

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 418

Introduced by Briese, 41.

Read first time January 13, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections
2 60-119.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01,
3 60-479.01, 60-4,147.02, 60-501, 60-628.01, 75-363, 75-364, 75-366,
4 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative
5 Supplement, 2016; to adopt and update references to certain federal
6 provisions relating to low-speed vehicles, motor vehicle and trailer
7 registration, handicapped or disabled parking permits, the
8 International Registration Plan, operators' licenses, persons
9 handling source documents, hazardous materials, motor carrier and
10 hazardous material regulations and their enforcement, and the
11 unified carrier registration plan and agreement; to increase fines
12 for violations of motor carrier statutes and regulations; to repeal
13 the original sections; and to declare an emergency.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-119.01, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 60-119.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
4 whose speed attainable in one mile is more than twenty miles per hour and
5 not more than twenty-five miles per hour on a paved, level surface, (2)
6 whose gross vehicle weight rating is less than three thousand pounds, and
7 (3) that complies with 49 C.F.R. part 571, as such part existed on
8 January 1, 2017 ~~2016~~.

9 Sec. 2. Section 60-336.01, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-336.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
12 whose speed attainable in one mile is more than twenty miles per hour and
13 not more than twenty-five miles per hour on a paved, level surface, (2)
14 whose gross vehicle weight rating is less than three thousand pounds, and
15 (3) that complies with 49 C.F.R. part 571, as such part existed on
16 January 1, 2017 ~~2016~~.

17 Sec. 3. Section 60-386, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 60-386 (1) Each new application shall contain, in addition to other
20 information as may be required by the department, the name and
21 residential and mailing address of the applicant and a description of the
22 motor vehicle or trailer, including the color, the manufacturer, the
23 identification number, the United States Department of Transportation
24 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
25 existed on January 1, 2017 ~~2016~~, and the weight of the motor vehicle or
26 trailer required by the Motor Vehicle Registration Act. With the
27 application the applicant shall pay the proper registration fee and shall
28 state whether the motor vehicle is propelled by alternative fuel and, if
29 alternative fuel, the type of fuel. The application shall also contain a
30 notification that bulk fuel purchasers may be subject to federal excise
31 tax liability. The department shall include such notification in the

1 notices required by section 60-3,186.

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

13 Sec. 4. Section 60-3,113.04, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
16 a design, size, configuration, color, and construction and contain such
17 information as specified in the regulations adopted by the United States
18 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
19 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
20 January 1, 2017 ~~2016~~.

21 (2) No handicapped or disabled parking permit shall be issued to any
22 person or for any motor vehicle if any permit has been issued to such
23 person or for such motor vehicle and such permit has been suspended
24 pursuant to section 18-1741.02. At the expiration of such suspension, a
25 permit may be renewed in the manner provided for renewal in sections
26 60-3,113.02, 60-3,113.03, and 60-3,113.05.

27 (3) A duplicate handicapped or disabled parking permit may be
28 provided up to two times during any single permit period if a permit is
29 destroyed, lost, or stolen. Such duplicate permit shall be issued as
30 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
31 except that a new certification by a physician, a physician assistant, or

1 an advanced practice registered nurse need not be provided. A duplicate
2 permit shall be valid for the remainder of the period for which the
3 original permit was issued. If a person has been issued two duplicate
4 permits under this subsection and needs another permit, such person shall
5 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
6 whichever is applicable.

7 Sec. 5. Section 60-3,193.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
10 International Registration Plan is adopted and incorporated by reference
11 as the plan existed on January 1, 2017 ~~2016~~.

12 Sec. 6. Section 60-462.01, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
15 the following federal regulations are adopted as Nebraska law as they
16 existed on January 1, 2017 ~~2016~~:

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

19 Sec. 7. Section 60-479.01, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-479.01 (1) All persons handling source documents or engaged in
22 the issuance of new, renewed, or reissued operators' licenses or state
23 identification cards shall have periodic fraudulent document recognition
24 training.

25 (2) All persons and agents of the department involved in the
26 recording of verified application information or verified operator's
27 license and state identification card information, involved in the
28 manufacture or production of licenses or cards, or who have the ability
29 to affect information on such licenses or cards shall be subject to a
30 criminal history record information check, including a check of prior
31 employment references, and a lawful status check as required by 6 C.F.R.

1 part 37, as such part existed on January 1, 2017 ~~2016~~. Such persons and
2 agents shall provide fingerprints which shall be submitted to the Federal
3 Bureau of Investigation. The bureau shall use its records for the
4 criminal history record information check.

