A person may apply to the department for Nebraska
13 Cornhusker Spirit Plates in lieu of regular license plates on an
14 application prescribed and provided by the department for any motor
15 vehicle, trailer, semitrailer, or cabin trailer, except for motor
16 vehicles or trailers registered under section 60-3,198. An applicant
17 receiving a spirit plate for a farm truck with a gross weight of over
18 sixteen tons or for a commercial motor vehicle registered for a gross
19 weight of five tons or over shall affix the appropriate tonnage decal to
20 the spirit plate. The department shall make forms available for such
21 applications through the county treasurers. Each application for initial
22 issuance or renewal of spirit plates shall be accompanied by a fee of
23 seventy dollars. Fees collected pursuant to this subsection shall be
24 remitted to the State Treasurer. The State Treasurer shall credit forty-
25 three percent of the fees for initial issuance and renewal of spirit
26 plates to the Department of Motor Vehicles Cash Fund. The State Treasurer
27 shall credit fifty-seven percent of the fees to the Spirit Plate Proceeds
28 Fund until the fund has been credited five million dollars from such fees
29 and thereafter to the Highway Trust Fund.

30 (2) When the department receives an application for spirit plates,
31 it ~~may shall~~ deliver the plates and registration certificate to the

1 applicant by United States mail or to the county treasurer of the county
2 in which the motor vehicle or cabin trailer is registered. The delivery
3 of the plates and registration certificate shall be made through a secure
4 process and system. The county treasurer or the department shall issue
5 spirit plates in lieu of regular license plates when the applicant
6 complies with the other provisions of law for registration of the motor
7 vehicle or cabin trailer. If spirit plates are lost, stolen, or
8 mutilated, the licensee shall be issued replacement license plates
9 pursuant to section 60-3,157.

10 (3)(a) The owner of a motor vehicle or cabin trailer bearing spirit
11 plates may make application to the county treasurer to have such spirit
12 plates transferred to a motor vehicle or cabin trailer other than the
13 motor vehicle or cabin trailer for which such plates were originally
14 purchased if such motor vehicle or cabin trailer is owned by the owner of
15 the spirit plates.

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

20 (c) Application for such transfer shall be accompanied by a fee of
21 three dollars. Fees collected pursuant to this subsection shall be
22 remitted to the State Treasurer for credit to the Department of Motor
23 Vehicles Cash Fund.

24 Sec. 27. Section 60-3,135.01, Revised Statutes Cumulative
25 Supplement, 2016, is amended to read:

26 60-3,135.01 (1) The department shall either modify an existing plate
27 design or design license plates to identify special interest motor
28 vehicles, to be known as special interest motor vehicle license plates.
29 The department, in designing such special interest motor vehicle license
30 plates, shall include the words special interest and limit the
31 manufacturing cost of each plate to an amount less than or equal to the

1 amount charged for license plates pursuant to section 60-3,102. The
2 department shall choose the design of the plate. The department shall
3 make applications available for this type of plate when it is designed.

4 (2) One type of special interest motor vehicle license plate shall
5 be alphanumeric plates. The department shall:

6 (a) Assign a designation up to seven characters; and

7 (b) Not use a county designation.

8 (3) One type of special interest motor vehicle license plate shall
9 be personalized message plates. Such plates shall be issued subject to
10 the same conditions specified for personalized message license plates in
11 section 60-3,118.

12 (4) A person may apply to the department for a special interest
13 motor vehicle license plate in lieu of regular license plates on an
14 application prescribed and provided by the department for any special
15 interest motor vehicle, except that no motor vehicle registered under
16 section 60-3,198, autocycle, motorcycle, or trailer shall be eligible for
17 special interest motor vehicle license plates. The department shall make
18 forms available for such applications through the county treasurers.

19 (5) The form shall contain a description of the special interest
20 motor vehicle owned and sought to be registered, including the make, body
21 type, model, serial number, and year of manufacture.

22 (6)(a) In addition to all other fees required to register a motor
23 vehicle, each application for initial issuance or renewal of a special
24 interest motor vehicle license plate shall be accompanied by a special
25 interest motor vehicle license plate fee of fifty dollars. Twenty-five
26 dollars of the special interest motor vehicle license plate fee shall be
27 remitted to the State Treasurer for credit to the Department of Motor
28 Vehicles Cash Fund, and twenty-five dollars of the special interest motor
29 vehicle license plate fee shall be remitted to the State Treasurer for
30 credit to the Highway Trust Fund.

31 (b) If a special interest motor vehicle license plate is lost,

1 stolen, or mutilated, the owner shall be issued a replacement license
2 plate pursuant to section 60-3,157.

3 (7) When the department receives an application for a special
4 interest motor vehicle license plate, the department ~~may shall~~ deliver
5 the plate and registration certificate to the applicant by United States
6 mail or to the county treasurer of the county in which the special
7 interest motor vehicle is registered. The delivery of the plate and
8 registration certificate shall be made through a secure process and
9 system. The county treasurer or the department shall issue the special
10 interest motor vehicle license plate in lieu of regular license plates
11 when the applicant complies with the other provisions of the Motor
12 Vehicle Registration Act for registration of the special interest motor
13 vehicle.

14 (8) If the cost of manufacturing special interest motor vehicle
15 license plates at any time exceeds the amount charged for license plates
16 pursuant to section 60-3,102, any money to be credited to the Department
17 of Motor Vehicles Cash Fund under this section shall instead be credited
18 first to the Highway Trust Fund in an amount equal to the difference
19 between the manufacturing costs of special interest motor vehicle license
20 plates and the amount charged pursuant to section 60-3,102 with respect
21 to such license plates and the remainder shall be credited to the
22 Department of Motor Vehicles Cash Fund.

23 (9) The special interest motor vehicle license plate shall be
24 affixed to the rear of the special interest motor vehicle.

25 (10) A special interest motor vehicle shall not be used for the same
26 purposes and under the same conditions as other motor vehicles of the
27 same type and shall not be used for business or occupation or regularly
28 for transportation to and from work. A special interest motor vehicle may
29 be driven on the public streets and roads only for occasional
30 transportation, public displays, parades, and related pleasure or hobby
31 activities.

1 (11) It shall be unlawful to own or operate a motor vehicle with
2 special interest motor vehicle license plates in violation of this
3 section. Upon conviction of a violation of any provision of this section,
4 a person shall be guilty of a Class V misdemeanor.

