

AMENDMENTS TO LB944

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 4-111, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 4-111 (1) Verification of lawful presence in the United States
6 pursuant to section 4-108 requires that the applicant for public benefits
7 attest in a format prescribed by the Department of Administrative
8 Services that:

9 (a) He or she is a United States citizen; or

10 (b) He or she is a qualified alien under the federal Immigration and
11 Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1,
12 2009, and is lawfully present in the United States.

13 (2) A state agency or political subdivision of the State of Nebraska
14 may adopt and promulgate rules and regulations or procedures for the
15 electronic filing of the attestation required under subsection (1) of
16 this section if such attestation is substantially similar to the format
17 prescribed by the Department of Administrative Services.

18 (3)(a) The Legislature finds that it is in the best interest of the
19 State of Nebraska to make full use of the skills and talents in the state
20 by ensuring that a person who is work-authorized is able to obtain a
21 professional or commercial license and practice his or her profession.

22 (b) For purposes of a professional or commercial license, the
23 Legislature finds that a person not described in subdivision (1)(a) or
24 (1)(b) of this section who submits (i) an unexpired employment
25 authorization document issued by the United States Department of Homeland
26 Security, Form I-766, and (ii) documentation issued by the United States
27 Department of Homeland Security, the United States Citizenship and

1 Immigration Services, or any other federal agency, such as one of the
2 types of Form I-797 used by the United States Citizenship and Immigration
3 Services, demonstrating that such person is described in section 202(c)
4 (2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
5 109-13, has demonstrated lawful presence pursuant to section 4-108 and is
6 eligible to obtain such license. Such license shall be valid only for the
7 period of time during which such person's employment authorization
8 document is valid. Nothing in this subsection shall affect the
9 requirements to obtain a professional or commercial license that are
10 unrelated to the lawful presence requirements demonstrated pursuant to
11 this subsection.

12 (c) Nothing in this subsection shall be construed to grant
13 eligibility for any public benefits other than obtaining a professional
14 or commercial license.

15 (d) Any person who has complied with the requirements of this
16 subsection shall have his or her employment authorization document
17 verified through the Systematic Alien Verification for Entitlements
18 Program operated by the United States Department of Homeland Security or
19 an equivalent program designated by the United States Department of
20 Homeland Security.

21 (e) The Legislature enacts this subsection pursuant to the authority
22 provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

23 Sec. 2. Section 18-1214, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-1214 (1)(a) ~~(1)~~ Except as otherwise provided in subsection (3)
26 of this section, the governing body of any city or village shall have
27 power to require any individual whose primary residence or person who
28 owns a place of business which is within the limits of the city or
29 village and that owns and operates a motor vehicle within such limits to
30 pay an annual motor vehicle fee and to require the payment of such fee
31 upon the change of ownership of such vehicle. All such fees which may be

1 provided for under this subsection shall be used exclusively for
2 constructing, repairing, maintaining, or improving streets, roads,
3 alleys, public ways, or parts thereof or for the amortization of bonded
4 indebtedness when created for such purposes.

5 (b) To ensure compatibility with the Vehicle Title and Registration
6 System maintained by the Department of Motor Vehicles:

7 (i) Any city or village that collects the annual motor vehicle fee
8 authorized under this section shall use the plate types listed under
9 section 60-3,104 and, as applicable, weight categories listed under the
10 Motor Vehicle Registration Act when reporting information to the Vehicle
11 Title and Registration System; and

12 (ii) Any city or village that adopts an annual motor vehicle fee
13 under this section or that modifies an existing motor vehicle fee shall
14 notify the Department of Motor Vehicles of such new or modified fee
15 within ten business days after the passage of the ordinance authorizing
16 such new or modified fee and at least sixty days prior to the
17 implementation of such new or modified fee.

18 (2) No motor vehicle fee shall be required under this section if (a)
19 a vehicle is used or stored but temporarily in such city or village for a
20 period of six months or less in a twelve-month period, (b) an individual
21 does not have a primary residence or a person does not own a place of
22 business within the limits of the city or village and does not own and
23 operate a motor vehicle within the limits of the city or village, or (c)
24 an individual is a full-time student attending a postsecondary
25 institution within the limits of the city or village and the motor
26 vehicle's situs under the Motor Vehicle Certificate of Title Act is
27 different from the place at which he or she is attending such
28 institution.

29 (3) After December 31, 2012, no motor vehicle fee shall be required
30 of any individual whose primary residence is or person who owns a place
31 of business within the extraterritorial zoning jurisdiction of such city

1 or village.

2 (4) The fee shall be paid to the county treasurer of the county in
3 which such city or village is located when the registration fees as
4 provided in the Motor Vehicle Registration Act are paid. Such fees shall
5 be credited by the county treasurer to the road fund of such city or
6 village.

7 (5) For purposes of this section:

8 (a) Limits of the city or village includes the extraterritorial
9 zoning jurisdiction of such city or village; and

10 (b) Person includes bodies corporate, societies, communities, the
11 public generally, individuals, partnerships, limited liability companies,
12 joint-stock companies, cooperatives, and associations. Person does not
13 include any federal, state, or local government or any political
14 subdivision thereof.

15 Sec. 3. Section 38-129, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-129 (1) No individual shall be issued a credential under the
18 Uniform Credentialing Act until he or she has furnished satisfactory
19 evidence to the department that he or she is of good character and has
20 attained the age of nineteen years except as otherwise specifically
21 provided by statute, rule, or regulation.

22 (2) A credential may only be issued to (a) a citizen of the United
23 States, (b) an alien lawfully admitted into the United States who is
24 eligible for a credential under the Uniform Credentialing Act, (c) a
25 nonimmigrant lawfully present in the United States who is eligible for a
26 credential under the Uniform Credentialing Act, or (d) a person who
27 submits (i) an unexpired employment authorization document issued by the
28 United States Department of Homeland Security, Form I-766, and (ii)
29 documentation issued by the United States Department of Homeland
30 Security, the United States Citizenship and Immigration Services, or any
31 other federal agency, such as one of the types of Form I-797 used by the

1 United States Citizenship and Immigration Services, demonstrating that
2 such person is described in section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of
3 the federal REAL ID Act of 2005, Public Law 109-13. Such credential shall
4 be valid only for the period of time during which such person's
5 employment authorization document is valid.

6 Sec. 4. Section 60-107, Revised Statutes Supplement, 2019, is
7 amended to read:

8 60-107 Cabin trailer means a trailer or a semitrailer, which is
9 designed, constructed, and equipped as a dwelling place, living abode, or
10 sleeping place, whether used for such purposes or instead permanently or
11 temporarily for the advertising, sale, display, or promotion of
12 merchandise or services or for any other commercial purpose except
13 transportation of property for hire or transportation of property for
14 distribution by a private carrier. Cabin trailer does not mean a trailer
15 or semitrailer which is permanently attached to real estate. There are
16 four classes of cabin trailers:

17 (1) Camping trailer which includes cabin trailers one hundred two
18 inches or less in width and forty feet or less in length and adjusted
19 mechanically smaller for towing;

20 (2) Mobile home which includes cabin trailers more than one hundred
21 two inches in width or more than forty feet in length;

22 (3) Travel trailer which includes cabin trailers not more than one
23 hundred two inches in width nor more than forty feet in length from front
24 hitch to rear bumper, except as provided in subdivision (2)(k) of section
25 60-6,288; and

26 (4) Manufactured home means a structure, transportable in one or
27 more sections, which in the traveling mode is eight body feet or more in
28 width or forty body feet or more in length or when erected on site is
29 three hundred twenty or more square feet and which is built on a
30 permanent frame and designed to be used as a dwelling with or without a
31 permanent foundation when connected to the required utilities and

1 includes the plumbing, heating, air conditioning, and electrical systems
2 contained in the structure, except that manufactured home includes any
3 structure that meets all of the requirements of this subdivision other
4 than the size requirements and with respect to which the manufacturer
5 voluntarily files a certification required by the United States Secretary
6 of Housing and Urban Development and complies with the standards
7 established under the National Manufactured Housing Construction and
8 Safety Standards Act of 1974, as such act existed on January 1, 2020
9 ~~2019~~, 42 U.S.C. 5401 et seq.

10 Sec. 5. Section 60-119.01, Revised Statutes Supplement, 2019, is
11 amended to read:

12 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
13 (a) whose speed attainable in one mile is more than twenty miles per hour
14 and not more than twenty-five miles per hour on a paved, level surface,
15 (b) whose gross vehicle weight rating is less than three thousand pounds,
16 and (c) that complies with 49 C.F.R. part 571, as such part existed on
17 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
18 maximum speed attainable is not more than twenty-five miles per hour on a
19 paved, level surface, (b) whose gross vehicle weight rating is less than
20 three thousand pounds, and (c) which is equipped with a windshield and an
21 occupant protection system. A motorcycle with a sidecar attached is not a
22 low-speed vehicle.

23 Sec. 6. Section 60-142.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-142.01 (1) If the owner does not have a certificate of title for
26 a vehicle which was manufactured prior to 1940 and which has not had any
27 major component part replaced, the department shall search its records
28 for evidence of issuance of a Nebraska certificate of title for such
29 vehicle at the request of the owner. If no certificate of title has been
30 issued for such vehicle in the thirty-year period prior to application,
31 the owner may transfer title to the vehicle by giving the transferee a

1 notarized bill of sale, an affidavit in support of the application for
2 title, a statement that an inspection has been conducted on the vehicle,
3 and a statement from the department that no certificate of title has been
4 issued for such vehicle in the thirty-year period prior to application.
5 The transferee may apply for a certificate of title pursuant to section
6 60-149 by presenting the documentation described in this section in lieu
7 of a certificate of title.

8 (2) If the owner has a certificate of title for a vehicle which was
9 previously classified as junked, which was manufactured prior to 1940,
10 and which has not had any major component part replaced, the director, in
11 his or her discretion, may issue a salvage title if it is shown to his or
12 her satisfaction that the vehicle has been inspected and the vehicle has
13 been restored to its original specifications.

14 Sec. 7. Section 60-144, Revised Statutes Supplement, 2019, is
15 amended to read:

16 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
17 (d) of this subsection, the county treasurer shall be responsible for
18 issuing and filing certificates of title for vehicles, and each county
19 shall issue and file such certificates of title using the Vehicle Title
20 and Registration System which shall be provided and maintained by the
21 department. Application for a certificate of title shall be made upon a
22 form prescribed by the department. All applications shall be accompanied
23 by the appropriate fee or fees.

24 (ii) This subdivision applies beginning on an implementation date
25 designated by the director. The director shall designate an
26 implementation date which is on or before January 1, 2021. In addition to
27 the information required under subdivision (1)(a)(i) of this section, the
28 application for a certificate of title shall contain (A)(I) the full
29 legal name as defined in section 60-468.01 of each owner or (II) the name
30 of each owner as such name appears on the owner's motor vehicle
31 operator's license or state identification card and (B)(I) the motor

1 vehicle operator's license number or state identification card number of
2 each owner, if applicable, and one or more of the identification elements
3 as listed in section 60-484 of each owner, if applicable, and (II) if any
4 owner is a business entity, a nonprofit organization, an estate, a trust,
5 or a church-controlled organization, its tax identification number.

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

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

14 (d) The department shall issue certificates of title pursuant to
15 subsection (2) of section 60-142.01 and section 60-142.06. Application
16 for a certificate of title shall be made upon a form prescribed by the
17 department. All applications shall be accompanied by the appropriate fee
18 or fees.

19 (e) The department shall issue certificates of title pursuant to
20 section 60-142.09. Application for a certificate of title shall be made
21 upon a form prescribed by the department. All applications shall be
22 accompanied by the appropriate fee or fees.

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

26 (3)(a) If a vehicle has situs in Nebraska, the application for a
27 certificate of title may be filed with the county treasurer of any
28 county.

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

1 (c) An approved licensed dealer participating in the electronic
2 dealer services system pursuant to section 60-1507 may apply for a
3 certificate of title for a vehicle to the county treasurer of any county
4 or the department in a manner provided by the electronic dealer services
5 system.

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

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

10 (6) All applicants registering a vehicle pursuant to section
11 60-3,198 shall file the application for a certificate of title with the
12 Division of Motor Carrier Services of the department. The division shall
13 deliver the certificate to the applicant if there are no liens on the
14 vehicle. If there are one or more liens on the vehicle, the certificate
15 of title shall be handled as provided in section 60-164. All certificates
16 of title issued by the division shall be issued in the manner prescribed
17 for the county treasurer in section 60-152.

18 Sec. 8. Section 60-192, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 60-192 (1) The transferor of any motor vehicle described in
21 subsection (2) of this section ~~of an age of less than ten years~~, which
22 was equipped with an odometer by the manufacturer, shall provide to the
23 transferee a statement, signed by the transferor, setting forth:

24 (a) ~~(1)~~ The mileage on the odometer at the time of transfer; and

25 (b)(i) ~~(2)(a)~~ a statement that, to the transferor's best
26 knowledge, such mileage is that actually driven by the motor vehicle; ~~or~~

27 (ii) ~~(b)~~ a statement that the transferor has knowledge that the
28 mileage shown on the odometer is in excess of the designated mechanical
29 odometer limit; ~~or~~

30 (iii) ~~(c)~~ a statement that the odometer reading does not reflect
31 the actual mileage and should not be relied upon because the transferor

1 has knowledge that the odometer reading differs from the actual mileage
2 and that the difference is greater than that caused by odometer
3 calibration error.

4 (2) Prior to January 1, 2021, this section applies to the transfer
5 of any motor vehicle of an age of less than ten years. Beginning January
6 1, 2021, this section applies to the transfer of any motor vehicle with a
7 manufacturer's model year designation of 2011 or newer and an age of less
8 than twenty years.

9 (3) If a discrepancy exists between the odometer reading and the
10 actual mileage, a warning notice to alert the transferee shall be
11 included with the statement. The transferor shall retain a true copy of
12 such statement for a period of five years from the date of the
13 transaction.

14 (4) Beginning on the implementation date designated by the director
15 pursuant to subsection (2) of section 60-1508, if motor vehicle ownership
16 has been transferred by operation of law pursuant to repossession under
17 subdivision (2)(b)(iv) of section 60-166, the mileage shall be listed as
18 the odometer reading at the time of the most recent transfer of ownership
19 prior to the repossession of the motor vehicle. The adjustment shall not
20 be deemed a violation of section 60-190.

21 Sec. 9. Section 60-302.01, Revised Statutes Supplement, 2019, is
22 amended to read:

23 60-302.01 Access aisle means a space adjacent to a handicapped
24 parking space or passenger loading zone which is constructed and designed
25 in compliance with the federal Americans with Disabilities Act of 1990
26 and the federal regulations adopted in response to the act, as the act
27 and the regulations existed on January 1, 2020 ~~2019~~.

28 Sec. 10. Section 60-336.01, Revised Statutes Supplement, 2019, is
29 amended to read:

30 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
31 (a) whose speed attainable in one mile is more than twenty miles per hour

1 and not more than twenty-five miles per hour on a paved, level surface,
2 (b) whose gross vehicle weight rating is less than three thousand pounds,
3 and (c) that complies with 49 C.F.R. part 571, as such part existed on
4 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
5 maximum speed attainable is not more than twenty-five miles per hour on a
6 paved, level surface, (b) whose gross vehicle weight rating is less than
7 three thousand pounds, and (c) which is equipped with a windshield and an
8 occupant protection system. A motorcycle with a sidecar attached is not a
9 low-speed vehicle.

10 Sec. 11. Section 60-386, Revised Statutes Supplement, 2019, is
11 amended to read:

12 60-386 (1) Each new application shall contain, in addition to other
13 information as may be required by the department, the name and
14 residential and mailing address of the applicant and a description of the
15 motor vehicle or trailer, including the color, the manufacturer, the
16 identification number, the United States Department of Transportation
17 number if required by 49 C.F.R. 390.5 to 390.21, as such regulations
18 existed on January 1, 2020 ~~2019~~, and the weight of the motor vehicle or
19 trailer required by the Motor Vehicle Registration Act. Beginning on the
20 implementation date designated by the director pursuant to subsection (4)
21 of section 60-1508, for trailers which are not required to have a
22 certificate of title under section 60-137 and which have no
23 identification number, the assignment of an identification number shall
24 be required and the identification number shall be issued by the county
25 treasurer or department. With the application the applicant shall pay the
26 proper registration fee and shall state whether the motor vehicle is
27 propelled by alternative fuel and, if alternative fuel, the type of fuel.
28 The application shall also contain a notification that bulk fuel
29 purchasers may be subject to federal excise tax liability. The department
30 shall include such notification in the notices required by section
31 60-3,186.