5 (3) Upon receipt of a request pursuant to subsection (2) of this
6 section, the Nebraska State Patrol shall undertake a search for criminal
7 history record information relating to such applicant, including
8 transmittal of the applicant's fingerprints to the Federal Bureau of
9 Investigation for a national criminal history record information check.
10 The criminal history record information check shall include information
11 concerning the applicant from federal repositories of such information
12 and repositories of such information in other states, if authorized by
13 federal law. The Nebraska State Patrol shall issue a report to the
14 employing public agency that shall include the criminal history record
15 information concerning the applicant. The cost of any background check
16 shall be borne by the employer of the person or agent.

17 (4) Any person convicted of any disqualifying offense as provided in
18 6 C.F.R. part 37, as such part existed on January 1, 2017 ~~2016~~, shall not
19 be involved in the recording of verified application information or
20 verified operator's license and state identification card information,
21 involved in the manufacture or production of licenses or cards, or
22 involved in any capacity in which such person would have the ability to
23 affect information on such licenses or cards. Any employee or prospective
24 employee of the department shall be provided notice that he or she will
25 undergo such criminal history record information check prior to
26 employment or prior to any involvement with the issuance of operators'
27 licenses or state identification cards.

28 Sec. 8. Section 60-4,147.02, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-4,147.02 No endorsement authorizing the driver to operate a
31 commercial motor vehicle transporting hazardous materials shall be

1 issued, renewed, or transferred by the Department of Motor Vehicles
2 unless the endorsement is issued, renewed, or transferred in conformance
3 with the requirements of section 1012 of the federal Uniting and
4 Strengthening America by Providing Appropriate Tools Required to
5 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
6 5103a, including all amendments and federal regulations adopted pursuant
7 thereto as of January 1, 2017 ~~2016~~, for the issuance of licenses to
8 operate commercial motor vehicles transporting hazardous materials.

9 Sec. 9. Section 60-501, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
12 unless the context otherwise requires:

13 (1) Department means Department of Motor Vehicles;

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

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

31 (4) License means any license issued to any person under the laws of

1 this state pertaining to operation of a motor vehicle within this state;

2 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose
3 speed attainable in one mile is more than twenty miles per hour and not
4 more than twenty-five miles per hour on a paved, level surface, (b) whose
5 gross vehicle weight rating is less than three thousand pounds, and (c)
6 that complies with 49 C.F.R. part 571, as such part existed on January 1,
7 2017 ~~2016~~;

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

19 (7) Motor vehicle means any self-propelled vehicle which is designed
20 for use upon a highway, including trailers designed for use with such
21 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not
22 include (a) mopeds as defined in section 60-637, (b) traction engines,
23 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power
24 shovels, (g) well drillers, (h) every vehicle which is propelled by
25 electric power obtained from overhead wires but not operated upon rails,
26 (i) electric personal assistive mobility devices as defined in section
27 60-618.02, (j) off-road designed vehicles, including, but not limited to,
28 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-
29 terrain vehicles and utility-type vehicles as defined in section
30 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
31 defined in section 60-663, and (k) bicycles as defined in section 60-611;

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

3 (9) Nonresident's operating privilege means the privilege conferred
4 upon a nonresident by the laws of this state pertaining to the operation
5 by him or her of a motor vehicle or the use of a motor vehicle owned by
6 him or her in this state;

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

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

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

19 (13) Proof of financial responsibility means evidence of ability to
20 respond in damages for liability, on account of accidents occurring
21 subsequent to the effective date of such proof, arising out of the
22 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
23 twenty-five thousand dollars because of bodily injury to or death of one
24 person in any one accident, (b) subject to such limit for one person, in
25 the amount of fifty thousand dollars because of bodily injury to or death
26 of two or more persons in any one accident, and (c) in the amount of
27 twenty-five thousand dollars because of injury to or destruction of
28 property of others in any one accident;

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

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

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

7 Sec. 10. Section 60-628.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-628.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
10 whose speed attainable in one mile is more than twenty miles per hour and
11 not more than twenty-five miles per hour on a paved, level surface, (2)
12 whose gross vehicle weight rating is less than three thousand pounds, and
13 (3) that complies with 49 C.F.R. part 571, as such part existed on
14 January 1, 2017 ~~2016~~.

15 Sec. 11. Section 75-363, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
18 of Federal Regulations listed below, as modified in this section, or any
19 other parts, subparts, and sections referred to by such parts, subparts,
20 and sections, in existence and effective as of January 1, 2017 ~~2016~~, are
21 adopted as Nebraska law.