5 (12) For purposes of this section, special interest motor vehicle
6 means a motor vehicle of any age which is being collected, preserved,
7 restored, or maintained by the owner as a leisure pursuit and not used
8 for general transportation of persons or cargo.

9 Sec. 28. Section 60-3,141, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-3,141 (1) The various county treasurers shall act as agents for
12 the department in the collection of all motor vehicle taxes, motor
13 vehicle fees, and registration fees. An approved licensed dealer
14 participating in the electronic dealer services system pursuant to
15 section 36 of this act may collect all such taxes and fees as agent for
16 the appropriate county treasurer and the department in a manner provided
17 by such system.

18 (2) While acting as agents pursuant to subsection (1) of this
19 section, the county treasurers or any approved licensed dealers
20 participating in the electronic dealer services system shall in addition
21 to the taxes and registration fees collect one dollar and fifty cents for
22 each registration of a motor vehicle or trailer of a resident of the
23 State of Nebraska and four dollars and fifty cents for each registration
24 of a motor vehicle or trailer of a nonresident. The county treasurer
25 shall credit such additional fees collected by the county treasurer or
26 any approved licensed dealer participating in the electronic dealer
27 services system ~~for the county~~ to the county general fund in a manner
28 provided by such system.

29 (3) The county treasurers shall transmit all motor vehicle fees and
30 registration fees collected pursuant to this section to the State
31 Treasurer on or before the twentieth ~~twenty-fifth~~ day of each month and

1 at such other times as the State Treasurer requires for credit to the
2 Motor Vehicle Fee Fund and the Highway Trust Fund, respectively, except
3 as provided in section 60-3,156. Any county treasurer who fails to
4 transfer to the State Treasurer the amount due the state at the times
5 required in this section shall pay interest at the rate specified in
6 section 45-104.02, as such rate may be adjusted from time to time, from
7 the time the motor vehicle fees and registration fees become due until
8 paid.

9 (4) If a registrant requests delivery of license plates,
10 registration certificates, or validation decals by mail, the county
11 treasurer may charge a postage and handling fee in an amount not more
12 than necessary to recover the cost of postage and handling for the
13 specific items mailed to the registrant.

14 Sec. 29. Section 60-3,224, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 60-3,224 (1) Beginning October 1, 2015, and ending December 31,
17 2022, a person may apply to the department for Nebraska 150
18 Sesquicentennial Plates in lieu of regular license plates on an
19 application prescribed and provided by the department for any motor
20 vehicle, trailer, semitrailer, or cabin trailer, except for a motor
21 vehicle or trailer registered under section 60-3,198. An applicant
22 receiving a plate under this section for a farm truck with a gross weight
23 of over sixteen tons shall affix the appropriate tonnage decal to the
24 plate. The department shall make forms available for such applications
25 through the county treasurers.

26 (2) Each application for initial issuance or renewal of Nebraska 150
27 Sesquicentennial Plates shall be accompanied by a fee of seventy dollars.
28 Fees collected pursuant to this section shall be remitted to the State
29 Treasurer. The State Treasurer shall credit fifteen percent of the fee
30 for initial issuance and renewal of plates under subsection (3) of
31 section 60-3,223 to the Department of Motor Vehicles Cash Fund and

1 eighty-five percent of such fee to the Nebraska 150 Sesquicentennial
2 Plate Proceeds Fund. The State Treasurer shall credit forty-three percent
3 of the fee for initial issuance and renewal of plates under subsection
4 (4) of section 60-3,223 to the Department of Motor Vehicles Cash Fund and
5 fifty-seven percent of such fee to the Nebraska 150 Sesquicentennial
6 Plate Proceeds Fund.

7 (3) When the department receives an application for Nebraska 150
8 Sesquicentennial Plates, the department ~~may shall~~ deliver the plates and
9 registration certificate to the applicant by United States mail or to the
10 county treasurer of the county in which the motor vehicle or cabin
11 trailer is registered. The delivery of the plates and registration
12 certificate shall be made through a secure process and system. The county
13 treasurer or the department shall issue plates under this section in lieu
14 of regular license plates when the applicant complies with the other
15 provisions of the Motor Vehicle Registration Act for registration of the
16 motor vehicle or cabin trailer. If plates are lost, stolen, or mutilated,
17 the licensee shall be issued replacement license plates pursuant to
18 section 60-3,157.

19 (4) The owner of a motor vehicle or cabin trailer bearing Nebraska
20 150 Sesquicentennial Plates may apply to the county treasurer to have
21 such plates transferred to a motor vehicle or cabin trailer other than
22 the vehicle or trailer for which such plates were originally purchased if
23 such vehicle or trailer is owned by the owner of the plates. The owner
24 may have the unused portion of the fee for the plates credited to the
25 other vehicle or trailer which will bear the plates at the rate of eight
26 and one-third percent per month for each full month left in the
27 registration period. Application for such transfer shall be accompanied
28 by a fee of three dollars. The State Treasurer shall credit fees
29 collected pursuant to this subsection to the Department of Motor Vehicles
30 Cash Fund.

31 (5) Nebraska 150 Sesquicentennial Plates shall not be issued or

1 renewed beginning on January 1, 2023.

2 Sec. 30. Section 60-3,227, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-3,227 (1) Beginning October 1, 2016, a person may apply to the
5 department for Mountain Lion Conservation Plates in lieu of regular
6 license plates on an application prescribed and provided by the
7 department for any motor vehicle or cabin trailer, except for a motor
8 vehicle or cabin trailer registered under section 60-3,198. An applicant
9 receiving a Mountain Lion Conservation Plate for a farm truck with a
10 gross weight of over sixteen tons shall affix the appropriate tonnage
11 decal to the plate. The department shall make forms available for such
12 applications through the county treasurers. The license plates shall be
13 issued upon payment of the license fee described in subsection (2) of
14 this section.

15 (2)(a) In addition to all other fees required for registration under
16 the Motor Vehicle Registration Act, each application for initial issuance
17 of alphanumeric Mountain Lion Conservation Plates shall be accompanied by
18 a fee of five dollars. An application for renewal of such plates shall be
19 accompanied by a fee of five dollars. County treasurers collecting fees
20 pursuant to this subdivision shall remit them to the State Treasurer. The
21 State Treasurer shall credit five dollars of the fee to the Game and
22 Parks Commission Educational Fund.