1 (2) This subsection applies beginning on an implementation date
2 designated by the director. The director shall designate an
3 implementation date which is on or before January 1, 2021. In addition to
4 the information required under subsection (1) of this section, the
5 application for registration shall contain (a)(i) the full legal name as
6 defined in section 60-468.01 of each owner or (ii) the name of each owner
7 as such name appears on the owner's motor vehicle operator's license or
8 state identification card and (b)(i) the motor vehicle operator's license
9 number or state identification card number of each owner, if applicable,
10 and one or more of the identification elements as listed in section
11 60-484 of each owner, if applicable, and (ii) if any owner is a business
12 entity, a nonprofit organization, an estate, a trust, or a church-
13 controlled organization, its tax identification number.

14 Sec. 12. Section 60-395, Revised Statutes Supplement, 2019, is
15 amended to read:

16 60-395 (1) Except as otherwise provided in subsection (2) of this
17 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
18 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-3,238, 60-3,240,
19 60-3,242, and 60-3,244, the registration shall expire and the registered
20 owner or lessee may, by returning the registration certificate, the
21 license plates, and, when appropriate, the validation decals and by
22 either making application on a form prescribed by the department to the
23 county treasurer of the occurrence of an event described in subdivisions
24 (a) through (e) of this subsection or, in the case of a change in situs,
25 displaying to the county treasurer the registration certificate of such
26 other state as evidence of a change in situs, receive a refund of that
27 part of the unused fees and taxes on motor vehicles or trailers based on
28 the number of unexpired months remaining in the registration period from
29 the date of any of the following events:

- 30 (a) Upon transfer of ownership of any motor vehicle or trailer;
31 (b) In case of loss of possession because of fire, natural disaster,

1 theft, dismantlement, or junking;

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

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

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

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

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

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

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

26 (5) For purposes of this section, the date of the event shall be:

27 (a) In the case of a transfer or loss, the date of the transfer or loss;

28 (b) in the case of a change in the situs, the date of registration in
29 another state; (c) in the case of a trade-in or surrender under a lease,
30 the date of trade-in or surrender; (d) in the case of a legislative act,
31 the effective date of the act; and (e) in the case of a court decision,

1 the date the decision is rendered.

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

5 (7) If a motor vehicle or trailer was reported stolen under section
6 60-178, a refund under this section shall not be reduced for a lost plate
7 charge and a credit under this section may be reduced for a lost plate
8 charge but the applicant shall not be required to pay the plate fee for
9 new plates.

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

16 Sec. 13. Section 60-3,113.04, Revised Statutes Supplement, 2019, is
17 amended to read:

18 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
19 a design, size, configuration, color, and construction and contain such
20 information as specified in the regulations adopted by the United States
21 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
22 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
23 January 1, 2020 ~~2019~~.

24 (2) No handicapped or disabled parking permit shall be issued to any
25 person or for any motor vehicle if any permit has been issued to such
26 person or for such motor vehicle and such permit has been suspended
27 pursuant to section 18-1741.02. At the expiration of such suspension, a
28 permit may be renewed in the manner provided for renewal in sections
29 60-3,113.02, 60-3,113.03, and 60-3,113.05.

30 (3) A duplicate handicapped or disabled parking permit may be
31 provided up to two times during any single permit period if a permit is

1 destroyed, lost, or stolen. Such duplicate permit shall be issued as
2 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
3 except that a new certification by a physician, a physician assistant, or
4 an advanced practice registered nurse need not be provided. A duplicate
5 permit shall be valid for the remainder of the period for which the
6 original permit was issued. If a person has been issued two duplicate
7 permits under this subsection and needs another permit, such person shall
8 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
9 whichever is applicable.

10 Sec. 14. Section 60-3,137, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-3,137 Each insurance company doing business in this state shall
13 provide information shown on each automobile liability policy issued in
14 this state as required by the department pursuant to sections 60-3,136 to
15 60-3,139 for inclusion in the motor vehicle insurance data base in a form
16 and manner acceptable to the department. Any person who qualifies as a
17 self-insurer under sections 60-562 to 60-564 or any person who provides
18 financial responsibility under sections 75-392 to 75-399 and section 58
19 of this act shall not be required to provide information to the
20 department for inclusion in the motor vehicle insurance data base.

21 Sec. 15. Section 60-3,193.01, Revised Statutes Supplement, 2019, is
22 amended to read:

23 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
24 International Registration Plan is adopted and incorporated by reference
25 as the plan existed on January 1, 2020 ~~2019~~.

26 Sec. 16. Section 60-3,198, Revised Statutes Supplement, 2019, is
27 amended to read:

28 60-3,198 (1) Any owner engaged in operating a fleet of apportionable
29 vehicles in this state in interjurisdiction commerce may, in lieu of
30 registration of such apportionable vehicles under the general provisions
31 of the Motor Vehicle Registration Act, register and license such fleet

1 for operation in this state by filing a statement and the application
2 required by section 60-3,203 with the Division of Motor Carrier Services
3 of the department. The statement shall be in such form and contain such
4 information as the division requires, declaring the total mileage
5 operated by such vehicles in all jurisdictions and in this state during
6 the preceding year and describing and identifying each such apportionable
7 vehicle to be operated in this state during the ensuing license year.
8 Upon receipt of such statement and application, the division shall
9 determine the total fee payment, which shall be equal to the amount of
10 fees due pursuant to section 60-3,203 and the amount obtained by applying
11 the formula provided in section 60-3,204 to a fee of thirty-two dollars
12 per ton based upon gross vehicle weight of the empty weights of a truck
13 or truck-tractor and the empty weights of any trailer or combination
14 thereof with which it is to be operated in combination at any one time
15 plus the weight of the maximum load to be carried thereon at any one
16 time, and shall notify the applicant of the amount of payment required to
17 be made. Mileage operated in noncontracting reciprocity jurisdictions by
18 apportionable vehicles based in Nebraska shall be applied to the portion
19 of the formula for determining the Nebraska injurisdiction fleet
20 distance.

21 Temporary authority which permits the operation of a fleet or an
22 addition to a fleet in this state while the application is being
23 processed may be issued upon application to the division if necessary to
24 complete processing of the application.

25 Upon completion of such processing and receipt of the appropriate
26 fees, the division shall issue to the applicant a sufficient number of
27 distinctive registration certificates which provide a list of the
28 jurisdictions in which the apportionable vehicle has been apportioned,
29 the weight for which registered, and such other evidence of registration
30 for display on the apportionable vehicle as the division determines
31 appropriate for each of the apportionable vehicles of his or her fleet,

1 identifying it as a part of an interjurisdiction fleet proportionately
2 registered. Such registration certificates may be displayed as a legible
3 paper copy or electronically as authorized by the department. All fees
4 received as provided in this section shall be remitted to the State
5 Treasurer for credit to the Motor Carrier Services Division Distributive
6 Fund.

7 The apportionable vehicles so registered shall be exempt from all
8 further registration and license fees under the Motor Vehicle
9 Registration Act for movement or operation in the State of Nebraska
10 except as provided in section 60-3,203. The proportional registration and
11 licensing provision of this section shall apply to apportionable vehicles
12 added to such fleets and operated in this state during the license year
13 except with regard to permanent license plates issued under section
14 60-3,203.

15 The right of applicants to proportional registration under this
16 section shall be subject to the terms and conditions of any reciprocity
17 agreement, contract, or consent made by the division.

18 When a nonresident fleet owner has registered his or her
19 apportionable vehicles, his or her apportionable vehicles shall be
20 considered as fully registered for both interjurisdiction and
21 intrajurisdiction commerce when the jurisdiction of base registration for
22 such fleet accords the same consideration for fleets with a base
23 registration in Nebraska. Each apportionable vehicle of a fleet
24 registered by a resident of Nebraska shall be considered as fully
25 registered for both interjurisdiction and intrajurisdiction commerce.

26 (2) Mileage proportions for interjurisdiction fleets not operated in
27 this state during the preceding year shall be determined by the division
28 upon the application of the applicant on forms to be supplied by the
29 division which shall show the operations of the preceding year in other
30 jurisdictions and estimated operations in Nebraska or, if no operations
31 were conducted the previous year, a full statement of the proposed method

1 of operation.

2 (3) Any owner complying with and being granted proportional
3 registration shall preserve the records on which the application is made
4 for a period of three years following the current registration year. Upon
5 request of the division, the owner shall make such records available to
6 the division at its office for audit as to accuracy of computation and
7 payments or pay the costs of an audit at the home office of the owner by
8 a duly appointed representative of the division if the office where the
9 records are maintained is not within the State of Nebraska. The division
10 may enter into agreements with agencies of other jurisdictions
11 administering motor vehicle registration laws for joint audits of any
12 such owner. All payments received to cover the costs of an audit shall be
13 remitted by the division to the State Treasurer for credit to the Motor
14 Carrier Division Cash Fund. No deficiency shall be assessed and no claim
15 for credit shall be allowed for any license registration year for which
16 records on which the application was made are no longer required to be
17 maintained.

18 (4) If the division claims that a greater amount of fee is due under
19 this section than was paid, the division shall notify the owner of the
20 additional amount claimed to be due. The owner may accept such claim and
21 pay the amount due, or he or she may dispute the claim and submit to the
22 division any information which he or she may have in support of his or
23 her position. If the dispute cannot otherwise be resolved within the
24 division, the owner may petition for an appeal of the matter. The
25 director shall appoint a hearing officer who shall hear the dispute and
26 issue a written decision. Any appeal shall be in accordance with the
27 Administrative Procedure Act. Upon expiration of the time for perfecting
28 an appeal if no appeal is taken or upon final judicial determination if
29 an appeal is taken, the division shall deny the owner the right to
30 further registration for a fleet license until the amount finally
31 determined to be due, together with any costs assessed against the owner,

1 has been paid.

2 (5) Every applicant who licenses any apportionable vehicles under
3 this section and section 60-3,203 shall have his or her registration
4 certificates issued only after all fees under such sections are paid and,
5 if applicable, proof has been furnished of payment, in the form
6 prescribed by the director as directed by the United States Secretary of
7 the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C.
8 4481 of the Internal Revenue Code as defined in section 49-801.01.

9 (6)(a) In the event of the transfer of ownership of any registered
10 apportionable vehicle, (b) in the case of loss of possession because of
11 fire, natural disaster, theft, or wrecking, junking, or dismantling of
12 any registered apportionable vehicle, (c) when a salvage branded
13 certificate of title is issued for any registered apportionable vehicle,
14 (d) whenever a type or class of registered apportioned vehicle is
15 subsequently declared by legislative act or court decision to be illegal
16 or ineligible to be operated or towed on the public roads and no longer
17 subject to registration fees and taxes, (e) upon trade-in or surrender of
18 a registered apportionable vehicle under a lease, or (f) in case of a
19 change in the situs of a registered apportionable vehicle to a location
20 outside of this state, its registration shall expire, except that if the
21 registered owner or lessee applies to the division after such transfer or
22 loss of possession and accompanies the application with a fee of one
23 dollar and fifty cents, he or she may have any remaining credit of
24 vehicle fees and taxes from the previously registered apportionable
25 vehicle applied toward payment of any vehicle fees and taxes due and
26 owing on another registered apportionable vehicle. If such registered
27 apportionable vehicle has a greater gross vehicle weight than that of the
28 previously registered apportionable vehicle, the registered owner or
29 lessee of the registered apportionable vehicle shall additionally pay
30 only the registration fee for the increased gross vehicle weight for the
31 remaining months of the registration year based on the factors determined

1 by the division in the original fleet application.

2 (7) Whenever a Nebraska-based fleet owner files an application with
3 the division to delete a registered apportionable vehicle from a fleet of
4 registered apportionable vehicles (a) because of a transfer of ownership
5 of the registered apportionable vehicle, (b) because of loss of
6 possession due to fire, natural disaster, theft, or wrecking, junking, or
7 dismantling of the registered apportionable vehicle, (c) because a
8 salvage branded certificate of title is issued for the registered
9 apportionable vehicle, (d) because a type or class of registered
10 apportioned vehicle is subsequently declared by legislative act or court
11 decision to be illegal or ineligible to be operated or towed on the
12 public roads and no longer subject to registration fees and taxes, (e)
13 because of a trade-in or surrender of the registered apportionable
14 vehicle under a lease, or (f) because of a change in the situs of the
15 registered apportionable vehicle to a location outside of this state, the
16 registered owner may, by returning the registration certificate or
17 certificates and such other evidence of registration used by the division
18 or, if such certificate or certificates or such other evidence of
19 registration is unavailable, then by making an affidavit to the division
20 of such transfer or loss, receive a refund of that portion of the unused
21 registration fee based upon the number of unexpired months remaining in
22 the registration year from the date of transfer or loss. No refund shall
23 be allowed for any fees paid under section 60-3,203. When such
24 apportionable vehicle is transferred or lost within the same month as
25 acquired, no refund shall be allowed for such month. Such refund may be
26 in the form of a credit against any registration fees that have been
27 incurred or are, at the time of the refund, being incurred by the
28 registered apportionable vehicle owner. The Nebraska-based fleet owner
29 shall make a claim for a refund under this subsection within the
30 registration period or shall be deemed to have forfeited his or her right
31 to the refund.

1 (8) In case of addition to the registered fleet during the
2 registration year, the owner engaged in operating the fleet shall pay the
3 proportionate registration fee from the date the vehicle was placed into
4 service or, if the vehicle was previously registered, the date the prior
5 registration expired or the date Nebraska became the base jurisdiction
6 for the fleet, whichever is first, for the remaining balance of the
7 registration year. The fee for any permanent license plate issued for
8 such addition pursuant to section 60-3,203 shall be the full fee required
9 by such section, regardless of the number of months remaining in the
10 license year.

11 (9) In lieu of registration under subsections (1) through (8) of
12 this section, the title holder of record may apply to the division for
13 special registration, to be known as an unladen-weight registration, for
14 any commercial motor vehicle or combination of vehicles which have been
15 registered to a Nebraska-based fleet owner within the current or previous
16 registration year. Such registration shall be valid only for a period of
17 thirty days and shall give no authority to operate the vehicle except
18 when empty. The fee for such registration shall be twenty dollars for
19 each vehicle, which fee shall be remitted to the State Treasurer for
20 credit to the Highway Trust Fund. The issuance of such permits shall be
21 governed by section 60-3,179.

22 (10) Any person may, in lieu of registration under subsections (1)
23 through (8) of this section or for other jurisdictions as approved by the
24 director, purchase a trip permit for any nonresident truck, truck-
25 tractor, bus, or truck or truck-tractor combination. A trip permit shall
26 be issued before any person required to obtain a trip permit enters this
27 state with such vehicle. The trip permit shall be issued by the director
28 through Internet sales from the department's web site. The trip permit
29 shall be valid for a period of seventy-two hours. The fee for the trip
30 permit shall be twenty-five dollars for each truck, truck-tractor, bus,
31 or truck or truck-tractor combination. The fee collected by the director

1 shall be remitted to the State Treasurer for credit to the Highway Cash
2 Fund.

3 Sec. 17. Section 60-3,203, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-3,203 (1) Upon application and payment of the fees required
6 pursuant to this section and section 60-3,198, the Division of Motor
7 Carrier Services of the department shall issue to the owner of any fleet
8 of apportionable commercial vehicles with a base registration in Nebraska
9 a permanent license plate for each truck, truck-tractor, and trailer in
10 the fleet. The application shall be accompanied by a fee of three dollars
11 for each truck or truck-tractor and six dollars per trailer. The
12 application shall be on a form developed by the division.

13 (2) Fleets of apportionable vehicles license plates shall display a
14 distinctive license plate provided by the department pursuant to this
15 section.