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

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

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

28 (i) All vehicles of such motor carriers with a gross vehicle weight
29 rating, gross combination weight rating, gross vehicle weight, or gross
30 combination weight over ten thousand pounds;

31 (ii) All vehicles of such motor carriers designed or used to

1 transport more than eight passengers, including the driver, for
2 compensation, or designed or used to transport more than fifteen
3 passengers, including the driver, and not used to transport passengers
4 for compensation;

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

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

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

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

13 (b) Part 385 - SAFETY FITNESS PROCEDURES;

14 (c) Part 386 - RULES OF PRACTICE FOR FMCSA ~~MOTOR CARRIER, INTERMODAL~~
15 ~~EQUIPMENT PROVIDER, BROKER, FREIGHT FORWARDER, AND HAZARDOUS MATERIALS~~
16 ~~PROCEEDINGS;~~

17 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
18 CARRIERS;

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

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

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

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

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

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

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

28 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

29 (4) The provisions of subpart E - Physical Qualifications And
30 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
31 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any

1 driver subject to this section who: (a) Operates a commercial motor
2 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
3 commercial driver's license issued by this state prior to July 30, 1996.

4 (5) The regulations adopted in subsection (3) of this section shall
5 not apply to farm trucks registered pursuant to section 60-3,146 with a
6 gross weight of sixteen tons or less. The following parts and sections of
7 49 C.F.R. chapter III shall not apply to drivers of farm trucks
8 registered pursuant to section 60-3,146 and operated solely in intrastate
9 commerce:

10 (a) All of part 391;

11 (b) Section 395.8 of part 395; and

12 (c) Section 396.11 of part 396.

13 (6) The following parts and subparts of 49 C.F.R. chapter III shall
14 not apply to the operation of covered farm vehicles:

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

16 (b) Part 391, subpart E - Physical Qualifications and Examinations;

17 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

18 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

19 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
20 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to
21 fertilizer and agricultural chemical application and distribution
22 equipment transported in units with a capacity of three thousand five
23 hundred gallons or less.

24 (8) For purposes of this section, intrastate motor carriers shall
25 not include any motor carrier or driver excepted from 49 C.F.R. chapter
26 III by section 390.3(f) of part 390.

27 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor
28 carriers and drivers who engage in intrastate commerce as defined in
29 section 75-362, except that no motor carrier who engages in intrastate
30 commerce shall permit or require any driver used by it to drive nor shall
31 any driver drive:

1 (i) More than twelve hours following ~~ten~~ ~~eight~~ consecutive hours off
2 duty; or

3 (ii) For any period after having been on duty sixteen hours
4 following ~~ten~~ ~~eight~~ consecutive hours off duty.

5 (b) No motor carrier who engages in intrastate commerce shall permit
6 or require a driver of a commercial motor vehicle, regardless of the
7 number of motor carriers using the driver's services, to drive, nor shall
8 any driver of a commercial motor vehicle drive, for any period after:

9 (i) Having been on duty seventy hours in any seven consecutive days
10 if the employing motor carrier does not operate every day of the week; or

11 (ii) Having been on duty eighty hours in any period of eight
12 consecutive days if the employing motor carrier operates motor vehicles
13 every day of the week.

14 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in
15 subsections (3) and (9) of this section, shall not apply to drivers
16 transporting agricultural commodities or farm supplies for agricultural
17 purposes during planting and harvesting season when:

18 (a) The transportation of such agricultural commodities is from the
19 source of the commodities to a location within a one-hundred-fifty-air-
20 mile radius of the source of the commodities;

21 (b) The transportation of such farm supplies is from a wholesale or
22 retail distribution point of the farm supplies to a farm or other
23 location where the farm supplies are intended to be used which is within
24 a one-hundred-fifty-air-mile radius of the wholesale or retail
25 distribution point; or

26 (c) The transportation of such farm supplies is from a wholesale
27 distribution point of the farm supplies to a retail distribution point of
28 the farm supplies which is within a one-hundred-fifty-air-mile radius of
29 the wholesale distribution point.

30 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
31 intermodal equipment shall not apply to farm trucks and farm truck-

1 tractors registered pursuant to section 60-3,146 and operated solely in
2 intrastate commerce.

3 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
4 Nebraska motor carriers operating commercial motor vehicles solely in
5 intrastate commerce.

6 (13) No motor carrier shall permit or require a driver of a
7 commercial motor vehicle to violate, and no driver of a commercial motor
8 vehicle shall violate, any out-of-service order.

9 Sec. 12. Section 75-364, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 75-364 The parts, subparts, and sections of Title 49 of the Code of
12 Federal Regulations listed below, or any other parts, subparts, and
13 sections referred to by such parts, subparts, and sections, in existence
14 and effective as of January 1, 2017 ~~2016~~, are adopted as part of Nebraska
15 law and shall be applicable to all motor carriers whether engaged in
16 interstate or intrastate commerce, drivers of such motor carriers, and
17 vehicles of such motor carriers:

18 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F_-
19 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
20 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
21 Engineers;

22 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G_-
23 Registration of Persons Who Offer or Transport Hazardous Materials;

24 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

25 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
26 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
27 TRAINING REQUIREMENTS, AND SECURITY PLANS;

28 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
29 PACKAGINGS;

30 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

31 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

1 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
2 PACKAGINGS.