23 (b) In addition to all other fees required for registration under
24 the Motor Vehicle Registration Act, each application for initial issuance
25 or renewal of personalized message Mountain Lion Conservation Plates
26 shall be accompanied by a fee of forty dollars. County treasurers
27 collecting fees pursuant to this subdivision shall remit them to the
28 State Treasurer. The State Treasurer shall credit twenty-five percent of
29 the fee for initial issuance and renewal of such plates to the Department
30 of Motor Vehicles Cash Fund and seventy-five percent of the fee to the
31 Game and Parks Commission Educational Fund.

1 (3) When the department receives an application for Mountain Lion
2 Conservation Plates, the department may ~~shall~~ deliver the plates and
3 registration certificate to the applicant by United States mail or to the
4 county treasurer of the county in which the motor vehicle or cabin
5 trailer is registered. The delivery of the plates and registration
6 certificate shall be made through a secure process and system. The county
7 treasurer or the department shall issue Mountain Lion Conservation Plates
8 in lieu of regular license plates when the applicant complies with the
9 other provisions of the Motor Vehicle Registration Act for registration
10 of the motor vehicle or cabin trailer. If Mountain Lion Conservation
11 Plates are lost, stolen, or mutilated, the licensee shall be issued
12 replacement license plates upon request pursuant to section 60-3,157.

13 (4) The owner of a motor vehicle or cabin trailer bearing Mountain
14 Lion Conservation Plates may apply to the county treasurer to have such
15 plates transferred to a motor vehicle other than the vehicle for which
16 such plates were originally purchased if such vehicle is owned by the
17 owner of the plates. The owner may have the unused portion of the fee for
18 the plates credited to the other vehicle which will bear the plates at
19 the rate of eight and one-third percent per month for each full month
20 left in the registration period. Application for such transfer shall be
21 accompanied by a fee of three dollars. Fees collected pursuant to this
22 subsection shall be remitted to the State Treasurer for credit to the
23 Department of Motor Vehicles Cash Fund.

24 (5) If the cost of manufacturing Mountain Lion Conservation Plates
25 at any time exceeds the amount charged for license plates pursuant to
26 section 60-3,102, any money to be credited to the Game and Parks
27 Commission Educational Fund shall instead be credited first to the
28 Highway Trust Fund in an amount equal to the difference between the
29 manufacturing costs of Mountain Lion Conservation Plates and the amount
30 charged pursuant to section 60-3,102 with respect to such plates and the
31 remainder shall be credited to the Game and Parks Commission Educational

1 Fund.

2 Sec. 31. Section 60-3,231, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-3,231 (1) Beginning January 1, 2017, a person may apply to the
5 department for Breast Cancer Awareness Plates in lieu of regular license
6 plates on an application prescribed and provided by the department for
7 any motor vehicle, trailer, or semitrailer, except for a motor vehicle or
8 trailer registered under section 60-3,198. An applicant receiving a plate
9 under this section for a farm truck with a gross weight of over sixteen
10 tons shall affix the appropriate tonnage decal to the plate. The
11 department shall make forms available for such applications through the
12 county treasurers.

13 (2) In addition to all other fees required for registration under
14 the Motor Vehicle Registration Act, each application for initial issuance
15 or renewal of personalized message Breast Cancer Awareness Plates shall
16 be accompanied by a fee of forty dollars. No such additional fee shall be
17 due for the initial issuance or renewal of alphanumeric Breast Cancer
18 Awareness Plates. County treasurers collecting fees pursuant to this
19 subsection shall remit them to the State Treasurer. The State Treasurer
20 shall credit twenty-five percent of the fee to the Highway Trust Fund and
21 seventy-five percent of the fee to the Department of Motor Vehicles Cash
22 Fund.

23 (3) When the department receives an application for Breast Cancer
24 Awareness Plates, the department may ~~shall~~ deliver the plates and
25 registration certificate to the applicant by United States mail or to the
26 county treasurer of the county in which the motor vehicle or trailer is
27 registered. The delivery of the plates and registration certificate shall
28 be made through a secure process and system. The county treasurer or the
29 department shall issue plates under this section in lieu of regular
30 license plates when the applicant complies with the other provisions of
31 the Motor Vehicle Registration Act for registration of the motor vehicle

1 or trailer. If Breast Cancer Awareness Plates are lost, stolen, or
2 mutilated, the licensee shall be issued replacement license plates upon
3 request pursuant to section 60-3,157.

4 (4) The owner of a motor vehicle or trailer bearing Breast Cancer
5 Awareness Plates may apply to the county treasurer to have such plates
6 transferred to a motor vehicle or trailer other than the motor vehicle or
7 trailer for which such plates were originally purchased if such motor
8 vehicle or trailer is owned by the owner of the plates. The owner may
9 have the unused portion of the fee for the plates credited to the other
10 motor vehicle or trailer which will bear the plates at the rate of eight
11 and one-third percent per month for each full month left in the
12 registration period. Application for such transfer shall be accompanied
13 by a fee of three dollars. Fees collected pursuant to this subsection
14 shall be remitted to the State Treasurer for credit to the Department of
15 Motor Vehicles Cash Fund.

16 Sec. 32. Section 60-2907, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-2907 The department and any officer, employee, agent, or
19 contractor of the department having custody of a motor vehicle record
20 shall, upon the verification of identity and purpose of a requester,
21 disclose and make available the requested motor vehicle record, including
22 the personal information in the record, for the following purposes:

23 (1) For use by any federal, state, or local governmental agency,
24 including any court or law enforcement agency, in carrying out the
25 agency's functions or by a private person or entity acting on behalf of a
26 governmental agency in carrying out the agency's functions;

27 (2) For use in connection with matters of motor vehicle or driver
28 safety and theft; motor vehicle emissions; motor vehicle product
29 alterations, recalls, or advisories; performance monitoring of motor
30 vehicles, motor vehicle parts, and dealers; motor vehicle market research
31 activities, including survey research; and removal of nonowner records

1 from the original owner records of motor vehicle manufacturers;

2 (3) For use in the normal course of business by a legitimate
3 business or its agents, employees, or contractors but only:

4 (a) To verify the accuracy of personal information submitted by the
5 individual to the business or its agents, employees, or contractors; and

6 (b) If such information as so submitted is not correct or is no
7 longer correct, to obtain the correct information, but only for the
8 purposes of preventing fraud by, pursuing legal remedies against, or
9 recovering on a debt or security interest against, the individual;