16 (3) Any license plate issued pursuant to this section shall remain
17 affixed to the front of the truck or truck-tractor or to the rear of the
18 trailer or semitrailer as long as the apportionable vehicle is registered
19 pursuant to section 60-3,198 by the owner making the original application
20 pursuant to subsection (1) of this section. Upon transfer of ownership of
21 the truck, truck-tractor, or trailer or transfer of ownership of the
22 fleet or at any time the truck, truck-tractor, or trailer is no longer
23 registered pursuant to section 60-3,198, the license plate shall cease to
24 be active and shall be processed according to the rules and regulations
25 of the department.

26 (4) The renewal fee for each permanent plate shall be two dollars
27 and shall be assessed and collected in each license year after the year
28 in which the permanent license plates are initially issued at the time
29 all other renewal fees are collected pursuant to section 60-3,198 unless
30 a truck, truck-tractor, or trailer has been deleted from the fleet
31 registration.

1 (5)(a) If a permanent license plate is lost or destroyed, the owner
2 shall submit an affidavit to that effect to the division prior to any
3 deletion of the truck, truck-tractor, or trailer from the fleet
4 registration. If the truck, truck-tractor, or trailer is not deleted from
5 the fleet registration, a replacement permanent license plate may be
6 issued upon ~~application~~ and payment of a fee of three dollars for each
7 truck or truck-tractor and six dollars per trailer. ~~The application for a~~
8 ~~replacement permanent plate shall be on a form developed by the division.~~

9 (b) If the registration certificate for any fleet vehicle is lost or
10 stolen, the division shall collect a fee of one dollar for replacement of
11 such certificate.

12 (6) If a truck, truck-tractor, or trailer for which a permanent
13 license plate has been issued pursuant to this section is deleted from
14 the fleet registration due to loss of possession by the registrant, the
15 plate shall be returned to the division.

16 (7) The registrant shall be liable for the full amount of the
17 registration fee due for any truck, truck-tractor, or trailer not deleted
18 from the fleet registration renewal.

19 (8) All fees collected pursuant to this section shall be remitted to
20 the State Treasurer for credit to the Highway Cash Fund.

21 Sec. 18. Section 60-3,205, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 60-3,205 (1)(a) The director may suspend, revoke, cancel, or refuse
24 to issue or renew a registration certificate under the International
25 Registration Plan Act:

26 (i) If the applicant or certificate holder has had his or her
27 license issued under the International Fuel Tax Agreement Act revoked or
28 the director refused to issue or refused to renew such license; or

29 (ii) If the applicant or certificate holder is in violation of
30 sections 75-392 to 75-399 and section 58 of this act.

31 (b) Prior to taking action under this section, the director shall

1 notify and advise the applicant or certificate holder of the proposed
2 action and the reasons for such action in writing, by regular United
3 States mail, to his or her last-known business address as shown on the
4 application for the certificate or renewal. The notice shall also include
5 an advisement of the procedures in subdivision (c) of this subsection.

6 (c) The applicant or certificate holder may, within thirty days
7 after the date of the mailing of the notice, petition the director for a
8 hearing to contest the proposed action. The hearing shall be commenced in
9 accordance with the rules and regulations adopted and promulgated by the
10 department. If a petition is filed, the director shall, within twenty
11 days after receipt of the petition, set a hearing date at which the
12 applicant or certificate holder may show cause why the proposed action
13 should not be taken. The director shall give the applicant or certificate
14 holder reasonable notice of the time and place of the hearing. If the
15 director's decision is adverse to the applicant or certificate holder,
16 the applicant or certificate holder may appeal the decision in accordance
17 with the Administrative Procedure Act.

18 (d) Except as provided in subsections (2) and (3) of this section,
19 the filing of the petition shall stay any action by the director until a
20 hearing is held and a final decision and order is issued.

21 (e) Except as provided in subsections (2) and (3) of this section,
22 if no petition is filed at the expiration of thirty days after the date
23 on which the notification was mailed, the director may take the proposed
24 action described in the notice.

25 (f) If, in the judgment of the director, the applicant or
26 certificate holder has complied with or is no longer in violation of the
27 provisions for which the director took action under this subsection, the
28 director may reinstate the registration certificate without delay.

29 (2)(a) The director may suspend, revoke, cancel, or refuse to issue
30 or renew a registration certificate under the International Registration
31 Plan Act or a license under the International Fuel Tax Agreement Act if

1 the applicant, licensee, or certificate holder has issued to the
2 department a check or draft which has been returned because of
3 insufficient funds, no funds, or a stop-payment order. The director may
4 take such action no sooner than seven days after the written notice
5 required in subdivision (1)(b) of this section has been provided. Any
6 petition to contest such action filed pursuant to subdivision (1)(c) of
7 this section shall not stay such action of the director.

8 (b) If the director takes an action pursuant to this subsection, the
9 director shall reinstate the registration certificate or license without
10 delay upon the payment of certified funds by the applicant, licensee, or
11 certificate holder for any fees due and reasonable administrative costs,
12 not to exceed twenty-five dollars, incurred in taking such action.

13 (c) The rules, regulations, and orders of the director and the
14 department that pertain to hearings commenced in accordance with this
15 section and that are in effect prior to March 17, 2006, shall remain in
16 effect, unless changed or eliminated by the director or the department,
17 except for those portions involving a stay upon the filing of a petition
18 to contest any action taken pursuant to this subsection, in which case
19 this subsection shall supersede those provisions.

20 (3) Any person who receives notice from the director of action taken
21 pursuant to subsection (1) or (2) of this section shall, within three
22 business days, return such registration certificate and license plates to
23 the department as provided in this section. If any person fails to return
24 the registration certificate and license plates to the department, the
25 department shall notify the Nebraska State Patrol that any such person is
26 in violation of this section.

27 Sec. 19. Section 60-3,212, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-3,212 Upon transfer of ownership of any snowmobile or in case of
30 loss of possession because of fire, natural disaster, theft,
31 dismantlement, or junking, its registration shall expire, and the

1 registered owner may, by returning the registration certificate and after
2 making affidavit of such transfer or loss to the county official who
3 issued the certificate, receive a refund of that part of the unused fees
4 based on the number of unexpired months remaining in the registration
5 period, except that when such snowmobile is transferred within the same
6 calendar month in which acquired, no refund shall be allowed for such
7 month.

8 Sec. 20. Section 60-3,238, Revised Statutes Supplement, 2019, is
9 amended to read:

10 60-3,238 (1) Beginning January 1, 2021, a person may apply to the
11 department for Wildlife Conservation Plates in lieu of regular license
12 plates on an application prescribed and provided by the department for
13 any motor vehicle, trailer, or semitrailer, except for a motor vehicle,
14 trailer, or semitrailer registered under section 60-3,198. An applicant
15 receiving a Wildlife Conservation Plate for a farm truck with a gross
16 weight of over sixteen tons or a commercial truck or truck-tractor with a
17 gross weight of five tons or over shall affix the appropriate tonnage
18 decal to the plate. The department shall make forms available for such
19 applications through the county treasurers. The license plates shall be
20 issued upon payment of the license fee described in subsection (2) of
21 this section.

22 (2)(a) In addition to all other fees required for registration under
23 the Motor Vehicle Registration Act, each application for initial issuance
24 of alphanumeric Wildlife Conservation Plates shall be accompanied by a
25 fee of five dollars. An application for renewal of such plates shall be
26 accompanied by a fee of five dollars. County treasurers collecting fees
27 pursuant to this subdivision shall remit such fees to the State
28 Treasurer. The State Treasurer shall credit five dollars of the fee to
29 the Wildlife Conservation Fund.

30 (b) In addition to all other fees required for registration under
31 the Motor Vehicle Registration Act, each application for initial issuance

1 or renewal of personalized message Wildlife Conservation Plates shall be
2 accompanied by a fee of forty dollars. County treasurers collecting fees
3 pursuant to this subdivision shall remit such fees to the State
4 Treasurer. The State Treasurer shall credit twenty-five percent of the
5 fee for initial issuance and renewal of such plates to the Department of
6 Motor Vehicles Cash Fund and seventy-five percent of the fee to the
7 Wildlife Conservation Fund.

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

20 (b) This subdivision applies beginning on an implementation date
21 designated by the director. The director shall designate an
22 implementation date which is on or before January 1, 2021. The county
23 treasurer or the department may issue temporary license stickers to the
24 applicant under this section for the applicant to lawfully operate the
25 vehicle pending receipt of the license plates. No charge in addition to
26 the registration fee shall be made for the issuance of a temporary
27 license sticker under this subdivision. The department shall furnish
28 temporary license stickers for issuance by the county treasurer at no
29 cost to the counties. The department may adopt and promulgate rules and
30 regulations regarding the design and issuance of temporary license
31 stickers.

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

13 (5) If the cost of manufacturing Wildlife Conservation Plates at any
14 time exceeds the amount charged for license plates pursuant to section
15 60-3,102, any money to be credited to the Wildlife Conservation Fund
16 shall instead be credited first to the Highway Trust Fund in an amount
17 equal to the difference between the manufacturing costs of Wildlife
18 Conservation Plates and the amount charged pursuant to section 60-3,102
19 with respect to such plates and the remainder shall be credited to the
20 Wildlife Conservation Fund.

21 Sec. 21. Section 60-3,240, Revised Statutes Supplement, 2019, is
22 amended to read:

23 60-3,240 (1) Beginning January 1, 2021, a person may apply to the
24 department for Prostate Cancer Awareness Plates in lieu of regular
25 license plates on an application prescribed and provided by the
26 department for any motor vehicle, trailer, or semitrailer, except for a
27 motor vehicle or trailer registered under section 60-3,198. An applicant
28 receiving a plate under this section for a farm truck with a gross weight
29 of over sixteen tons or a commercial truck or truck-tractor with a gross
30 weight of five tons or over shall affix the appropriate tonnage decal to
31 the plate. The department shall make forms available for such

1 applications through the county treasurers. The license plates shall be
2 issued upon payment of the license fee described in subsection (2) of
3 this section.

4 (2)(a) In addition to all other fees required for registration under
5 the Motor Vehicle Registration Act, each application for initial issuance
6 of alphanumeric Prostate Cancer Awareness Plates shall be accompanied by
7 a fee of five dollars. An application for renewal of such plates shall be
8 accompanied by a fee of five dollars. County treasurers collecting fees
9 pursuant to this subdivision shall remit such fees to the State
10 Treasurer. The State Treasurer shall credit five dollars of the fee to
11 the University of Nebraska Medical Center for the Nebraska Prostate
12 Cancer Research Program.

13 (b) 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 Prostate Cancer Awareness Plates shall
16 be accompanied by a fee of forty dollars. County treasurers collecting
17 fees pursuant to this subdivision shall remit such fees to the State
18 Treasurer. The State Treasurer shall credit seventy-five percent of the
19 fee to the University of Nebraska Medical Center for the Nebraska
20 Prostate Cancer Research Program and twenty-five percent of the fee to
21 the Department of Motor Vehicles Cash Fund.

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

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

3 (b) This subdivision applies beginning on an implementation date
4 designated by the director. The director shall designate an
5 implementation date which is on or before January 1, 2021. The county
6 treasurer or the department may issue temporary license stickers to the
7 applicant under this section for the applicant to lawfully operate the
8 vehicle pending receipt of the license plates. No charge in addition to
9 the registration fee shall be made for the issuance of a temporary
10 license sticker under this subdivision. The department shall furnish
11 temporary license stickers for issuance by the county treasurer at no
12 cost to the counties. The department may adopt and promulgate rules and
13 regulations regarding the design and issuance of temporary license
14 stickers.

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

27 (5) If the cost of manufacturing Prostate Cancer Awareness Plates at
28 any time exceeds the amount charged for license plates pursuant to
29 section 60-3,102, any money to be credited to the University of Nebraska
30 Medical Center for the Nebraska Prostate Cancer Research Program shall
31 instead be credited first to the Highway Trust Fund in an amount equal to

1 the difference between the manufacturing costs of Prostate Cancer
2 Awareness Plates and the amount charged pursuant to section 60-3,102 with
3 respect to such plates and the remainder shall be credited to the
4 University of Nebraska Medical Center for the Nebraska Prostate Cancer
5 Research Program.

6 Sec. 22. Section 60-3,242, Revised Statutes Supplement, 2019, is
7 amended to read:

8 60-3,242 (1) Beginning January 1, 2021, a person may apply to the
9 department for Sammy's Superheroes license plates for childhood cancer
10 awareness in lieu of regular license plates on an application prescribed
11 and provided by the department for any motor vehicle, trailer, or
12 semitrailer, except for a motor vehicle, trailer, or semitrailer
13 registered under section 60-3,198. An applicant receiving a Sammy's
14 Superheroes license plate for childhood cancer awareness for a farm truck
15 with a gross weight of over sixteen tons or a commercial truck or truck-
16 tractor with a gross weight of five tons or over shall affix the
17 appropriate tonnage decal to the plate. The department shall make forms
18 available for such applications through the county treasurers. The
19 license plates shall be issued upon payment of the license fee described
20 in subsection (2) of this section.

21 (2)(a) In addition to all other fees required for registration under
22 the Motor Vehicle Registration Act, each application for initial issuance
23 of alphanumeric Sammy's Superheroes license plates for childhood cancer
24 awareness shall be accompanied by a fee of five dollars. An application
25 for renewal of such plates shall be accompanied by a fee of five dollars.
26 County treasurers collecting fees pursuant to this subdivision shall
27 remit such fees to the State Treasurer. The State Treasurer shall credit
28 five dollars of the fee to the University of Nebraska Medical Center for
29 pediatric cancer research.

30 (b) In addition to all other fees required for registration under
31 the Motor Vehicle Registration Act, each application for initial issuance

1 or renewal of personalized message Sammy's Superheroes license plates for
2 childhood cancer awareness shall be accompanied by a fee of forty
3 dollars. County treasurers collecting fees pursuant to this subdivision
4 shall remit such fees to the State Treasurer. The State Treasurer shall
5 credit twenty-five percent of the fee for initial issuance and renewal of
6 such plates to the Department of Motor Vehicles Cash Fund and seventy-
7 five percent of the fee to the University of Nebraska Medical Center for
8 pediatric cancer research.

9 (3)(a) ~~(3)~~ When the department receives an application for Sammy's
10 Superheroes license plates for childhood cancer awareness, the department
11 may deliver the plates and registration certificate to the applicant by
12 United States mail or to the county treasurer of the county in which the
13 motor vehicle, trailer, or semitrailer is registered, and the delivery of
14 the plates and registration certificate shall be made through a secure
15 process and system. The county treasurer or the department shall issue
16 Sammy's Superheroes license plates for childhood cancer awareness in lieu
17 of regular license plates when the applicant complies with the other
18 provisions of the Motor Vehicle Registration Act for registration of the
19 motor vehicle, trailer, or semitrailer. If Sammy's Superheroes license
20 plates for childhood cancer awareness are lost, stolen, or mutilated, the
21 licensee shall be issued replacement license plates upon request pursuant
22 to section 60-3,157.

23 (b) This subdivision applies beginning on an implementation date
24 designated by the director. The director shall designate an
25 implementation date which is on or before January 1, 2021. The county
26 treasurer or the department may issue temporary license stickers to the
27 applicant under this section for the applicant to lawfully operate the
28 vehicle pending receipt of the license plates. No charge in addition to
29 the registration fee shall be made for the issuance of a temporary
30 license sticker under this subdivision. The department shall furnish
31 temporary license stickers for issuance by the county treasurer at no

1 cost to the counties. The department may adopt and promulgate rules and
2 regulations regarding the design and issuance of temporary license
3 stickers.

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

16 (5) If the cost of manufacturing Sammy's Superheroes license plates
17 for childhood cancer awareness at any time exceeds the amount charged for
18 license plates pursuant to section 60-3,102, any money to be credited to
19 the University of Nebraska Medical Center for pediatric cancer research
20 shall instead be credited first to the Highway Trust Fund in an amount
21 equal to the difference between the manufacturing costs of Sammy's
22 Superheroes license plates for childhood cancer awareness and the amount
23 charged pursuant to section 60-3,102 with respect to such plates and the
24 remainder shall be credited to the University of Nebraska Medical Center
25 for pediatric cancer research.