3 Sec. 13. Section 75-366, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 75-366 For the purpose of enforcing Chapter 75, article 3, any
6 officer of the Nebraska State Patrol may, upon demand, inspect the
7 accounts, records, and equipment of any motor carrier or shipper. Any
8 officer of the Nebraska State Patrol shall have the authority to enforce
9 the federal motor carrier safety regulations, as such regulations existed
10 on January 1, 2017 ~~2016~~, and federal hazardous materials regulations, as
11 such regulations existed on January 1, 2017 ~~2016~~, and is authorized to
12 enter upon, inspect, and examine any and all lands, buildings, and
13 equipment of any motor carrier, any shipper, and any other person subject
14 to the federal Interstate Commerce Act, the federal Department of
15 Transportation Act, and other related federal laws and to inspect and
16 copy any and all accounts, books, records, memoranda, correspondence, and
17 other documents of a motor carrier, a shipper, and any other person
18 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
19 75, article 3. To promote uniformity of enforcement, the carrier
20 enforcement division of the Nebraska State Patrol shall cooperate and
21 consult with the Public Service Commission and the Division of Motor
22 Carrier Services.

23 Sec. 14. Section 75-369.03, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 75-369.03 (1) The Superintendent of Law Enforcement and Public
26 Safety may issue an order imposing a civil penalty against a motor
27 carrier transporting persons or property in interstate commerce for a
28 violation of sections 75-392 to 75-399 or against a motor carrier
29 transporting persons or property in intrastate commerce for a violation
30 or violations of section 75-363 or 75-364 based upon an inspection
31 conducted pursuant to section 75-366 in an amount which shall not exceed

1 ~~eight~~ five hundred dollars for any single violation in any proceeding or
2 series of related proceedings against any person or motor carrier as
3 defined in 49 C.F.R. part 390.5 as adopted in section 75-363.

4 (2) The superintendent shall issue an order imposing a civil penalty
5 in an amount not to exceed ~~fifteen~~ ~~ten~~ thousand four hundred seventy-four
6 dollars against a motor carrier transporting persons or property in
7 interstate commerce for a violation of subdivision (2)(e) of section
8 60-4,162 based upon a conviction of such a violation.

9 (3) The superintendent shall issue an order imposing a civil penalty
10 against a driver operating a commercial motor vehicle, as defined in
11 section 60-465, that requires a commercial driver's license or CLP-
12 commercial learner's permit, in violation of an out-of-service order. The
13 civil penalty shall be in an amount not less than two thousand nine five
14 hundred eighty-five dollars ~~but not more than five thousand dollars~~ for a
15 first violation and not less than five thousand nine hundred seventy one
16 dollars ~~but not more than seven thousand five hundred dollars~~ for a
17 second or subsequent violation.

18 (4) The superintendent shall issue an order imposing a civil penalty
19 against a motor carrier who knowingly allows, requires, permits, or
20 authorizes the operation of a commercial motor vehicle, as defined in
21 section 60-465, that requires a commercial driver's license or CLP-
22 commercial learner's permit, in violation of an out-of-service order. The
23 civil penalty shall be not less than five ~~two~~ thousand three seven
24 hundred ninety-one fifty dollars but not more than twenty-nine ~~twenty-~~
25 ~~five~~ thousand eight hundred forty-nine dollars per violation.

26 (5) Upon the discovery of any violation by a motor carrier
27 transporting persons or property in interstate commerce of section
28 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
29 inspection conducted pursuant to section 75-366, the superintendent shall
30 immediately refer such violation to the appropriate federal agency for
31 disposition, and upon the discovery of any violation by a motor carrier

1 transporting persons or property in intrastate commerce of section 75-307
2 based upon such inspection, the superintendent shall refer such violation
3 to the Public Service Commission for disposition.

4 Sec. 15. Section 75-392, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 75-392 For purposes of sections 75-392 to 75-399:

7 (1) Director means the Director of Motor Vehicles;

8 (2) Division means the Division of Motor Carrier Services of the
9 Department of Motor Vehicles; and

10 (3) Unified carrier registration plan and agreement means the plan
11 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
12 such section existed on January 1, 2017 ~~2016~~.

13 Sec. 16. Section 75-393, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 75-393 The director may participate in the unified carrier
16 registration plan and agreement pursuant to the Unified Carrier
17 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
18 1, 2017 ~~2016~~, and may file on behalf of this state the plan required by
19 such plan and agreement for enforcement of the act in this state.

20 Sec. 17. Original sections 60-119.01, 60-336.01, 60-386,
21 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501,
22 60-628.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised
23 Statutes Cumulative Supplement, 2016, are repealed.

24 Sec. 18. Since an emergency exists, this act takes effect when
25 passed and approved according to law.