10 (4) For use in connection with any civil, criminal, administrative,
11 or arbitral proceeding in any federal, state, or local court or
12 governmental agency or before any self-regulatory body, including service
13 of process, investigation in anticipation of litigation, and execution or
14 enforcement of judgments and orders, or pursuant to an order of a
15 federal, state, or local court, an administrative agency, or a self-
16 regulatory body;

17 (5) For use in research activities, and for use in producing
18 statistical reports, so long as the personal information is not
19 published, redisclosed, or used to contact individuals;

20 (6) For use by any insurer or insurance support organization, or by
21 a self-insured entity, or its agents, employees, or contractors, in
22 connection with claims investigation activities, anti-fraud activities,
23 rating, or underwriting;

24 (7) For use in providing notice to the owners of abandoned, towed,
25 or impounded vehicles;

26 (8) For use only for a purpose permitted under this section either
27 by a private detective, plain clothes investigator, or private
28 investigative agency licensed under sections 71-3201 to 71-3213;

29 (9) For use by an employer or the employer's agent or insurer to
30 obtain or verify information relating to a holder of a commercial
31 driver's license or CLP-commercial learner's permit that is required

1 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
2 seq., or pursuant to sections 60-4,132 and 60-4,141;

3 (10) For use in connection with the operation of private toll
4 transportation facilities;

5 (11) For bulk distribution for surveys of, marketing to, or
6 solicitations of persons who have expressly consented to such disclosure
7 if the requester has obtained the notarized written consent of the
8 individual who is the subject of the personal information being requested
9 and has provided proof of receipt of such written consent to the
10 department or an officer, employee, agent, or contractor of the
11 department on a form prescribed by the department;

12 (12) For any use if the requester has obtained the notarized written
13 consent of the individual who is the subject of the personal information
14 being requested and has provided proof of receipt of such written consent
15 to the department or an officer, employee, agent, or contractor of the
16 department;

17 (13) For use, including redisclosure through news publication, of a
18 member of a medium of communication as defined in section 20-145 who
19 requests such information in connection with preparing, researching,
20 gathering, or confirming news information involving motor vehicle or
21 driver safety or motor vehicle theft;

22 (14) For use by the federally designated organ procurement
23 organization for Nebraska to establish and maintain the Donor Registry of
24 Nebraska as provided in section 71-4822;~~and~~

25 (15) For use to fulfill the requirements of the electronic dealer
26 services system pursuant to section 36 of this act; and

27 (16) ~~(15)~~ For any other use specifically authorized by law that is
28 related to the operation of a motor vehicle or public safety.

29 Sec. 33. Section 77-2703, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 77-2703 (1) There is hereby imposed a tax at the rate provided in

1 section 77-2701.02 upon the gross receipts from all sales of tangible
2 personal property sold at retail in this state; the gross receipts of
3 every person engaged as a public utility, as a community antenna
4 television service operator, or as a satellite service operator, any
5 person involved in the connecting and installing of the services defined
6 in subdivision (2)(a), (b), (d), or (e) of section 77-2701.16, or every
7 person engaged as a retailer of intellectual or entertainment properties
8 referred to in subsection (3) of section 77-2701.16; the gross receipts
9 from the sale of admissions in this state; the gross receipts from the
10 sale of warranties, guarantees, service agreements, or maintenance
11 agreements when the items covered are subject to tax under this section;
12 beginning January 1, 2008, the gross receipts from the sale of bundled
13 transactions when one or more of the products included in the bundle are
14 taxable; the gross receipts from the provision of services defined in
15 subsection (4) of section 77-2701.16; and the gross receipts from the
16 sale of products delivered electronically as described in subsection (9)
17 of section 77-2701.16. Except as provided in section 77-2701.03, when
18 there is a sale, the tax shall be imposed at the rate in effect at the
19 time the gross receipts are realized under the accounting basis used by
20 the retailer to maintain his or her books and records.

21 (a) The tax imposed by this section shall be collected by the
22 retailer from the consumer. It shall constitute a part of the purchase
23 price and until collected shall be a debt from the consumer to the
24 retailer and shall be recoverable at law in the same manner as other
25 debts. The tax required to be collected by the retailer from the consumer
26 constitutes a debt owed by the retailer to this state.

27 (b) It is unlawful for any retailer to advertise, hold out, or state
28 to the public or to any customer, directly or indirectly, that the tax or
29 part thereof will be assumed or absorbed by the retailer, that it will
30 not be added to the selling, renting, or leasing price of the property
31 sold, rented, or leased, or that, if added, it or any part thereof will

1 be refunded. The provisions of this subdivision shall not apply to a
2 public utility.

3 (c) The tax required to be collected by the retailer from the
4 purchaser, unless otherwise provided by statute or by rule and regulation
5 of the Tax Commissioner, shall be displayed separately from the list
6 price, the price advertised in the premises, the marked price, or other
7 price on the sales check or other proof of sales, rentals, or leases.

8 (d) For the purpose of more efficiently securing the payment,
9 collection, and accounting for the sales tax and for the convenience of
10 the retailer in collecting the sales tax, it shall be the duty of the Tax
11 Commissioner to provide a schedule or schedules of the amounts to be
12 collected from the consumer or user to effectuate the computation and
13 collection of the tax imposed by the Nebraska Revenue Act of 1967. Such
14 schedule or schedules shall provide that the tax shall be collected from
15 the consumer or user uniformly on sales according to brackets based on
16 sales prices of the item or items. Retailers may compute the tax due on
17 any transaction on an item or an invoice basis. The rounding rule
18 provided in section 77-3,117 applies.

19 (e) The use of tokens or stamps for the purpose of collecting or
20 enforcing the collection of the taxes imposed in the Nebraska Revenue Act
21 of 1967 or for any other purpose in connection with such taxes is
22 prohibited.

23 (f) For the purpose of the proper administration of the provisions
24 of the Nebraska Revenue Act of 1967 and to prevent evasion of the retail
25 sales tax, it shall be presumed that all gross receipts are subject to
26 the tax until the contrary is established. The burden of proving that a
27 sale of property is not a sale at retail is upon the person who makes the
28 sale unless he or she takes from the purchaser (i) a resale certificate
29 to the effect that the property is purchased for the purpose of
30 reselling, leasing, or renting it, (ii) an exemption certificate pursuant
31 to subsection (7) of section 77-2705, or (iii) a direct payment permit

1 pursuant to sections 77-2705.01 to 77-2705.03. Receipt of a resale
2 certificate, exemption certificate, or direct payment permit shall be
3 conclusive proof for the seller that the sale was made for resale or was
4 exempt or that the tax will be paid directly to the state.