26 Sec. 23. Section 60-462.01, Revised Statutes Supplement, 2019, is
27 amended to read:

28 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
29 the following federal regulations are adopted as Nebraska law as they
30 existed on January 1, 2020 ~~2019~~:

31 The parts, subparts, and sections of Title 49 of the Code of Federal

1 Regulations, as referenced in the Motor Vehicle Operator's License Act.

2 Sec. 24. Section 60-479.01, Revised Statutes Supplement, 2019, is
3 amended to read:

4 60-479.01 (1) All persons handling source documents or engaged in
5 the issuance of new, renewed, or reissued operators' licenses or state
6 identification cards shall have periodic fraudulent document recognition
7 training.

8 (2) All persons and agents of the department involved in the
9 recording of verified application information or verified operator's
10 license and state identification card information, involved in the
11 manufacture or production of licenses or cards, or who have the ability
12 to affect information on such licenses or cards shall be subject to a
13 criminal history record information check, including a check of prior
14 employment references, and a lawful status check as required by 6 C.F.R.
15 part 37, as such part existed on January 1, 2020 ~~2019~~. Such persons and
16 agents shall provide fingerprints which shall be submitted to the Federal
17 Bureau of Investigation. The bureau shall use its records for the
18 criminal history record information check.

19 (3) Upon receipt of a request pursuant to subsection (2) of this
20 section, the Nebraska State Patrol shall undertake a search for criminal
21 history record information relating to such applicant, including
22 transmittal of the applicant's fingerprints to the Federal Bureau of
23 Investigation for a national criminal history record information check.
24 The criminal history record information check shall include information
25 concerning the applicant from federal repositories of such information
26 and repositories of such information in other states, if authorized by
27 federal law. The Nebraska State Patrol shall issue a report to the
28 employing public agency that shall include the criminal history record
29 information concerning the applicant. The cost of any background check
30 shall be borne by the employer of the person or agent.

31 (4) Any person convicted of any disqualifying offense as provided in

1 6 C.F.R. part 37, as such part existed on January 1, 2020 ~~2019~~, shall not
2 be involved in the recording of verified application information or
3 verified operator's license and state identification card information,
4 involved in the manufacture or production of licenses or cards, or
5 involved in any capacity in which such person would have the ability to
6 affect information on such licenses or cards. Any employee or prospective
7 employee of the department shall be provided notice that he or she will
8 undergo such criminal history record information check prior to
9 employment or prior to any involvement with the issuance of operators'
10 licenses or state identification cards.

11 Sec. 25. Section 60-484.04, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 60-484.04 (1) The Legislature finds and declares that section 202(c)
14 (2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
15 109-13, enumerated categories of individuals who may demonstrate lawful
16 status for the purpose of eligibility for a federally secure motor
17 vehicle operator's license or state identification card. The Legislature
18 further finds and declares that it was the intent of the Legislature in
19 2011 to adopt the enumerated categories by the passage of Laws 2011,
20 LB215. The Legislature declares that the passage of Laws 2015, LB623, is
21 for the limited purpose of reaffirming the original legislative intent of
22 Laws 2011, LB215. Except as provided in section 60-4,144 with respect to
23 operators of commercial motor vehicles, before being issued any other
24 type of operator's license or a state identification card under the Motor
25 Vehicle Operator's License Act, the department shall require an applicant
26 to present valid documentary evidence that he or she has lawful status in
27 the United States as enumerated in section 202(c)(2)(B)(i) through (x)
28 ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status
29 may be shown by:

30 (a) A valid, unexpired United States passport;

31 (b) A certified copy of a birth certificate filed with a state

1 office of vital statistics or equivalent agency in the individual's state
2 of birth;

3 (c) A Consular Report of Birth Abroad (CRBA) issued by the United
4 States Department of State, Form FS-240, DS-1350, or FS-545;

5 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
6 by the United States Department of Homeland Security or United States
7 Citizenship and Immigration Services;

8 (e) An unexpired employment authorization document (EAD) issued by
9 the United States Department of Homeland Security, Form I-766 or Form
10 I-688B;

11 (f) An unexpired foreign passport with a valid, unexpired United
12 States visa affixed accompanied by the approved I-94 form documenting the
13 applicant's most recent admittance into the United States;

14 (g) A Certificate of Naturalization issued by the United States
15 Department of Homeland Security, Form N-550 or Form N-570;

16 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued
17 by the United States Department of Homeland Security;

18 (i) A driver's license or identification card issued in compliance
19 with the standards established by the REAL ID Act of 2005, Public Law
20 109-13, division B, section 1, 119 Stat. 302; or

21 (j) Such other documents as the director may approve.

22 (2)(a) If an applicant presents one of the documents listed under
23 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
24 verification of the applicant's identity in the manner prescribed in
25 section 60-484 will also provide satisfactory evidence of lawful status.

26 (b) If the applicant presents one of the identity documents listed
27 under subdivision (1)(e), (f), or (i) of this section, the verification
28 of the identity documents does not provide satisfactory evidence of
29 lawful status. The applicant must also present a second document from
30 subsection (1) of this section or documentation issued by the United
31 States Department of Homeland Security, the United States Citizenship and

1 Immigration Services, or other federal agencies, such as one of the types
2 of Form I-797 used by the United States Citizenship and Immigration
3 Services, demonstrating that the applicant has lawful status as
4 enumerated in section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of the federal
5 REAL ID Act of 2005, Public Law 109-13.

6 (3) An applicant may present other documents as designated by the
7 director as proof of lawful status as enumerated in section 202(c)(2)(B)
8 (i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
9 109-13. Any documents accepted shall be recorded according to a written
10 exceptions process established by the director.

11 Sec. 26. Section 60-484.05, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 60-484.05 (1) The department shall only issue an operator's license
14 or a state identification card that is temporary to any applicant who
15 presents documentation under sections 60-484 and 60-484.04 that shows his
16 or her authorized stay in the United States is temporary. An operator's
17 license or a state identification card that is temporary shall be valid
18 only during the period of time of the applicant's authorized stay in the
19 United States or, if there is no definite end to the period of authorized
20 stay, a period of one year.

21 (2) An operator's license or state identification card that is
22 temporary shall clearly indicate that it is temporary with a special
23 notation on the front of the license or card and shall state the date on
24 which it expires.

25 (3) An operator's license or state identification card that is
26 temporary may be renewed only upon presentation of valid documentary
27 evidence that the status by which the applicant qualified for the
28 operator's license or state identification card that is temporary has
29 been extended by the United States Department of Homeland Security.

30 (4) If an individual has an operator's license or a state
31 identification card issued based on approved lawful status granted under

1 section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of
2 2005, Public Law 109-13, and the basis for the approved lawful status is
3 terminated, the individual shall return the operator's license or state
4 identification card to the Department of Motor Vehicles.

5 Sec. 27. Section 60-4,111.01, Revised Statutes Supplement, 2019, is
6 amended to read:

7 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
8 enforcement agencies may store or compile information acquired from an
9 operator's license or a state identification card for their statutorily
10 authorized purposes.

11 (2) Except as otherwise provided in subsection (3) or (4) of this
12 section, no person having use of or access to machine-readable
13 information encoded on an operator's license or a state identification
14 card shall compile, store, preserve, trade, sell, or share such
15 information. Any person who trades, sells, or shares such information
16 shall be guilty of a Class IV felony. Any person who compiles, stores, or
17 preserves such information except as authorized in subsection (3) or (4)
18 of this section shall be guilty of a Class IV felony.

19 (3)(a) For purposes of compliance with and enforcement of
20 restrictions on the purchase of alcohol, lottery tickets, and tobacco
21 products, a retailer who sells any of such items pursuant to a license
22 issued or a contract under the applicable statutory provision may scan
23 machine-readable information encoded on an operator's license or a state
24 identification card presented for the purpose of such a sale. The
25 retailer may store only the following information obtained from the
26 license or card: Age and license or card identification number. The
27 retailer shall post a sign at the point of sale of any of such items
28 stating that the license or card will be scanned and that the age and
29 identification number will be stored. The stored information may only be
30 used by a law enforcement agency for purposes of enforcement of the
31 restrictions on the purchase of alcohol, lottery tickets, and tobacco

1 products and may not be shared with any other person or entity.

2 (b) For purposes of compliance with the provisions of sections
3 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
4 to such sections may scan machine-readable information encoded on an
5 operator's license or a state identification card presented for the
6 purpose of such a sale. The seller may store only the following
7 information obtained from the license or card: Name, age, address, type
8 of identification presented by the customer, the governmental entity that
9 issued the identification, and the number on the identification. The
10 seller shall post a sign at the point of sale stating that the license or
11 card will be scanned and stating what information will be stored. The
12 stored information may only be used by law enforcement agencies,
13 regulatory agencies, and the exchange for purposes of enforcement of the
14 restrictions on the sale or purchase of methamphetamine precursors
15 pursuant to sections 28-458 to 28-462 and may not be shared with any
16 other person or entity. For purposes of this subsection, the terms
17 exchange, methamphetamine precursor, and seller have the same meanings as
18 in section 28-458.

19 (c) The retailer or seller shall utilize software that stores only
20 the information allowed by this subsection. A programmer for computer
21 software designed to store such information shall certify to the retailer
22 that the software stores only the information allowed by this subsection.
23 Intentional or grossly negligent programming by the programmer which
24 allows for the storage of more than the age and identification number or
25 wrongfully certifying the software shall be a Class IV felony.

26 (d) A retailer or seller who knowingly stores more information than
27 authorized under this subsection from the operator's license or state
28 identification card shall be guilty of a Class IV felony.

29 (e) Information scanned, compiled, stored, or preserved pursuant to
30 subdivision (a) of this subsection may not be retained longer than
31 eighteen months unless required by state or federal law.

1 (4) In order to approve a negotiable instrument, an electronic funds
2 transfer, or a similar method of payment, a person having use of or
3 access to machine-readable information encoded on an operator's license
4 or a state identification card may:

5 (a) Scan, compile, store, or preserve such information in order to
6 provide the information to a check services company subject to and in
7 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
8 seq., as such act existed on January 1, 2020 ~~2019~~, for the purpose of
9 effecting, administering, or enforcing a transaction requested by the
10 holder of the license or card or preventing fraud or other criminal
11 activity; or

12 (b) Scan and store such information only as necessary to protect
13 against or prevent actual or potential fraud, unauthorized transactions,
14 claims, or other liability or to resolve a dispute or inquiry by the
15 holder of the license or card.

16 (5) Except as provided in subdivision (4)(a) of this section,
17 information scanned, compiled, stored, or preserved pursuant to this
18 section may not be traded or sold to or shared with a third party; used
19 for any marketing or sales purpose by any person, including the retailer
20 who obtained the information; or, unless pursuant to a court order,
21 reported to or shared with any third party. A person who violates this
22 subsection shall be guilty of a Class IV felony.

23 Sec. 28. Section 60-4,113, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 60-4,113 (1) The director shall appoint as his or her agents one or
26 more department personnel who shall examine all applicants for a state
27 identification card or an operator's license as provided in section
28 60-4,114, except as otherwise provided in subsection (8) of section
29 60-4,122. The same department personnel may be assigned to one or more
30 counties by the director. In counties in which the county treasurer
31 collects the fees and issues receipts, the county shall furnish office

1 space for the administration of the operator's license examination.
2 Department personnel shall conduct the examination of applicants and
3 deliver to each successful applicant an issuance certificate or receipt.
4 The certificate may be presented to the county treasurer within ninety
5 days after issuance, and the county treasurer shall collect the fee and
6 surcharge as provided in section 60-4,115 and issue a receipt which is
7 valid for up to thirty days. If an operator's license is being issued,
8 the receipt shall also authorize driving privileges for such thirty-day
9 period. If department personnel refuse to issue an issuance certificate
10 or receipt, the department personnel shall state such cause in writing
11 and deliver such written cause to the applicant.

12 (2) The department may provide for the central production and
13 issuance of operators' licenses and state identification cards.
14 Production shall take place at a secure production facility designated by
15 the director. The licenses and cards shall be of such a design and
16 produced in such a way as to discourage, to the maximum extent possible,
17 fraud in applicant enrollment, identity theft, and the forgery and
18 counterfeiting of such licenses and cards. Delivery of an operator's
19 license or state identification card shall be to the mailing address
20 provided by the applicant at the time of application and may be provided
21 by secure electronic delivery to specified contact information at the
22 request of the applicant.

23 Sec. 29. Section 60-4,114, Revised Statutes Cumulative Supplement,
24 2018, is amended to read:

25 60-4,114 (1) The county treasurer may employ such additional
26 clerical help as may be necessary to assist him or her in the performance
27 of the ministerial duties required of him or her under the Motor Vehicle
28 Operator's License Act and, for such additional expense, shall be
29 reimbursed as set out in section 60-4,115.

30 (2) The director may, in his or her discretion, appoint department
31 personnel to examine all applicants who apply for an initial license or

1 whose licenses have been revoked or canceled to ascertain such person's
2 ability to operate a motor vehicle properly and safely.

3 (3) Except as otherwise provided in section 60-4,122, the
4 application process, in addition to the other requisites of the act,
5 shall include the following:

6 (a) An inquiry into the medical condition and visual ability of the
7 applicant to operate a motor vehicle;

8 (b) An inquiry into the applicant's ability to drive and maneuver a
9 motor vehicle, except that no driving skills test shall be conducted
10 using an autocycle; and

11 (c) An inquiry touching upon the applicant's knowledge of the motor
12 vehicle laws of this state, which shall include sufficient questions to
13 indicate familiarity with the provisions thereof. Such knowledge inquiry
14 may be performed remotely if proctored by an agent approved by the
15 director.

16 (4) If an applicant is denied or refused a certificate for license
17 or a license is canceled, such applicant or licensee shall have the right
18 to an immediate appeal to the director from the decision. It shall be the
19 duty of the director to review the appeal and issue a final order, to be
20 made not later than ten days after the receipt of the appeal by the
21 director. The director shall issue a final order not later than ten days
22 following receipt of the medical opinion if the applicant or licensee
23 submits reports from a physician of his or her choice for the director's
24 consideration as provided in section 60-4,118.03. The applicant or
25 licensee who files an appeal pursuant to this section shall notify the
26 director in writing if he or she intends to submit records or reports for
27 consideration. Such notice must be received by the director not later
28 than ten days after an appeal is filed pursuant to this section to stay
29 the director's decision until after the consideration of such records or
30 reports as provided in section 60-4,118.03. After consideration of
31 evidence in the records of the applicant or licensee, including any

1 records submitted by the applicant or licensee, the director shall make a
2 determination of the physical or mental ability of the applicant or
3 licensee to operate a motor vehicle and shall issue a final order. The
4 order shall be in writing, shall be accompanied by findings of fact and
5 conclusions of law, and shall be sent by regular United States mail to
6 the last-known address of the applicant or licensee. The order may be
7 appealed as provided in section 60-4,105.

8 Sec. 30. Section 60-4,132, Revised Statutes Supplement, 2019, is
9 amended to read:

10 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137
11 to 60-4,172 are to implement the requirements mandated by the federal
12 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
13 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,
14 section 1012 of the federal Uniting and Strengthening America by
15 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism
16 Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations as
17 such acts and regulations existed on January 1, 2020 ~~2019~~, and to reduce
18 or prevent commercial motor vehicle accidents, fatalities, and injuries
19 by: (1) Permitting drivers to hold only one operator's license; (2)
20 disqualifying drivers for specified offenses and serious traffic
21 violations; and (3) strengthening licensing and testing standards.

22 Sec. 31. Section 60-4,134, Revised Statutes Supplement, 2019, is
23 amended to read:

24 60-4,134 In conformance with section 7208 of the federal Fixing
25 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
26 section and regulation existed on January 1, 2020 ~~2019~~, no hazardous
27 materials endorsement authorizing the holder of a Class A commercial
28 driver's license to operate a commercial motor vehicle transporting
29 diesel fuel shall be required if such driver is (1) operating within the
30 state and acting within the scope of his or her employment as an employee
31 of a custom harvester operation, an agrichemical business, a farm retail

1 outlet and supplier, or a livestock feeder and (2) operating a service
2 vehicle that is (a) transporting diesel in a quantity of one thousand
3 gallons or less and (b) clearly marked with a flammable or combustible
4 placard, as appropriate.