5 (g) In the rental or lease of automobiles, trucks, trailers,
6 semitrailers, and truck-tractors as defined in the Motor Vehicle
7 Registration Act, the tax shall be collected by the lessor on the rental
8 or lease price, except as otherwise provided within this section.

9 (h) In the rental or lease of automobiles, trucks, trailers,
10 semitrailers, and truck-tractors as defined in the act, for periods of
11 one year or more, the lessor may elect not to collect and remit the sales
12 tax on the gross receipts and instead pay a sales tax on the cost of such
13 vehicle. If such election is made, it shall be made pursuant to the
14 following conditions:

15 (i) Notice of the desire to make such election shall be filed with
16 the Tax Commissioner and shall not become effective until the Tax
17 Commissioner is satisfied that the taxpayer has complied with all
18 conditions of this subsection and all rules and regulations of the Tax
19 Commissioner;

20 (ii) Such election when made shall continue in force and effect for
21 a period of not less than two years and thereafter until such time as the
22 lessor elects to terminate the election;

23 (iii) When such election is made, it shall apply to all vehicles of
24 the lessor rented or leased for periods of one year or more except
25 vehicles to be leased to common or contract carriers who provide to the
26 lessor a valid common or contract carrier exemption certificate. If the
27 lessor rents or leases other vehicles for periods of less than one year,
28 such lessor shall maintain his or her books and records and his or her
29 accounting procedure as the Tax Commissioner prescribes; and

30 (iv) The Tax Commissioner by rule and regulation shall prescribe the
31 contents and form of the notice of election, a procedure for the

1 determination of the tax base of vehicles which are under an existing
2 lease at the time such election becomes effective, the method and manner
3 for terminating such election, and such other rules and regulations as
4 may be necessary for the proper administration of this subdivision.

5 (i) The tax imposed by this section on the sales of motor vehicles,
6 semitrailers, and trailers as defined in sections 60-339, 60-348, and
7 60-354 shall be the liability of the purchaser and, with the exception of
8 motor vehicles, semitrailers, and trailers registered pursuant to section
9 60-3,198, the tax shall be collected by the county treasurer as provided
10 in the Motor Vehicle Registration Act or by an approved licensed dealer
11 participating in the electronic dealer services system pursuant to
12 section 36 of this act at the time the purchaser makes application for
13 the registration of the motor vehicle, semitrailer, or trailer for
14 operation upon the highways of this state. The tax imposed by this
15 section on motor vehicles, semitrailers, and trailers registered pursuant
16 to section 60-3,198 shall be collected by the Department of Motor
17 Vehicles at the time the purchaser makes application for the registration
18 of the motor vehicle, semitrailer, or trailer for operation upon the
19 highways of this state. At the time of the sale of any motor vehicle,
20 semitrailer, or trailer, the seller shall (i) state on the sales invoice
21 the dollar amount of the tax imposed under this section and (ii) furnish
22 to the purchaser a certified statement of the transaction, in such form
23 as the Tax Commissioner prescribes, setting forth as a minimum the total
24 sales price, the allowance for any trade-in, and the difference between
25 the two. The sales tax due shall be computed on the difference between
26 the total sales price and the allowance for any trade-in as disclosed by
27 such certified statement. Any seller who willfully understates the amount
28 upon which the sales tax is due shall be subject to a penalty of one
29 thousand dollars. A copy of such certified statement shall also be
30 furnished to the Tax Commissioner. Any seller who fails or refuses to
31 furnish such certified statement shall be guilty of a misdemeanor and

1 shall, upon conviction thereof, be punished by a fine of not less than
2 twenty-five dollars nor more than one hundred dollars. If the purchaser
3 does not register such motor vehicle, semitrailer, or trailer for
4 operation on the highways of this state within thirty days of the
5 purchase thereof, the tax imposed by this section shall immediately
6 thereafter be paid by the purchaser to the county treasurer or the
7 Department of Motor Vehicles. If the tax is not paid on or before the
8 thirtieth day after its purchase, the county treasurer or Department of
9 Motor Vehicles shall also collect from the purchaser interest from the
10 thirtieth day through the date of payment and sales tax penalties as
11 provided in the Nebraska Revenue Act of 1967. The county treasurer or
12 Department of Motor Vehicles shall report and remit the tax so collected
13 to the Tax Commissioner by the fifteenth day of the following month. The
14 county treasurer shall deduct and withhold for the use of the county
15 general fund, from all amounts required to be collected under this
16 subsection, the collection fee permitted to be deducted by any retailer
17 collecting the sales tax. The Department of Motor Vehicles shall deduct,
18 withhold, and deposit in the Motor Carrier Division Cash Fund the
19 collection fee permitted to be deducted by any retailer collecting the
20 sales tax. The collection fee shall be forfeited if the county treasurer
21 or Department of Motor Vehicles violates any rule or regulation
22 pertaining to the collection of the use tax.

23 (j)(i) The tax imposed by this section on the sale of a motorboat as
24 defined in section 37-1204 shall be the liability of the purchaser. The
25 tax shall be collected by the county treasurer at the time the purchaser
26 makes application for the registration of the motorboat. At the time of
27 the sale of a motorboat, the seller shall (A) state on the sales invoice
28 the dollar amount of the tax imposed under this section and (B) furnish
29 to the purchaser a certified statement of the transaction, in such form
30 as the Tax Commissioner prescribes, setting forth as a minimum the total
31 sales price, the allowance for any trade-in, and the difference between

1 the two. The sales tax due shall be computed on the difference between
2 the total sales price and the allowance for any trade-in as disclosed by
3 such certified statement. Any seller who willfully understates the amount
4 upon which the sales tax is due shall be subject to a penalty of one
5 thousand dollars. A copy of such certified statement shall also be
6 furnished to the Tax Commissioner. Any seller who fails or refuses to
7 furnish such certified statement shall be guilty of a misdemeanor and
8 shall, upon conviction thereof, be punished by a fine of not less than
9 twenty-five dollars nor more than one hundred dollars. If the purchaser
10 does not register such motorboat within thirty days of the purchase
11 thereof, the tax imposed by this section shall immediately thereafter be
12 paid by the purchaser to the county treasurer. If the tax is not paid on
13 or before the thirtieth day after its purchase, the county treasurer
14 shall also collect from the purchaser interest from the thirtieth day
15 through the date of payment and sales tax penalties as provided in the
16 Nebraska Revenue Act of 1967. The county treasurer shall report and remit
17 the tax so collected to the Tax Commissioner by the fifteenth day of the
18 following month. The county treasurer shall deduct and withhold for the
19 use of the county general fund, from all amounts required to be collected
20 under this subsection, the collection fee permitted to be deducted by any
21 retailer collecting the sales tax. The collection fee shall be forfeited
22 if the county treasurer violates any rule or regulation pertaining to the
23 collection of the use tax.