5 Sec. 32. Section 60-4,138, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 60-4,138 (1) Commercial drivers' licenses and restricted commercial
8 drivers' licenses shall be issued by the department in compliance with 49
9 C.F.R. parts 383 and 391, shall be classified as provided in subsection
10 (2) of this section, and shall bear such endorsements and restrictions as
11 are provided in subsections (3) and (4) of this section.

12 (2) Commercial motor vehicle classifications for purposes of
13 commercial drivers' licenses shall be as follows:

14 (a) Class A Combination Vehicle – Any combination of motor vehicles
15 and towed vehicles with a gross vehicle weight rating of more than
16 twenty-six thousand pounds if the gross vehicle weight rating of the
17 vehicles being towed are in excess of ten thousand pounds;

18 (b) Class B Heavy Straight Vehicle – Any single commercial motor
19 vehicle with a gross vehicle weight rating of twenty-six thousand one
20 pounds or more or any such commercial motor vehicle towing a vehicle with
21 a gross vehicle weight rating not exceeding ten thousand pounds; and

22 (c) Class C Small Vehicle – Any single commercial motor vehicle with
23 a gross vehicle weight rating of less than twenty-six thousand one pounds
24 or any such commercial motor vehicle towing a vehicle with a gross
25 vehicle weight rating not exceeding ten thousand pounds comprising:

26 (i) Motor vehicles designed to transport sixteen or more passengers,
27 including the driver; and

28 (ii) Motor vehicles used in the transportation of hazardous
29 materials and required to be placarded pursuant to section 75-364.

30 (3) The endorsements to a commercial driver's license shall be as
31 follows:

- 1 (a) T – Double/triple trailers;
- 2 (b) P – Passenger;
- 3 (c) N – Tank vehicle;
- 4 (d) H – Hazardous materials;
- 5 (e) X – Combination tank vehicle and hazardous materials; and
- 6 (f) S – School bus.

7 (4) The restrictions to a commercial driver's license shall be as
8 follows:

- 9 (a) E – No manual transmission equipped commercial motor vehicle;
- 10 (b) K – Operation of a commercial motor vehicle only in intrastate
11 commerce;
- 12 (c) L – Operation of only a commercial motor vehicle which is not
13 equipped with air brakes;
- 14 (d) M – Operation of a commercial motor vehicle which is not a Class
15 A passenger vehicle bus;
- 16 (e) N – Operation of a commercial motor vehicle which is not a Class
17 A or Class B passenger vehicle bus;
- 18 (f) O – No tractor-trailer commercial motor vehicle;
- 19 (g) V – Operation of a commercial motor vehicle for drivers with
20 medical variance documentation. The documentation shall be required to be
21 carried on the driver's person while operating a commercial motor
22 vehicle; and
- 23 (h) Z – No full air brake equipped commercial motor vehicle.

24 Sec. 33. Section 60-4,141, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 60-4,141 (1) Except as provided in subsections (2), (3), and (4) of
27 this section, no person shall operate any class of commercial motor
28 vehicle upon the highways of this state unless such person possesses a
29 valid commercial driver's license authorizing the operation of the class
30 of commercial motor vehicle being operated, except that (a) any person
31 possessing a valid commercial driver's license authorizing the operation

1 of a Class A commercial motor vehicle may lawfully operate any Class B or
2 C commercial motor vehicle and (b) any person possessing a valid
3 commercial driver's license authorizing the operation of a Class B
4 commercial motor vehicle may lawfully operate a Class C commercial motor
5 vehicle. No person shall operate upon the highways of this state any
6 commercial motor vehicle which requires a specific endorsement unless
7 such person possesses a valid commercial driver's license with such
8 endorsement. No person possessing a restricted commercial driver's
9 license shall operate upon the highways of this state any commercial
10 motor vehicle to which such restriction is applicable.

11 (2)(a) Any person holding a CLP-commercial learner's permit may
12 operate a commercial motor vehicle for learning purposes upon the
13 highways of this state if accompanied by a person who is twenty-one years
14 of age or older, who holds a commercial driver's license valid for the
15 class of commercial motor vehicle being operated, and who occupies the
16 seat beside the person for the purpose of giving instruction in the
17 operation of the commercial motor vehicle. Any person holding a CLP-
18 commercial learner's permit may operate a commercial motor vehicle upon
19 the highways of this state for purposes of taking a driving skills
20 examination if accompanied by licensing staff who is designated by the
21 director under section 60-4,149 or an examiner employed by a third-party
22 tester certified pursuant to section 60-4,158 and who occupies the seat
23 beside the person for the purpose of giving the examination. A person
24 holding a CLP-commercial learner's permit shall not operate a commercial
25 motor vehicle transporting hazardous materials. A holder of a commercial
26 learner's permit may operate a Class A combination vehicle, Class B heavy
27 straight vehicle, or Class C small vehicle, as appropriate.

28 (b) A CLP-commercial learner's permit shall only be allowed to bear
29 any of the following endorsements: (i) P – Passenger; (ii) S – School
30 bus; and (iii) N – Tank vehicle.

31 (c) A CLP-commercial learner's permit shall only be allowed to bear

1 any of the following restrictions: (i) K – Operation of a commercial
2 motor vehicle only in intrastate commerce; (ii) L – Operation of only a
3 commercial motor vehicle which is not equipped with air brakes; (iii) V –
4 Operation of a commercial motor vehicle for drivers with medical variance
5 documentation; (iv) P – No passengers in commercial motor vehicle bus;
6 ~~and~~ (v) X – No cargo in commercial motor vehicle tank vehicle; (vi) M –
7 Operation of a commercial motor vehicle that is not a Class A passenger
8 vehicle; and (vii) N – Operation of a commercial motor vehicle that is
9 not a Class A or Class B passenger vehicle.

10 (3) Except for nonresident individuals who are enrolled and taking
11 training in a driver training school in this state, any holder of a
12 nonresident commercial learner's permit or nonresident commercial
13 driver's license who is in this state for a period of thirty consecutive
14 days or more shall apply for a Nebraska-issued CLP-commercial learner's
15 permit or commercial driver's license and shall surrender to the
16 department any operator's license issued to such nonresident by any other
17 state.

18 (4) Except for individuals who are enrolled and taking training in a
19 driver training school in this state, any holder of a nondomiciled
20 commercial learner's permit or nondomiciled commercial driver's license
21 issued by another state who is in this state for a period of thirty
22 consecutive days or more shall apply for a Nebraska-issued CLP-commercial
23 learner's permit or commercial driver's license and shall surrender to
24 the department any operator's license issued to such individual by any
25 other state.

26 (5) An operator's license surrendered pursuant to this section may
27 be returned to the driver after the license has been perforated with the
28 word "VOID".

29 (6) Any person who operates a commercial motor vehicle upon the
30 highways of this state in violation of this section shall, upon
31 conviction, be guilty of a Class III misdemeanor.

1 Sec. 34. Section 60-4,147.02, Revised Statutes Supplement, 2019, is
2 amended to read:

3 60-4,147.02 No endorsement authorizing the driver to operate a
4 commercial motor vehicle transporting hazardous materials shall be
5 issued, renewed, or transferred by the Department of Motor Vehicles
6 unless the endorsement is issued, renewed, or transferred in conformance
7 with the requirements of section 1012 of the federal Uniting and
8 Strengthening America by Providing Appropriate Tools Required to
9 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
10 5103a, including all amendments and federal regulations adopted pursuant
11 thereto as of January 1, 2020 ~~2019~~, for the issuance of licenses to
12 operate commercial motor vehicles transporting hazardous materials.

13 Sec. 35. Section 60-4,168, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-4,168 (1) Except as provided in subsections (2) and (3) of this
16 section, a person shall be disqualified from operating a commercial motor
17 vehicle for one year upon his or her first conviction, after April 1,
18 1992, in this or any other state for:

19 (a) Operating a commercial motor vehicle in violation of section
20 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
21 beginning September 30, 2005, operating any motor vehicle in violation of
22 section 60-6,196 or 60-6,197 or under the influence of a controlled
23 substance;

24 (b) Operating a commercial motor vehicle in violation of section
25 60-4,163 or 60-4,164;

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

30 (d) Using a commercial motor vehicle in the commission of a felony
31 other than a felony described in subdivision (3)(b) of this section or,

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

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

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

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

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

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

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

25 (c) Used a commercial motor vehicle in the commission of a felony
26 involving an act or practice of severe forms of trafficking in persons,
27 as defined and described in 22 U.S.C. 7102(11), as such section existed
28 on January 1, 2020.

29 (4)(a) A person is disqualified from operating a commercial motor
30 vehicle for a period of not less than sixty days if he or she is
31 convicted in this or any other state of two serious traffic violations,

1 or not less than one hundred twenty days if he or she is convicted in
2 this or any other state of three serious traffic violations, arising from
3 separate incidents occurring within a three-year period while operating a
4 commercial motor vehicle.

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

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

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

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

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

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

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

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

31 (b)(i) A person shall be disqualified for not less than sixty days

1 if the person is convicted of a first violation described in this
2 subsection.

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

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

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

13 (7) If the department receives credible information that a CLP-
14 commercial learner's permit holder or a commercial driver's license
15 holder is suspected, but has not been convicted, on or after July 8,
16 2015, of fraud related to the issuance of his or her CLP-commercial
17 learner's permit or commercial driver's license, the department must
18 require the driver to retake the skills and knowledge tests. Within
19 thirty days after receiving notification from the department that
20 retesting is necessary, the affected CLP-commercial learner's permit
21 holder or commercial driver's license holder must make an appointment or
22 otherwise schedule to take the next available test. If the CLP-commercial
23 learner's permit holder or commercial driver's license holder fails to
24 make an appointment within thirty days, the department must disqualify
25 his or her CLP-commercial learner's permit or commercial driver's
26 license. If the driver fails either the knowledge or skills test or does
27 not take the test, the department must disqualify his or her CLP-
28 commercial learner's permit or commercial driver's license. If the holder
29 of a CLP-commercial learner's permit or commercial driver's license has
30 had his or her CLP-commercial learner's permit or commercial driver's
31 license disqualified, he or she must reapply for a CLP-commercial

1 learner's permit or commercial driver's license under department
2 procedures applicable to all applicants for a CLP-commercial learner's
3 permit or commercial driver's license.

4 (8) For purposes of this section, controlled substance has the same
5 meaning as in section 28-401.

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

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

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

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

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

21 (d) Following the vehicle ahead too closely as described in section
22 60-6,140;

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

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

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

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

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

7 (j) Using a handheld mobile telephone as described in section
8 60-6,179.02.

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

11 Sec. 36. Section 60-4,182, Revised Statutes Supplement, 2019, is
12 amended to read:

13 60-4,182 In order to prevent and eliminate successive traffic
14 violations, there is hereby provided a point system dealing with traffic
15 violations as disclosed by the files of the director. The following point
16 system shall be adopted:

17 (1) Conviction of motor vehicle homicide - 12 points;

18 (2) Third offense drunken driving in violation of any city or
19 village ordinance or of section 60-6,196, as disclosed by the conviction
20 record of the court's order - 12 points;

21 (3) Failure to stop and render aid as required under section 60-697
22 in the event of involvement in a motor vehicle accident resulting in the
23 death or personal injury of another - 6 points;

24 (4) Failure to stop and report as required under section 60-696 or
25 any city or village ordinance in the event of a motor vehicle accident
26 resulting in property damage - 6 points;

27 (5) Driving a motor vehicle while under the influence of alcoholic
28 liquor or any drug or when such person has a concentration of eight-
29 hundredths of one gram or more by weight of alcohol per one hundred
30 milliliters of his or her blood or per two hundred ten liters of his or
31 her breath in violation of any city or village ordinance or of section

1 60-6,196 - 6 points;

2 (6) Willful reckless driving in violation of any city or village
3 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

4 (7) Careless driving in violation of any city or village ordinance
5 or of section 60-6,212 - 4 points;

6 (8) Negligent driving in violation of any city or village ordinance
7 - 3 points;

8 (9) Reckless driving in violation of any city or village ordinance
9 or of section 60-6,213 - 5 points;

10 (10) Speeding in violation of any city or village ordinance or any
11 of sections 60-6,185 to 60-6,190 and 60-6,313:

12 ~~(a) Not more than five miles per hour over the speed limit - 1~~
13 ~~point;~~

14 (a) ~~(b)~~ More than five miles per hour but not more than ten miles
15 per hour over the speed limit - 2 points;

16 (b) ~~(c)~~ More than ten miles per hour but not more than thirty-five
17 miles per hour over the speed limit - 3 points, except that one point
18 shall be assessed upon conviction of exceeding by not more than ten miles
19 per hour, two points shall be assessed upon conviction of exceeding by
20 more than ten miles per hour but not more than fifteen miles per hour,
21 and three points shall be assessed upon conviction of exceeding by more
22 than fifteen miles per hour but not more than thirty-five miles per hour
23 the speed limits provided for in subdivision (1)(f), (g), (h), or (i) of
24 section 60-6,186; and

25 (c) ~~(d)~~ More than thirty-five miles per hour over the speed limit -
26 4 points;

27 (11) Failure to yield to a pedestrian not resulting in bodily injury
28 to a pedestrian - 2 points;

29 (12) Failure to yield to a pedestrian resulting in bodily injury to
30 a pedestrian - 4 points;

31 (13) Using a handheld wireless communication device in violation of

1 section 60-6,179.01 or texting while driving in violation of subsection
2 (1) or (3) of section 60-6,179.02 - 3 points;

3 (14) Using a handheld mobile telephone in violation of subsection
4 (2) or (4) of section 60-6,179.02 - 3 points;

5 (15) Unlawful obstruction or interference of the view of an operator
6 in violation of section 60-6,256 - 1 point;

7 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
8 and

9 (17) All other traffic violations involving the operation of motor
10 vehicles by the operator for which reports to the Department of Motor
11 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

12 Subdivision (17) of this section does not include violations
13 involving an occupant protection system or a three-point safety belt
14 system pursuant to section 60-6,270; parking violations; violations for
15 operating a motor vehicle without a valid operator's license in the
16 operator's possession; muffler violations; overwidth, overheight, or
17 overlength violations; autocycle, motorcycle, or moped protective helmet
18 violations; or overloading of trucks.

19 All such points shall be assessed against the driving record of the
20 operator as of the date of the violation for which conviction was had.
21 Points may be reduced by the department under section 60-4,188.

22 In all cases, the forfeiture of bail not vacated shall be regarded
23 as equivalent to the conviction of the offense with which the operator
24 was charged.

25 The point system shall not apply to persons convicted of traffic
26 violations committed while operating a bicycle as defined in section
27 60-611 or an electric personal assistive mobility device as defined in
28 section 60-618.02.

29 Sec. 37. Section 60-501, Revised Statutes Supplement, 2019, is
30 amended to read:

31 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,

1 unless the context otherwise requires:

2 (1) Department means Department of Motor Vehicles;

3 (2) Former military vehicle means a motor vehicle that was
4 manufactured for use in any country's military forces and is maintained
5 to accurately represent its military design and markings, regardless of
6 the vehicle's size or weight, but is no longer used, or never was used,
7 by a military force;

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

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

25 (5) License means any license issued to any person under the laws of
26 this state pertaining to operation of a motor vehicle within this state;

27 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
28 whose speed attainable in one mile is more than twenty miles per hour and
29 not more than twenty-five miles per hour on a paved, level surface, (ii)
30 whose gross vehicle weight rating is less than three thousand pounds, and
31 (iii) that complies with 49 C.F.R. part 571, as such part existed on

1 January 1, ~~2019~~ 2020, or (b) three-wheeled motor vehicle (i) whose
2 maximum speed attainable is not more than twenty-five miles per hour on a
3 paved, level surface, (ii) whose gross vehicle weight rating is less than
4 three thousand pounds, and (iii) which is equipped with a windshield and
5 an occupant protection system. A motorcycle with a sidecar attached is
6 not a low-speed vehicle;

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

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

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

3 (10) 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 (11) Operator means every person who is in actual physical control
8 of a motor vehicle;

9 (12) 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 (13) Person means every natural person, firm, partnership, limited
18 liability company, association, or corporation;

19 (14) 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 (15) 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 (16) 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 (17) 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. 38. Section 60-628.01, Revised Statutes Supplement, 2019, is
8 amended to read:

9 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
10 (a) whose speed attainable in one mile is more than twenty miles per hour
11 and not more than twenty-five miles per hour on a paved, level surface,
12 (b) whose gross vehicle weight rating is less than three thousand pounds,
13 and (c) that complies with 49 C.F.R. part 571, as such part existed on
14 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
15 maximum speed attainable is not more than twenty-five miles per hour on a
16 paved, level surface, (b) whose gross vehicle weight rating is less than
17 three thousand pounds, and (c) which is equipped with a windshield and an
18 occupant protection system. A motorcycle with a sidecar attached is not a
19 low-speed vehicle.