24 (ii) In the rental or lease of motorboats, the tax shall be
25 collected by the lessor on the rental or lease price.

26 (k)(i) The tax imposed by this section on the sale of an all-terrain
27 vehicle as defined in section 60-103 or a utility-type vehicle as defined
28 in section 60-135.01 shall be the liability of the purchaser. The tax
29 shall be collected by the county treasurer or by an approved licensed
30 dealer participating in the electronic dealer services system pursuant to
31 section 36 of this act at the time the purchaser makes application for

1 the certificate of title for the all-terrain vehicle or utility-type
2 vehicle. At the time of the sale of an all-terrain vehicle or a utility-
3 type vehicle, the seller shall (A) state on the sales invoice the dollar
4 amount of the tax imposed under this section and (B) furnish to the
5 purchaser a certified statement of the transaction, in such form as the
6 Tax Commissioner prescribes, setting forth as a minimum the total sales
7 price, the allowance for any trade-in, and the difference between the
8 two. The sales tax due shall be computed on the difference between the
9 total sales price and the allowance for any trade-in as disclosed by such
10 certified statement. Any seller who willfully understates the amount upon
11 which the sales tax is due shall be subject to a penalty of one thousand
12 dollars. A copy of such certified statement shall also be furnished to
13 the Tax Commissioner. Any seller who fails or refuses to furnish such
14 certified statement shall be guilty of a misdemeanor and shall, upon
15 conviction thereof, be punished by a fine of not less than twenty-five
16 dollars nor more than one hundred dollars. If the purchaser does not
17 obtain a certificate of title for such all-terrain vehicle or utility-
18 type vehicle within thirty days of the purchase thereof, the tax imposed
19 by this section shall immediately thereafter be paid by the purchaser to
20 the county treasurer. If the tax is not paid on or before the thirtieth
21 day after its purchase, the county treasurer shall also collect from the
22 purchaser interest from the thirtieth day through the date of payment and
23 sales tax penalties as provided in the Nebraska Revenue Act of 1967. The
24 county treasurer shall report and remit the tax so collected to the Tax
25 Commissioner by the fifteenth day of the following month. The county
26 treasurer shall deduct and withhold for the use of the county general
27 fund, from all amounts required to be collected under this subsection,
28 the collection fee permitted to be deducted by any retailer collecting
29 the sales tax. The collection fee shall be forfeited if the county
30 treasurer violates any rule or regulation pertaining to the collection of
31 the use tax.

1 (ii) In the rental or lease of an all-terrain vehicle or a utility-
2 type vehicle, the tax shall be collected by the lessor on the rental or
3 lease price.

4 (iii) County treasurers are appointed as sales and use tax
5 collectors for all sales of all-terrain vehicles or utility-type vehicles
6 made outside of this state to purchasers or users of all-terrain vehicles
7 or utility-type vehicles which are required to have a certificate of
8 title in this state. The county treasurer shall collect the applicable
9 use tax from the purchaser of an all-terrain vehicle or a utility-type
10 vehicle purchased outside of this state at the time application for a
11 certificate of title is made. The full use tax on the purchase price
12 shall be collected by the county treasurer if a sales or occupation tax
13 was not paid by the purchaser in the state of purchase. If a sales or
14 occupation tax was lawfully paid in the state of purchase at a rate less
15 than the tax imposed in this state, use tax must be collected on the
16 difference as a condition for obtaining a certificate of title in this
17 state.

18 (1) The Tax Commissioner shall adopt and promulgate necessary rules
19 and regulations for determining the amount subject to the taxes imposed
20 by this section so as to insure that the full amount of any applicable
21 tax is paid in cases in which a sale is made of which a part is subject
22 to the taxes imposed by this section and a part of which is not so
23 subject and a separate accounting is not practical or economical.

24 (2) A use tax is hereby imposed on the storage, use, or other
25 consumption in this state of property purchased, leased, or rented from
26 any retailer and on any transaction the gross receipts of which are
27 subject to tax under subsection (1) of this section on or after June 1,
28 1967, for storage, use, or other consumption in this state at the rate
29 set as provided in subsection (1) of this section on the sales price of
30 the property or, in the case of leases or rentals, of the lease or rental
31 prices.

1 (a) Every person storing, using, or otherwise consuming in this
2 state property purchased from a retailer or leased or rented from another
3 person for such purpose shall be liable for the use tax at the rate in
4 effect when his or her liability for the use tax becomes certain under
5 the accounting basis used to maintain his or her books and records. His
6 or her liability shall not be extinguished until the use tax has been
7 paid to this state, except that a receipt from a retailer engaged in
8 business in this state or from a retailer who is authorized by the Tax
9 Commissioner, under such rules and regulations as he or she may
10 prescribe, to collect the sales tax and who is, for the purposes of the
11 Nebraska Revenue Act of 1967 relating to the sales tax, regarded as a
12 retailer engaged in business in this state, which receipt is given to the
13 purchaser pursuant to subdivision (b) of this subsection, shall be
14 sufficient to relieve the purchaser from further liability for the tax to
15 which the receipt refers.

16 (b) Every retailer engaged in business in this state and selling,
17 leasing, or renting property for storage, use, or other consumption in
18 this state shall, at the time of making any sale, collect any tax which
19 may be due from the purchaser and shall give to the purchaser, upon
20 request, a receipt therefor in the manner and form prescribed by the Tax
21 Commissioner.