20 Sec. 39. Section 60-6,265, Revised Statutes Supplement, 2019, is
21 amended to read:

22 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

23 (1) Occupant protection system means a system utilizing a lap belt,
24 a shoulder belt, or any combination of belts installed in a motor vehicle
25 which (a) restrains drivers and passengers and (b) conforms to Federal
26 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
27 571.210, as such standards existed on January 1, 2020 ~~2019~~, or, as a
28 minimum standard, to the federal motor vehicle safety standards for
29 passenger restraint systems applicable for the motor vehicle's model
30 year; and

31 (2) Three-point safety belt system means a system utilizing a

1 combination of a lap belt and a shoulder belt installed in a motor
2 vehicle which restrains drivers and passengers.

3 Sec. 40. Section 60-6,290, Revised Statutes Supplement, 2019, is
4 amended to read:

5 60-6,290 (1)(a) No vehicle shall exceed a length of forty feet,
6 extreme overall dimensions, inclusive of front and rear bumpers including
7 load, except that:

8 (i) A bus or a motor home, as defined in section 71-4603, may exceed
9 the forty-foot limitation but shall not exceed a length of forty-five
10 feet;

11 (ii) A truck-tractor may exceed the forty-foot limitation;

12 (iii) A semitrailer operating in a truck-tractor single semitrailer
13 combination, which semitrailer was actually and lawfully operating in the
14 State of Nebraska on December 1, 1982, may exceed the forty-foot
15 limitation;

16 (iv) A semitrailer operating in a truck-tractor single semitrailer
17 combination, which semitrailer was not actually and lawfully operating in
18 the State of Nebraska on December 1, 1982, may exceed the forty-foot
19 limitation but shall not exceed a length of fifty-three feet including
20 load;

21 (v) A semitrailer operating in a truck-tractor single semitrailer
22 combination, while transporting baled livestock forage, may exceed the
23 forty-foot limitation but shall not exceed a length of fifty-nine feet
24 six inches including load; and

25 (vi) An articulated bus vehicle operated by a transit authority
26 established under the Transit Authority Law or regional metropolitan
27 transit authority established pursuant to section 18-804 may exceed the
28 forty-foot limitation. For purposes of this subdivision (vi), an
29 articulated bus vehicle shall not exceed sixty-five feet in length.

30 (b) No combination of vehicles shall exceed a length of sixty-five
31 feet, extreme overall dimensions, inclusive of front and rear bumpers and

1 including load, except:

2 (i) One truck and one trailer, loaded or unloaded, used in
3 transporting implements of husbandry to be engaged in harvesting, while
4 being transported into or through the state during daylight hours if the
5 total length does not exceed seventy-five feet including load;

6 (ii) A truck-tractor single semitrailer combination;

7 (iii) A truck-tractor semitrailer trailer combination, but the
8 semitrailer trailer portion of such combination shall not exceed sixty-
9 five feet inclusive of connective devices; ~~and~~

10 (iv) A driveaway saddlemount vehicle transporter combination and
11 driveaway saddlemount with fullmount vehicle transporter combination, but
12 the total overall length shall not exceed ninety-seven feet; -

13 (v) A stinger-steered automobile transporter, but the total overall
14 length shall not exceed eighty feet, inclusive of a front overhang of
15 less than four feet and a rear overhang of less than six feet. For
16 purposes of this subdivision, automobile transporter means any vehicle
17 combination designed and used for the transport of assembled highway
18 vehicles, including truck camper units. An automobile transporter shall
19 not be prohibited from the transport of cargo or general freight on a
20 backhaul, so long as it is in compliance with weight limitations for a
21 truck-tractor and semitrailer combination; and

22 (vi) A towaway trailer transporter combination, but the total
23 overall length shall not exceed eighty-two feet. For purposes of this
24 subdivision, towaway trailer transporter combination means a combination
25 of vehicles consisting of a trailer transporter towing unit and two
26 trailers or semitrailers with a total weight that does not exceed twenty-
27 six thousand pounds, and in which the trailers or semitrailers carry no
28 property and constitute inventory property of a manufacturer,
29 distributor, or dealer of such trailers or semitrailers.

30 (c) A truck shall be construed to be one vehicle for the purpose of
31 determining length.

1 (d) A trailer shall be construed to be one vehicle for the purpose
2 of determining length.

3 (2) Subsection (1) of this section shall not apply to:

4 (a) Extra-long vehicles which have been issued a permit pursuant to
5 section 60-6,292;

6 (b) Vehicles which have been issued a permit pursuant to section
7 60-6,299;

8 (c) The temporary moving of farm machinery during daylight hours in
9 the normal course of farm operations;

10 (d) The movement of unbaled livestock forage vehicles, loaded or
11 unloaded;

12 (e) The movement of public utility or other construction and
13 maintenance material and equipment at any time;

14 (f) Farm equipment dealers or their representatives as authorized
15 under section 60-6,382 driving, delivering, or picking up farm equipment
16 or implements of husbandry within the county in which the dealer
17 maintains his or her place of business, or in any adjoining county or
18 counties, and return;

19 (g) The overhang of any motor vehicle being hauled upon any lawful
20 combination of vehicles, but such overhang shall not exceed the distance
21 from the rear axle of the hauled motor vehicle to the closest bumper
22 thereof;

23 (h) The overhang of a combine to be engaged in harvesting, while
24 being transported into or through the state driven during daylight hours
25 by a truck-tractor semitrailer combination, but the length of the
26 semitrailer, including overhang, shall not exceed sixty-three feet and
27 the maximum semitrailer length shall not exceed fifty-three feet;

28 (i) Any self-propelled specialized mobile equipment with a fixed
29 load when the requirements of subdivision (2)(i) of section 60-6,288 are
30 met; or

31 (j) One truck-tractor two trailer combination or one truck-tractor

1 semitrailer trailer combination used in transporting equipment utilized
2 by custom harvesters under contract to agricultural producers to harvest
3 wheat, soybeans, or milo during the months of April through November but
4 the length of the property-carrying units, excluding load, shall not
5 exceed eighty-one feet six inches.

6 (3) The length limitations of this section shall be exclusive of
7 safety and energy conservation devices such as rearview mirrors,
8 turnsignal lights, marker lights, steps and handholds for entry and
9 egress, flexible fender extensions, mudflaps and splash and spray
10 suppressant devices, load-induced tire bulge, refrigeration units or air
11 compressors, and other devices necessary for safe and efficient operation
12 of commercial motor vehicles, except that no device excluded from the
13 limitations of this section shall have by its design or use the
14 capability to carry cargo.

15 Sec. 41. Section 60-6,294, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 60-6,294 (1) Every vehicle, whether operated singly or in a
18 combination of vehicles, and every combination of vehicles shall comply
19 with subsections (2) and (3) of this section except as provided in
20 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by
21 this section shall be supplemental to all other provisions imposing
22 limitations upon the size and weight of vehicles.

23 (2) No wheel of a vehicle or trailer equipped with pneumatic or
24 solid rubber tires shall carry a gross load in excess of ten thousand
25 pounds on any highway nor shall any axle carry a gross load in excess of
26 twenty thousand pounds on any highway. An axle load shall be defined as
27 the total load transmitted to the highway by all wheels the centers of
28 which may be included between two parallel transverse vertical planes
29 forty inches apart extending across the full width of the vehicle.

30 (3) No group of two or more consecutive axles shall carry a load in
31 pounds in excess of the value given in the following table corresponding

1 to the distance in feet between the extreme axles of the group, measured
2 longitudinally to the nearest foot, except that the maximum load carried
3 on any group of two or more axles shall not exceed eighty thousand pounds
4 on the National System of Interstate and Defense Highways unless the
5 Director-State Engineer pursuant to section 60-6,295 authorizes a greater
6 weight.

7	Distance in feet	Maximum load in pounds carried					
8	between the	on any group of two or more					
9	extremes of	consecutive axles					
10	any group of						
11	two or more						
12	consecutive	Two	Three	Four	Five	Six	Seven
13	axles	Axles	Axles	Axles	Axles	Axles	Axles
14	4	34,000					
15	5	34,000					
16	6	34,000					
17	7	34,000					
18	8	34,000	42,000				
19	9	39,000	42,500				
20	10	40,000	43,500				
21	11		44,000				
22	12		45,000	50,000			
23	13		45,500	50,500			
24	14		46,500	51,500			
25	15		47,000	52,000			
26	16		48,000	52,500	58,000		
27	17		48,500	53,500	58,500		
28	18		49,500	54,000	59,000		
29	19		50,000	54,500	60,000		

1	20	51,000	55,500	60,500		
2	21	51,500	56,000	61,000		
3	22	52,500	56,500	61,500		
4	23	53,000	57,500	62,500		
5	24	54,000	58,000	63,000		
6	25	54,500	58,500	63,500	69,000	
7	26	55,500	59,500	64,000	69,500	
8	27	56,000	60,000	65,000	70,000	
9	28	57,000	60,500	65,500	71,000	
10	29	57,500	61,500	66,000	71,500	
11	30	58,500	62,000	66,500	72,000	
12	31	59,000	62,500	67,500	72,500	
13	32	60,000	63,500	68,000	73,000	
14	33		64,000	68,500	74,000	
15	34		64,500	69,000	74,500	
16	35		65,500	70,000	75,000	
17	36		66,000	70,500	75,500	
18	37		66,500	71,000	76,000	81,500
19	38		67,500	72,000	77,000	82,000
20	39		68,000	72,500	77,500	82,500
21	40		68,500	73,000	78,000	83,500
22	41		69,500	73,500	78,500	84,000
23	42		70,000	74,000	79,000	84,500
24	43		70,500	75,000	80,000	85,000
25	44		71,500	75,500	80,500	85,500
26	45		72,000	76,000	81,000	86,000
27	46		72,500	76,500	81,500	87,000
28	47		73,500	77,500	82,000	87,500
29	48		74,000	78,000	83,000	88,000

1	49	74,500	78,500	83,500	88,500
2	50	75,500	79,000	84,000	89,000
3	51	76,000	80,000	84,500	89,500
4	52	76,500	80,500	85,000	90,500
5	53	77,500	81,000	86,000	91,000
6	54	78,000	81,500	86,500	91,500
7	55	78,500	82,500	87,000	92,000
8	56	79,500	83,000	87,500	92,500
9	57	80,000	83,500	88,000	93,000
10	58		84,000	89,000	94,000
11	59		85,000	89,500	94,500
12	60		85,500	90,000	95,000

13 (4) The distance between axles shall be measured to the nearest
14 foot. When a fraction is exactly one-half foot, the next larger whole
15 number shall be used, except that:

16 (a) Any group of three axles shall be restricted to a maximum load
17 of thirty-four thousand pounds unless the distance between the extremes
18 of the first and third axles is at least ninety-six inches in fact; and

19 (b) The maximum gross load on any group of two axles, the distance
20 between the extremes of which is more than eight feet but less than eight
21 feet six inches, shall be thirty-eight thousand pounds.

22 (5) The limitations of subsections (2) through (4) of this section
23 shall apply as stated to all main, rural, and intercity highways but
24 shall not be construed as inhibiting heavier axle loads in metropolitan
25 areas, except on the National System of Interstate and Defense Highways,
26 if such loads are not prohibited by city ordinance.

27 (6) The weight limitations of wheel and axle loads as defined in
28 subsections (2) through (4) of this section shall be restricted to the
29 extent deemed necessary by the Department of Transportation for a
30 reasonable period when road subgrades or pavements are weak or are

1 materially weakened by climatic conditions.

2 (7) Two consecutive sets of tandem axles may carry a gross load of
3 thirty-four thousand pounds each when the overall distance between the
4 first and last axles of such consecutive sets of tandem axles is thirty-
5 six, thirty-seven, or thirty-eight feet except as provided in section
6 60-6,297. Such vehicles shall be subject to section 60-6,301.

7 (8) If any vehicle crosses a bridge with a total gross load in
8 excess of the posted capacity of such bridge and as a result of such
9 crossing any damage results to the bridge, the owner of such vehicle
10 shall be responsible for all of such damage.

11 (9) Vehicles equipped with a greater number of axles than provided
12 in the table in subsection (3) of this section shall be legal if they do
13 not exceed the maximum load upon any wheel or axle, the maximum load upon
14 any group of two or more consecutive axles, and the total gross weight,
15 or any of such weights as provided in subsections (2) and (3) of this
16 section.

17 (10) Subsections (1) through (9) of this section shall not apply to
18 a vehicle which has been issued a permit pursuant to section 60-6,299,
19 self-propelled specialized mobile equipment with a fixed load when the
20 requirements of subdivision (2)(i) of section 60-6,288 are met, or an
21 emergency vehicle when the requirements of subdivision (1)(a)(v) of
22 section 60-6,298 are met.

23 (11) Any two consecutive axles the centers of which are more than
24 forty inches and not more than ninety-six inches apart, measured to the
25 nearest inch between any two adjacent axles in the series, shall be
26 defined as tandem axles, and the gross weight transmitted to the road
27 surface through such series shall not exceed thirty-four thousand pounds.
28 No axle of the series shall exceed the maximum weight permitted under
29 this section for a single axle.

30 (12) Dummy axles shall be disregarded in determining the lawful
31 weight of a vehicle or vehicle combination for operation on the highway.

1 Dummy axle shall mean an axle attached to a vehicle or vehicle
2 combination in a manner so that it does not articulate or substantially
3 equalize the load and does not carry at least the lesser of eight
4 thousand pounds or eight percent of the gross weight of the vehicle or
5 vehicle combination.

6 (13) The maximum gross weight limit and the axle weight limit for
7 any vehicle or combination of vehicles equipped with idle reduction
8 technology may be increased by an amount necessary to compensate for the
9 additional weight of the idle reduction technology as provided in 23
10 U.S.C. 127(a)(12), as such section existed on October 1, 2012. The
11 additional amount of weight allowed by this subsection shall not exceed
12 five hundred fifty pounds and shall not be construed to be in addition to
13 the five-percent-in-excess-of-maximum-load provision of subdivision (1)
14 of section 60-6,301.

15 (14)(a) (14) The maximum gross weight for any vehicle or combination
16 of vehicles (i) operated on the National System of Interstate and Defense
17 Highways, including adjoining portions of the state highway system for
18 reasonable access to terminals and facilities for food, fuel, repairs,
19 and rest, as designated by the Department of Transportation, and (ii)
20 powered (A) by an engine fueled primarily by natural gas or (B) primarily
21 by means of electric battery power, may exceed the gross weight
22 limitations provided in subsections (2), subsection (3), (4), (7), (9),
23 and (11) of this section, and as provided in 23 U.S.C. 127(s), as such
24 section existed on January 1, 2018, in an amount that:

25 (b)(i) (a) Is equal to the difference, up to a maximum of two
26 thousand pounds, between the weight of the natural gas tank and fueling
27 system carried by such vehicle, and the weight of a comparable diesel
28 tank and fueling system; and

29 (ii) (b) Does not exceed eighty-two thousand pounds on the National
30 System of Interstate and Defense Highways.

31 (15) For purposes of this subsection, emergency vehicle means a

1 vehicle designed to be used under emergency conditions to transport
2 personnel and equipment and to support the suppression of fires and
3 mitigation of other hazardous situations. An emergency vehicle may exceed
4 the gross load limitations provided in subsections (2), (3), (4), (7),
5 (9), and (11) of this section on the National System of Interstate and
6 Defense Highways, including adjoining portions of the state highway
7 system for reasonable access to terminals and facilities for food, fuel,
8 repairs, and rest, as designated by the Department of Transportation, up
9 to a gross vehicle weight of eighty-six thousand pounds, and that does
10 not exceed:

- 11 (a) Twenty-four thousand pounds on a single steering axle;
- 12 (b) Thirty-three thousand five hundred pounds on a single drive
13 axle;
- 14 (c) Sixty-two thousand pounds on a tandem axle; or
- 15 (d) Fifty-two thousand pounds on a tandem rear drive steer axle.

16 Sec. 42. Section 60-6,297, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 60-6,297 (1) Subdivision (1)(b) of section 60-6,290 and subsections
19 (2) and (3) of section 60-6,294 shall not apply to a vehicle or
20 combination of vehicles disabled or wrecked on a highway or right-of-way
21 when the vehicle or combination of vehicles is towed to a place of secure
22 safekeeping by any wrecker or tow truck performing a wrecker or towing
23 service.

24 (2) Subdivision (1)(b) of section 60-6,290 and subsections (2) and
25 (3) of section 60-6,294 shall not apply to a single vehicle that is
26 disabled or wrecked when the single vehicle is towed by any wrecker or
27 tow truck to a place for repair or to a point of storage or is being
28 transported by a covered heavy-duty tow and recovery vehicle.

29 (3)(a) Section 60-6,288, subsection (1) of section 60-6,289,
30 subdivision (1)(b) of section 60-6,290, and subsections (2) and (3) of
31 section 60-6,294 shall not apply to a vehicle or combination of vehicles

1 permitted by the Department of Transportation for overwidth, overheight,
2 overlength, or overweight operation that is disabled or wrecked on a
3 highway or right-of-way when the vehicle or combination of vehicles is
4 towed if the vehicle or combination of vehicles is towed by any wrecker
5 or tow truck performing a wrecker or towing service to the first or
6 nearest place of secure safekeeping off the traveled portion of the
7 highway that can accommodate the parking of such disabled vehicle or
8 combination of vehicles.

9 (b) After the vehicle or combination of vehicles has been towed to a
10 place of secure safekeeping, such vehicle or combination of vehicles
11 shall then be operated in compliance with section 60-6,288, subsection
12 (1) of section 60-6,289, subdivision (1)(b) of section 60-6,290, and
13 subsections (2) and (3) of section 60-6,294, or the vehicle or
14 combination of vehicles shall acquire a special single trip permit from
15 the department for the movement of the overwidth, overheight, overlength,
16 or overweight vehicle or combination of vehicles beyond the first or
17 nearest place of secure safekeeping to its intended destination.

18 (4) The owners, lessees, and operators of any wrecker or tow truck
19 exceeding the width, height, length, or weight restrictions while towing
20 a disabled or wrecked vehicle or combination of vehicles shall be jointly
21 and severally liable for any injury or damages that result from the
22 operation of the wrecker or tow truck while exceeding such restrictions.

23 (5) If a disabled or wrecked vehicle or combination of vehicles is
24 towed, the wrecker or tow truck shall be connected with the air brakes
25 and brake lights of the towed vehicle or combination of vehicles.

26 (6) For purposes of this section:

27 (a) Covered heavy-duty tow and recovery vehicle means a vehicle that
28 (i) is transporting a disabled vehicle on the National System of
29 Interstate and Defense Highways from the place where the vehicle became
30 disabled to the nearest appropriate repair facility, including such
31 segments of highways off the National System of Interstate and Defense

1 Highways that connect the nearest appropriate repair facility to the
2 National System of Interstate and Defense Highways and adjoining portions
3 of the state highway system for reasonable access to terminals and
4 facilities for food, fuel, repairs, and rest, as designated by the
5 Department of Transportation, and (ii) has a gross vehicle weight that is
6 equal to or exceeds the gross vehicle weight of the disabled vehicle
7 being transported;

8 (b) (a) Place of secure safekeeping means a location off the
9 traveled portion of the highway that can accommodate the parking of the
10 disabled or wrecked vehicle or combination of vehicles in order for the
11 vehicle or combination of vehicles to be repaired or moved to a point of
12 storage; and

13 (c) (b) Wrecker or tow truck means an emergency commercial vehicle
14 equipped, designed, and used to assist or render aid and transport or tow
15 a disabled vehicle or combination of vehicles from a highway or right-of-
16 way to a place of secure safekeeping.

17 Sec. 43. Section 60-6,356, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 60-6,356 (1) An all-terrain vehicle or a utility-type vehicle shall
20 not be operated on any controlled-access highway with more than two
21 marked traffic lanes. The crossing of any controlled-access highway with
22 more than two marked traffic lanes shall not be permitted except as
23 provided in subsections ~~subsection~~ (9) and (10) of this section.
24 Subsections (2), (3), and (5) through (8) of this section authorize and
25 apply to operation of an all-terrain vehicle or a utility-type vehicle
26 only on a highway other than a controlled-access highway with more than
27 two marked traffic lanes.

28 (2) An all-terrain vehicle or a utility-type vehicle may be operated
29 in accordance with the operating requirements of subsection (3) of this
30 section:

31 (a) Outside the corporate limits of a city, village, or

1 unincorporated village if incidental to the vehicle's use for
2 agricultural purposes;

3 (b) Within the corporate limits of a city or village if authorized
4 by the city or village by ordinance adopted in accordance with this
5 section; or

6 (c) Within an unincorporated village if authorized by the county
7 board of the county in which the unincorporated village is located by
8 resolution in accordance with this section.

9 (3) An all-terrain vehicle or a utility-type vehicle may be operated
10 as authorized in subsection (2) of this section when such operation
11 occurs only between the hours of sunrise and sunset. Any person operating
12 an all-terrain vehicle or a utility-type vehicle as authorized in
13 subsection (2) of this section shall have a valid Class 0 operator's
14 license or a farm permit as provided in section 60-4,126, shall have
15 liability insurance coverage for the all-terrain vehicle or a utility-
16 type vehicle while operating the all-terrain vehicle or a utility-type
17 vehicle on a highway, and shall not operate such vehicle at a speed in
18 excess of thirty miles per hour. The person operating the all-terrain
19 vehicle or a utility-type vehicle shall provide proof of such insurance
20 coverage to any peace officer requesting such proof within five days of
21 such a request. When operating an all-terrain vehicle or a utility-type
22 vehicle as authorized in subsection (2) of this section, the headlight
23 and taillight of the vehicle shall be on and the vehicle shall be
24 equipped with a bicycle safety flag which extends not less than five feet
25 above ground attached to the rear of such vehicle. The bicycle safety
26 flag shall be triangular in shape with an area of not less than thirty
27 square inches and shall be day-glow in color.

28 (4) All-terrain vehicles and utility-type vehicles may be operated
29 without complying with subsection (3) of this section on highways in
30 parades which have been authorized by the State of Nebraska or any
31 department, board, commission, or political subdivision of the state.

1 (5) The crossing of a highway other than a controlled-access highway
2 with more than two marked traffic lanes shall be permitted by an all-
3 terrain vehicle or a utility-type vehicle without complying with
4 subsection (3) of this section only if:

5 (a) The crossing is made at an angle of approximately ninety degrees
6 to the direction of the highway and at a place where no obstruction
7 prevents a quick and safe crossing;

8 (b) The vehicle is brought to a complete stop before crossing the
9 shoulder or roadway of the highway;

10 (c) The operator yields the right-of-way to all oncoming traffic
11 that constitutes an immediate potential hazard;

12 (d) In crossing a divided highway, the crossing is made only at an
13 intersection of such highway with another highway; and

14 (e) Both the headlight and taillight of the vehicle are on when the
15 crossing is made.

16 (6) All-terrain vehicles and utility-type vehicles may be operated
17 outside the corporate limits of any municipality by electric utility
18 personnel within the course of their employment in accordance with the
19 operation requirements of subsection (3) of this section, except that the
20 operation of the vehicle pursuant to this subsection need not be limited
21 to the hours between sunrise and sunset.

22 (7) A city or village may adopt an ordinance authorizing the
23 operation of all-terrain vehicles and utility-type vehicles within the
24 corporate limits of the city or village if the operation is in accordance
25 with subsection (3) of this section. The city or village may place other
26 restrictions on the operation of all-terrain vehicles and utility-type
27 vehicles within its corporate limits.

28 (8) A county board may adopt a resolution authorizing the operation
29 of all-terrain vehicles and utility-type vehicles within any
30 unincorporated village within the county if the operation is in
31 accordance with subsection (3) of this section. The county may place

1 other restrictions on the operation of all-terrain vehicles and utility-
2 type vehicles within the unincorporated village.

3 (9) Except as provided in subsection (10) of this section, the The
4 crossing of a controlled-access highway with more than two marked traffic
5 lanes shall be permitted by a utility-type vehicle if the operation is in
6 accordance with the operation requirements of subsection (3) of this
7 section and if the following requirements are met:

8 (a) The crossing is made at an intersection that:

9 (i) Is controlled by a traffic control signal; or

10 (ii) For any intersection located outside the corporate limits of a
11 city or village, is controlled by stop signs;

12 (b) The crossing at such intersection is made in compliance with the
13 traffic control signal or stop signs; and

14 (c) The crossing at such intersection is specifically authorized as
15 follows:

16 (i) If such intersection is located within the corporate limits of a
17 city or village, by ordinance of such city or village;

18 (ii) If such intersection is located within an unincorporated
19 village, by resolution of the county board of the county in which such
20 unincorporated village is located; or

21 (iii) If such intersection is located outside the corporate limits
22 of a city or village and outside any unincorporated village, by
23 resolution of the county board of the county in which such intersection
24 is located.

25 (10) When the use of the all-terrain vehicle or utility-type vehicle
26 is for an agricultural purpose, the crossing of a controlled-access
27 highway with more than two marked traffic lanes shall be permitted if
28 such vehicle is operated in accordance with subsection (3) of this
29 section.

30 Sec. 44. Section 60-2705, Revised Statutes Supplement, 2019, is
31 amended to read:

1 60-2705 The Director of Motor Vehicles shall adopt standards for an
2 informal dispute settlement procedure which substantially comply with the
3 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2020
4 ~~2019~~.

5 If a manufacturer has established or participates in a dispute
6 settlement procedure certified by the Director of Motor Vehicles within
7 the guidelines of such standards, the provisions of section 60-2703
8 concerning refunds or replacement shall not apply to any consumer who has
9 not first resorted to such a procedure.

10 Sec. 45. Section 60-2909.01, Revised Statutes Supplement, 2019, is
11 amended to read:

12 60-2909.01 The department and any officer, employee, agent, or
13 contractor of the department having custody of a motor vehicle record
14 shall, upon the verification of identity and purpose of a requester,
15 disclose and make available the requested motor vehicle record, including
16 the sensitive personal information in the record, other than the social
17 security number, for the following purposes:

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

22 (2) For use in connection with any civil, criminal, administrative,
23 or arbitral proceeding in any federal, state, or local court or
24 governmental agency or before any self-regulatory body, including service
25 of process, investigation in anticipation of litigation, and execution or
26 enforcement of judgments and orders, or pursuant to an order of a
27 federal, state, or local court, an administrative agency, or a self-
28 regulatory body;

29 (3) For use by any insurer or insurance support organization, or by
30 a self-insured entity, or its agents, employees, or contractors, in
31 connection with claims investigation activities, anti-fraud activities,

1 rating, or underwriting;

2 (4) For use by an employer or the employer's agent or insurer to
3 obtain or verify information relating to a holder of a commercial
4 driver's license or CLP-commercial learner's permit that is required
5 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
6 seq., as such act existed on January 1, 2020 ~~2019~~, or pursuant to
7 sections 60-4,132 and 60-4,141; and

8 (5) For use by employers of a holder of a commercial driver's
9 license or CLP-commercial learner's permit and by the Commercial Driver
10 License Information System as provided in section 60-4,144.02 and 49
11 C.F.R. 383.73, as such regulation existed on January 1, 2020 ~~2019~~.

12 Sec. 46. Section 66-1406.02, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 66-1406.02 (1) The director may suspend, revoke, cancel, or refuse
15 to issue or renew a license under the International Fuel Tax Agreement
16 Act:

17 (a) If the applicant's or licensee's registration certificate issued
18 pursuant to the International Registration Plan Act has been suspended,
19 revoked, or canceled or the director refused to issue or renew such
20 certificate;

21 (b) If the applicant or licensee is in violation of sections 75-392
22 to 75-399 and section 58 of this act;

23 (c) If the applicant's or licensee's security has been canceled;

24 (d) If the applicant or licensee failed to provide additional
25 security as required;

26 (e) If the applicant or licensee failed to file any report or return
27 required by the motor fuel laws, filed an incomplete report or return
28 required by the motor fuel laws, did not file any report or return
29 required by the motor fuel laws electronically, or did not file a report
30 or return required by the motor fuel laws on time;

31 (f) If the applicant or licensee failed to pay taxes required by the

1 motor fuel laws due within the time provided;

2 (g) If the applicant or licensee filed any false report, return,
3 statement, or affidavit, required by the motor fuel laws, knowing it to
4 be false;

5 (h) If the applicant or licensee would no longer be eligible to
6 obtain a license; or

7 (i) If the applicant or licensee committed any other violation of
8 the International Fuel Tax Agreement Act or the rules and regulations
9 adopted and promulgated under the act.

10 (2) Prior to taking any action pursuant to subsection (1) of this
11 section, the director shall notify and advise the applicant or licensee
12 of the proposed action and the reasons for such action in writing, by
13 regular United States mail, to his or her last-known business address as
14 shown on the application or license. The notice shall also include an
15 advisement of the procedures in subsection (3) of this section.

16 (3) The applicant or licensee may, within thirty days after the
17 mailing of the notice, petition the director in writing for a hearing to
18 contest the proposed action. The hearing shall be commenced in accordance
19 with the rules and regulations adopted and promulgated by the Department
20 of Motor Vehicles. If a petition is filed, the director shall, within
21 twenty days after receipt of the petition, set a hearing date at which
22 the applicant or licensee may show cause why the proposed action should
23 not be taken. The director shall give the applicant or licensee
24 reasonable notice of the time and place of the hearing. If the director's
25 decision is adverse to the applicant or licensee, the applicant or
26 licensee may appeal the decision in accordance with the Administrative
27 Procedure Act.

28 (4) Except as provided in subsection (2) of section 60-3,205 and
29 subsection (8) of this section, the filing of the petition shall stay any
30 action by the director until a hearing is held and a final decision and
31 order is issued.

1 (5) Except as provided in subsection (2) of section 60-3,205 and
2 subsection (8) of this section, if no petition is filed at the expiration
3 of thirty days after the date on which the notification was mailed, the
4 director may take the proposed action described in the notice.

5 (6) Except as provided in subsection (2) of section 60-3,205 and
6 subsection (8) of this section, if, in the judgment of the director, the
7 applicant or licensee has complied with or is no longer in violation of
8 the provisions for which the director took action under this section, the
9 director may reinstate the license without delay. An applicant for
10 reinstatement, issuance, or renewal of a license within three years after
11 the date of suspension, revocation, cancellation, or refusal to issue or
12 renew shall submit a fee of one hundred dollars to the director. The
13 director shall remit the fee to the State Treasurer for credit to the
14 Highway Cash Fund.

15 (7) Suspension of, revocation of, cancellation of, or refusal to
16 issue or renew a license by the director shall not relieve any person
17 from making or filing the reports or returns required by the motor fuel
18 laws in the manner or within the time required.

19 (8) Any person who receives notice from the director of action taken
20 pursuant to subsection (1) of this section shall, within three business
21 days, return such registration certificate and license plates issued
22 pursuant to section 60-3,198 to the department. If any person fails to
23 return the registration certificate and license plates to the department,
24 the department shall notify the Nebraska State Patrol that any such
25 person is in violation of this section.