22 (c) The Tax Commissioner, in order to facilitate the proper
23 administration of the use tax, may designate such person or persons as he
24 or she may deem necessary to be use tax collectors and delegate to such
25 persons such authority as is necessary to collect any use tax which is
26 due and payable to the State of Nebraska. The Tax Commissioner may
27 require of all persons so designated a surety bond in favor of the State
28 of Nebraska to insure against any misappropriation of state funds so
29 collected. The Tax Commissioner may require any tax official, city,
30 county, or state, to collect the use tax on behalf of the state. All
31 persons designated to or required to collect the use tax shall account

1 for such collections in the manner prescribed by the Tax Commissioner.
2 Nothing in this subdivision shall be so construed as to prevent the Tax
3 Commissioner or his or her employees from collecting any use taxes due
4 and payable to the State of Nebraska.

5 (d) All persons designated to collect the use tax and all persons
6 required to collect the use tax shall forward the total of such
7 collections to the Tax Commissioner at such time and in such manner as
8 the Tax Commissioner may prescribe. For all use taxes collected prior to
9 October 1, 2002, such collectors of the use tax shall deduct and withhold
10 from the amount of taxes collected two and one-half percent of the first
11 three thousand dollars remitted each month and one-half of one percent of
12 all amounts in excess of three thousand dollars remitted each month as
13 reimbursement for the cost of collecting the tax. For use taxes collected
14 on and after October 1, 2002, such collectors of the use tax shall deduct
15 and withhold from the amount of taxes collected two and one-half percent
16 of the first three thousand dollars remitted each month as reimbursement
17 for the cost of collecting the tax. Any such deduction shall be forfeited
18 to the State of Nebraska if such collector violates any rule, regulation,
19 or directive of the Tax Commissioner.

20 (e) For the purpose of the proper administration of the Nebraska
21 Revenue Act of 1967 and to prevent evasion of the use tax, it shall be
22 presumed that property sold, leased, or rented by any person for delivery
23 in this state is sold, leased, or rented for storage, use, or other
24 consumption in this state until the contrary is established. The burden
25 of proving the contrary is upon the person who purchases, leases, or
26 rents the property.

27 (f) For the purpose of the proper administration of the Nebraska
28 Revenue Act of 1967 and to prevent evasion of the use tax, for the sale
29 of property to an advertising agency which purchases the property as an
30 agent for a disclosed or undisclosed principal, the advertising agency is
31 and remains liable for the sales and use tax on the purchase the same as

1 if the principal had made the purchase directly.

2 Sec. 34. Section 81-8,219, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-8,219 The State Tort Claims Act shall not apply to:

5 (1) Any claim based upon an act or omission of an employee of the
6 state, exercising due care, in the execution of a statute, rule, or
7 regulation, whether or not such statute, rule, or regulation is valid, or
8 based upon the exercise or performance or the failure to exercise or
9 perform a discretionary function or duty on the part of a state agency or
10 an employee of the state, whether or not the discretion is abused;

11 (2) Any claim arising with respect to the assessment or collection
12 of any tax or fee, or the detention of any goods or merchandise by any
13 law enforcement officer;

14 (3) Any claim for damages caused by the imposition or establishment
15 of a quarantine by the state whether such quarantine relates to persons
16 or property;

17 (4) Any claim arising out of assault, battery, false imprisonment,
18 false arrest, malicious prosecution, abuse of process, libel, slander,
19 misrepresentation, deceit, or interference with contract rights;

20 (5) Any claim by an employee of the state which is covered by the
21 Nebraska Workers' Compensation Act;

22 (6) Any claim based on activities of the Nebraska National Guard
23 when such claim is cognizable under the Federal Tort Claims Act, 28
24 U.S.C. 2674, or the National Guard Tort Claims Act of the United States,
25 32 U.S.C. 715, or when such claim accrues as a result of active federal
26 service or state service at the call of the Governor for quelling riots
27 and civil disturbances;

28 (7) Any claim based upon the failure to make an inspection or making
29 an inadequate or negligent inspection of any property other than property
30 owned by or leased to the state to determine whether the property
31 complies with or violates any statute, ordinance, rule, or regulation or

1 contains a hazard to public health or safety unless the state had
2 reasonable notice of such hazard or the failure to inspect or inadequate
3 or negligent inspection constitutes a reckless disregard for public
4 health or safety;

5 (8) Any claim based upon the issuance, denial, suspension, or
6 revocation of or failure or refusal to issue, deny, suspend, or revoke
7 any permit, license, certificate, or order. Such claim shall also not be
8 filed against a state employee acting within the scope of his or her
9 office. Nothing in this subdivision shall be construed to limit the
10 state's liability for any claim based upon the negligent execution by a
11 state employee in the issuance of a certificate of title under the Motor
12 Vehicle Certificate of Title Act and the State Boat Act, except when such
13 title is issued upon an application filed electronically by an approved
14 licensed dealer participating in the electronic dealer services system
15 pursuant to section 36 of this act;

16 (9) Any claim arising out of the malfunction, destruction, or
17 unauthorized removal of any traffic or road sign, signal, or warning
18 device unless it is not corrected by the governmental entity responsible
19 within a reasonable time after actual or constructive notice of such
20 malfunction, destruction, or removal. Nothing in this subdivision shall
21 give rise to liability arising from an act or omission of any
22 governmental entity in placing or removing any traffic or road signs,
23 signals, or warning devices when such placement or removal is the result
24 of a discretionary act of the governmental entity;

25 (10) Any claim arising out of snow or ice conditions or other
26 temporary conditions caused by nature on any highway as defined in
27 section 60-624, bridge, public thoroughfare, or other state-owned public
28 place due to weather conditions. Nothing in this subdivision shall be
29 construed to limit the state's liability for any claim arising out of the
30 operation of a motor vehicle by an employee of the state while acting
31 within the course and scope of his or her employment by the state;

1 (11) Any claim arising out of the plan or design for the
2 construction of or an improvement to any highway as defined in such
3 section or bridge, either in original construction or any improvement
4 thereto, if the plan or design is approved in advance of the construction
5 or improvement by the governing body of the governmental entity or some
6 other body or employee exercising discretionary authority to give such
7 approval;

8 (12) Any claim arising out of the alleged insufficiency or want of
9 repair of any highway as defined in such section, bridge, or other public
10 thoroughfare. Insufficiency or want of repair shall be construed to refer
11 to the general or overall condition and shall not refer to a spot or
12 localized defect. The state shall be deemed to waive its immunity for a
13 claim due to a spot or localized defect only if the state has had actual
14 or constructive notice of the defect within a reasonable time to allow
15 repair prior to the incident giving rise to the claim;

16 (13)(a) Any claim relating to recreational activities on property
17 leased, owned, or controlled by the state for which no fee is charged (i)
18 resulting from the inherent risk of the recreational activity, (ii)
19 arising out of a spot or localized defect of the premises unless the spot
20 or localized defect is not corrected within a reasonable time after
21 actual or constructive notice of the spot or localized defect, or (iii)
22 arising out of the design of a skatepark or bicycle motocross park
23 constructed for purposes of skateboarding, inline skating, bicycling, or
24 scootering that was constructed or reconstructed, reasonably and in good
25 faith, in accordance with generally recognized engineering or safety
26 standards or design theories in existence at the time of the construction
27 or reconstruction. For purposes of this subdivision, the state shall be
28 charged with constructive notice only when the failure to discover the
29 spot or localized defect of the premises is the result of gross
30 negligence.

31 (b) For purposes of this subdivision:

1 (i) Recreational activities include, but are not limited to, whether
2 as a participant or spectator: Hunting, fishing, swimming, boating,
3 camping, picnicking, hiking, walking, running, horseback riding, use of
4 trails, nature study, waterskiing, winter sports, use of playground
5 equipment, biking, roller blading, skateboarding, golfing, athletic
6 contests; visiting, viewing, or enjoying entertainment events, festivals,
7 or historical, archaeological, scenic, or scientific sites; and similar
8 leisure activities;

9 (ii) Inherent risk of recreational activities means those risks that
10 are characteristic of, intrinsic to, or an integral part of the activity;

11 (iii) Gross negligence means the absence of even slight care in the
12 performance of a duty involving an unreasonable risk of harm; and

13 (iv) Fee means a fee to participate in or be a spectator at a
14 recreational activity. A fee shall include payment by the claimant to any
15 person or organization other than the state only to the extent the state
16 retains control over the premises or the activity. A fee shall not
17 include payment of a fee or charge for parking or vehicle entry.

18 (c) This subdivision, and not subdivision (7) of this section, shall
19 apply to any claim arising from the inspection or failure to make an
20 inspection or negligent inspection of premises owned or leased by the
21 state and used for recreational activities; or

22 (14) Any claim arising as a result of a special event during a
23 period of time specified in a notice provided by a political subdivision
24 pursuant to subsection (3) of section 39-1359.

25 Sec. 35. Section 83-123, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 83-123 (1) Out of the fund appropriated by the Legislature, the
28 Department of Correctional Services shall purchase the materials for, and
29 manufacture, ~~and deliver~~ the license plates each year for ~~to~~ the various
30 counties and the Department of Motor Vehicles in the State of Nebraska.
31 The Department of Motor Vehicles shall furnish to the Department of

1 Correctional Services the information concerning license plates through a
2 secure process and system, together with the number of plates to be
3 manufactured for each county and the Department of Motor Vehicles in the
4 state for the current licensing year, ~~to the Department of Correctional~~
5 ~~Services.~~

6 (2) The Department of Correctional Services shall deliver the
7 license plates each year as directed by the Department of Motor Vehicles
8 through a secure process and system.

9 Sec. 36. (1) The department shall implement an electronic dealer
10 services system. The director shall approve a licensed dealer for
11 participation in the system. A licensed dealer may voluntarily
12 participate in the system and provide titling and registration services.
13 A licensed dealer who chooses to participate may collect from a purchaser
14 of a vehicle as defined in section 60-136, who also chooses to
15 participate, all appropriate certificate of title fees, notation of lien
16 fees, registration fees, motor vehicle taxes and fees, and sales taxes.
17 All such fees and taxes collected shall be remitted to the appropriate
18 county treasurer or the department as provided in the Motor Vehicle
19 Certificate of Title Act, the Motor Vehicle Registration Act, and the
20 Nebraska Revenue Act of 1967.

21 (2) The department shall provide an approved participating licensed
22 dealer with access to the electronic dealer services system by a method
23 determined by the director. An approved licensed dealer who chooses to
24 participate shall use the system to electronically submit title,
25 registration, and lien information to the Vehicle Title and Registration
26 System maintained by the department. License plates, registration
27 certificates, and certificates of title shall be delivered as provided
28 under the Motor Vehicle Certificate of Title Act and the Motor Vehicle
29 Registration Act.

30 (3) The director may remove a licensed dealer's authority to
31 participate in the electronic dealer services system for any violation of

1 the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry
2 Regulation Act, the Motor Vehicle Registration Act, or the Nebraska
3 Revenue Act of 1967, for failure to timely remit fees and taxes collected
4 under this section, or for any other conduct the director deems to have
5 or will have an adverse effect on the public or any governmental entity.

6 (4) An approved licensed dealer participating in the electronic
7 dealer services system shall not release, disclose, use, or share
8 personal or sensitive information contained in the records accessible
9 through the electronic dealer services system as prohibited under the
10 Uniform Motor Vehicle Records Disclosure Act, except that a licensed
11 dealer may release, disclose, use, or share such personal or sensitive
12 information when necessary to fulfill the requirements of the electronic
13 dealer services system as approved by the department. An approved
14 licensed dealer participating in the electronic dealer services system
15 shall be responsible for ensuring that such licensed dealer's employees
16 and agents comply with the Uniform Motor Vehicle Records Disclosure Act.

17 (5) The department may adopt and promulgate rules and regulations
18 governing the eligibility for approval and removal of licensed dealers to
19 participate in the electronic dealer services system, the procedures and
20 requirements necessary to implement and maintain such system, and the
21 procedures and requirements for approved licensed dealers participating
22 in such system.

23 (6) The department shall implement the electronic dealer services
24 system on a date to be determined by the director but not later than
25 January 1, 2021.

26 Sec. 37. The Revisor of Statutes shall assign section 36 of this
27 act to Chapter 60, article 15.

28 Sec. 38. This act becomes operative on January 1, 2019.

29 Sec. 39. Original sections 13-910, 37-1201, 37-1283, 37-1287,
30 60-192, 60-394, 81-8,219, and 83-123, Reissue Revised Statutes of
31 Nebraska, and sections 60-101, 60-102, 60-144, 60-154, 60-155, 60-161,

1 60-164, 60-166, 60-301, 60-302, 60-385, 60-3,104.01, 60-3,120,
2 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,135.01, 60-3,141, 60-3,224,
3 60-3,227, 60-3,231, 60-2907, and 77-2703, Revised Statutes Cumulative
4 Supplement, 2016, are repealed.