26 Sec. 47. Section 66-1424, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 66-1424 (1) As soon as practical after a return is filed, the
29 department shall examine it to determine the correct amount of tax. If
30 the department finds that the amount of tax shown on the return is less
31 than the correct amount, it shall notify the taxpayer of the amount of

1 the deficiency determined.

2 (2) If any person fails to file a return or has improperly purchased
3 motor fuel without the payment of tax, the department ~~may shall~~ estimate
4 the person's liability from any available information and notify the
5 person of the amount of the deficiency determined.

6 (3) The amount of the deficiency determined shall constitute a final
7 assessment together with interest and penalties thirty days after the
8 date on which notice was mailed to the taxpayer at his or her last-known
9 address unless a written protest is filed with the department within such
10 thirty-day period.

11 (4) The final assessment provisions of this section shall constitute
12 a final decision of the agency for purposes of the Administrative
13 Procedure Act.

14 (5) An assessment made by the department shall be presumed to be
15 correct. In any case when the validity of the assessment is questioned,
16 the burden shall be on the person who challenges the assessment to
17 establish by a preponderance of the evidence that the assessment is
18 erroneous or excessive.

19 (6)(a) Except in the case of a fraudulent return or of neglect or
20 refusal to make a return, the notice of a proposed deficiency
21 determination shall be mailed within three years after the last day of
22 the month following the end of the period for which the amount proposed
23 is to be determined or within three years after the return is filed,
24 whichever period expires later.

25 (b) The taxpayer and the department may agree, prior to the
26 expiration of the period in subdivision (a) of this subsection, to extend
27 the period during which the notice of a deficiency determination can be
28 mailed. The extension of the period for the mailing of a deficiency
29 determination shall also extend the period during which a refund can be
30 claimed.

31 Sec. 48. Section 75-362, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 75-362 For purposes of sections 75-362 to 75-369.07, unless the
3 context otherwise requires:

4 (1) Accident means:

5 (a) Except as provided in subdivision (b) of this subdivision, an
6 occurrence involving a commercial motor vehicle operating on a highway in
7 interstate or intrastate commerce which results in:

8 (i) A fatality;

9 (ii) Bodily injury to a person who, as a result of the injury,
10 immediately receives medical treatment away from the scene of the
11 accident; or

12 (iii) One or more motor vehicles incurring disabling damage as a
13 result of the accident, requiring the motor vehicles to be transported
14 away from the scene by a tow truck or other motor vehicle.

15 (b) The term accident does not include:

16 (i) An occurrence involving only boarding and alighting from a
17 stationary motor vehicle; or

18 (ii) An occurrence involving only the loading or unloading of cargo;

19 (2) Bulk packaging means a packaging, other than a vessel or a
20 barge, including a transport vehicle or freight container, in which
21 hazardous materials are loaded with no intermediate form of containment.
22 A large packaging in which hazardous materials are loaded with an
23 intermediate form of containment, such as one or more articles or inner
24 packagings, is also a bulk packaging. Additionally, a bulk packaging and
25 ~~which~~ has:

26 (a) A maximum capacity greater than one hundred nineteen gallons as
27 a receptacle for a liquid;

28 (b) A maximum net mass greater than eight hundred eighty-two pounds
29 and a maximum capacity greater than one hundred nineteen gallons as a
30 receptacle for a solid; or

31 (c) A water capacity greater than one thousand pounds as a

1 receptacle for a gas as defined in 49 C.F.R. 173.115;

2 (3) Cargo tank means a bulk packaging that:

3 (a) Is a tank intended primarily for the carriage of liquids or
4 gases and includes appurtenances, reinforcements, fittings, and closures;

5 (b) Is permanently attached to or forms a part of a motor vehicle or
6 is not permanently attached to a motor vehicle but which, by reason of
7 its size, construction, or attachment to a motor vehicle, is loaded or
8 unloaded without being removed from the motor vehicle; and

9 (c) Is not fabricated under a specification for cylinders,
10 intermediate bulk containers, multi-unit tank-car tanks, portable tanks,
11 or tank cars;

12 (4) Cargo tank motor vehicle means a motor vehicle with one or more
13 cargo tanks permanently attached to or forming an integral part of the
14 motor vehicle;

15 (5) Commercial enterprise means any business activity relating to or
16 based upon the production, distribution, or consumption of goods or
17 services;

18 (6) Commercial motor vehicle means any self-propelled or towed motor
19 vehicle used on a highway in interstate commerce or intrastate commerce
20 to transport passengers or property when the vehicle:

21 (a) Has a gross vehicle weight rating or gross combination weight
22 rating or gross vehicle weight or gross combination weight of ten
23 thousand one pounds or more, whichever is greater;

24 (b) Is designed or used to transport more than eight passengers,
25 including the driver, for compensation;

26 (c) Is designed or used to transport more than fifteen passengers,
27 including the driver, and is not used to transport passengers for
28 compensation; or

29 (d) Is used in transporting material found to be hazardous and such
30 material is transported in a quantity requiring placarding pursuant to
31 section 75-364;

1 (7) Compliance review means an onsite examination of motor carrier
2 operations, such as drivers' hours of service, maintenance and
3 inspection, driver qualification, commercial driver's license
4 requirements, financial responsibility, accidents, hazardous materials,
5 and other safety and transportation records to determine whether a motor
6 carrier meets the safety fitness standard. A compliance review may be
7 conducted in response to a request to change a safety rating, to
8 investigate potential violations of safety regulations by motor carriers,
9 or to investigate complaints or other evidence of safety violations. The
10 compliance review may result in the initiation of an enforcement action
11 with penalties;

12 (8)(a) Covered farm vehicle means a motor vehicle, including an
13 articulated motor vehicle:

14 (i) That:

15 (A) Is traveling in the state in which the vehicle is registered or
16 another state;

17 (B) Is operated by:

18 (I) A farm owner or operator;

19 (II) A ranch owner or operator; or

20 (III) An employee or family member of an individual specified in
21 subdivision (8)(a)(i)(B)(I) or (8)(a)(i)(B)(II) of this section;

22 (C) Is transporting to or from a farm or ranch:

23 (I) Agricultural commodities;

24 (II) Livestock; or

25 (III) Machinery or supplies;

26 (D) Except as provided in subdivision (8)(b) of this section, is not
27 used in the operations of a for-hire motor carrier; and

28 (E) Is equipped with a special license plate or other designation by
29 the state in which the vehicle is registered to allow for identification
30 of the vehicle as a farm vehicle by law enforcement personnel; and

31 (ii) That has a gross vehicle weight rating or gross vehicle weight,

1 whichever is greater, that is:

2 (A) Less than twenty-six thousand one pounds; or

3 (B) Twenty-six thousand one pounds or more and is traveling within
4 the state or within one hundred fifty air miles of the farm or ranch with
5 respect to which the vehicle is being operated.

6 (b) Covered farm vehicle includes a motor vehicle that meets the
7 requirements of subdivision (8)(a) of this section, except for
8 subdivision (8)(a)(i)(D) of this section, and:

9 (i) Is operated pursuant to a crop share farm lease agreement;

10 (ii) Is owned by a tenant with respect to that agreement; and

11 (iii) Is transporting the landlord's portion of the crops under that
12 agreement.

13 (c) Covered farm vehicle does not include:

14 (i) A combination of truck-tractor and semitrailer which is operated
15 by a person under eighteen years of age; or

16 (ii) A combination of truck-tractor and semitrailer which is used in
17 the transportation of materials found to be hazardous for the purposes of
18 the federal Hazardous Materials Transportation Act and which require the
19 combination to be placarded under 49 C.F.R. part 172, subpart F;

20 (9) Disabling damage means damage which precludes departure of a
21 motor vehicle from the scene of the accident in its usual manner in
22 daylight after simple repairs.

23 (a) Inclusions: Damage to motor vehicles that could have been driven
24 but would have been further damaged if so driven.

25 (b) Exclusions:

26 (i) Damage which can be remedied temporarily at the scene of the
27 accident without special tools or parts;

28 (ii) Tire disablement without other damage even if no spare tire is
29 available;

30 (iii) Headlight or taillight damage; and

31 (iv) Damage to turnsignals, horn, or windshield wipers which makes

1 them inoperative;

2 (10) Driver means any person who operates any commercial motor
3 vehicle;

4 (11) Elevated temperature material means a material which, when
5 offered for transportation or transported in a bulk packaging:

6 (a) Is in a liquid phase and at a temperature at or above two
7 hundred twelve degrees Fahrenheit;

8 (b) Is in a liquid phase with a flash point at or above one hundred
9 degrees Fahrenheit that is intentionally heated and offered for
10 transportation or transported at or above its flash point; or

11 (c) Is in a solid phase and at a temperature at or above four
12 hundred sixty-four degrees Fahrenheit;

13 (12) Employee means any individual, other than an employer, who is
14 employed by an employer and who in the course of his or her employment
15 directly affects commercial motor vehicle safety. Such term includes a
16 driver of a commercial motor vehicle, including an independent contractor
17 while in the course of operating a commercial motor vehicle, a mechanic,
18 and a freight handler. Such term does not include an employee of the
19 United States, any state, any political subdivision of a state, or any
20 agency established under a compact between states and approved by the
21 Congress of the United States who is acting within the course of such
22 employment;

23 (13) Employer means any person engaged in a business affecting
24 commerce who owns or leases a commercial motor vehicle in connection with
25 that business or assigns employees to operate it. Such term does not
26 include the United States, any state, any political subdivision of a
27 state, or an agency established under a compact between states approved
28 by the Congress of the United States;

29 (14) Exempt motor carrier means a person engaged in transportation
30 exempt from economic regulation under 49 U.S.C. 13506. An exempt motor
31 carrier is subject to the safety regulations adopted in sections 75-362

1 to 75-369.07;

2 (15) Farm vehicle driver means a person who drives only a commercial
3 motor vehicle that is controlled and operated by a farmer as a private
4 motor carrier of property;

5 (16) Farmer means any person who operates a farm or is directly
6 involved in the cultivation of land, crops, or livestock which:

7 (a) Are owned by that person; or

8 (b) Are under the direct control of that person;

9 (17) Fatality means any injury which results in the death of a
10 person at the time of the motor vehicle accident or within thirty days
11 after the accident;

12 (18) Fertilizer and agricultural chemical application and
13 distribution equipment means:

14 (a) Self-propelled or towed equipment, designed and used exclusively
15 to apply commercial fertilizer, as that term is defined in section
16 81-2,162.02, chemicals, or related products to agricultural soil and
17 crops; or

18 (b) Towed equipment designed and used exclusively to carry
19 commercial fertilizer, as that term is defined in section 81-2,162.02,
20 chemicals, or related products for use on agricultural soil and crops,
21 which are equipped with implement or floatation tires;

22 (19) For-hire motor carrier means a person engaged in the
23 transportation of goods or passengers for compensation;

24 (20) Gross combination weight means the sum of the empty weight of a
25 motor vehicle plus the total weight of any load carried thereon and the
26 empty weight of the towed unit or units plus the total weight of any load
27 carried on such towed unit or units;

28 (21) Gross combination weight rating means the greater of (a) a
29 value specified by the manufacturer of the power unit, if such value is
30 displayed on the Federal Motor Vehicle Safety Standard certification
31 label required by the National Highway Traffic Safety Administration, or

1 (b) the sum of the gross vehicle weight ratings or the gross vehicle
2 weights of the power unit and the towed unit or units, or any combination
3 thereof, that produces the highest value. Gross combination weight rating
4 does not apply to a commercial motor vehicle if the power unit is not
5 towing another vehicle;

6 (22) Gross vehicle weight means the sum of the empty weight of a
7 motor vehicle plus the total weight of any load carried thereon;

8 (23) Gross vehicle weight rating means the value specified by the
9 manufacturer as the loaded weight of a single motor vehicle. In the
10 absence of such value specified by the manufacturer or the absence of any
11 marking of such value on the vehicle, the gross vehicle weight rating
12 shall be determined from the sum of the axle weight ratings of the
13 vehicle or the sum of the tire weight ratings as marked on the sidewall
14 of the tires, whichever is greater. In the absence of any tire sidewall
15 marking, the tire weight ratings shall be determined for the specified
16 tires from any of the publications of any of the organizations listed in
17 49 C.F.R. 571.119;

18 (24) Hazardous material means a substance or material that the
19 Secretary of the United States Department of Transportation has
20 determined is capable of posing an unreasonable risk to health, safety,
21 and property when transported in commerce and has designated as hazardous
22 under 49 U.S.C. 5103. The term includes hazardous substances, hazardous
23 wastes, marine pollutants, elevated temperature materials, materials
24 designated as hazardous in the Hazardous Materials Table, 49 C.F.R.
25 172.101, and materials that meet the defining criteria for hazard classes
26 and divisions in 49 C.F.R. part 173;

27 (25) Hazardous substance means a material, including its mixtures
28 and solutions, that is listed in 49 C.F.R. 172.101, Appendix A, List Of
29 Hazardous Substances and Reportable Quantities, and is in a quantity, in
30 one package, which equals or exceeds the reportable quantity listed in 49
31 C.F.R. 172.101, Appendix A. This definition does not apply to petroleum

1 products that are lubricants or fuels or to mixtures or solutions of
2 hazardous substances if in a concentration less than that shown in the
3 table in 49 C.F.R. 171.8 under the definition of hazardous substance
4 based on the reportable quantity specified for the materials listed in 49
5 C.F.R. 172.101, Appendix A;

6 (26) Hazardous waste means any material that is subject to the
7 hazardous waste manifest requirements of the United States Environmental
8 Protection Agency specified in 40 C.F.R. 262;

9 (27) Highway means the entire width between the boundary limits of
10 any street, road, avenue, boulevard, or way which is publicly maintained
11 when any part thereof is open to the use of the public for purposes of
12 vehicular travel;

13 (28) Interstate commerce means trade, traffic, or transportation
14 provided in the furtherance of a commercial enterprise in the United
15 States:

16 (a) Between a place in a state and a place outside of such state,
17 including a place outside of the United States;

18 (b) Between two places in a state through another state or a place
19 outside of the United States; or

20 (c) Between two places in a state as part of trade, traffic, or
21 transportation originating or terminating outside the state or the United
22 States;

23 (29) Intrastate commerce means any trade, traffic, or transportation
24 provided in the furtherance of a commercial enterprise between any place
25 in the State of Nebraska and any other place in Nebraska and not through
26 any other state;

27 (30) Large packaging means a packaging that:

28 (a) Consists of an outer packaging that contains articles or inner
29 packagings;

30 (b) Is designated for mechanical handling;

31 (c) Exceeds a net mass of four hundred kilograms or four hundred

1 fifty liters (one hundred nineteen gallons) capacity;

2 (d) Has a volume of not more than three cubic meters; and

3 (e) Conforms to the requirements for the construction, testing, and
4 marking of large packagings as specified in subparts P and Q of 49 C.F.R.
5 178.

6 (31) (30) Marine pollutant means a material which is listed in the
7 Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B, as a marine
8 pollutant (see 49 C.F.R. 171.4 for applicability to marine pollutants)
9 and, when in a solution or mixture of one or more marine pollutants, is
10 packaged in a concentration which equals or exceeds:

11 (a) Ten percent by weight of the solution or mixture for materials
12 listed in 49 C.F.R. 172.101, Appendix B; or

13 (b) One percent by weight of the solution or mixture for materials
14 that are identified as severe marine pollutants in the Hazardous
15 Materials Table, 49 C.F.R. 172.101, Appendix B;

16 (32) (31) Motor carrier means a for-hire motor carrier or a private
17 motor carrier. The term includes a motor carrier's agents, officers, and
18 representatives as well as employees responsible for hiring, supervising,
19 training, assigning, or dispatching of drivers and employees concerned
20 with the installation, inspection, and maintenance of motor vehicle
21 equipment or accessories. This definition includes the terms employer and
22 exempt motor carrier;

23 (33) (32) Motor vehicle means any vehicle, truck, truck-tractor,
24 trailer, or semitrailer propelled or drawn by mechanical power except (a)
25 farm tractors, (b) vehicles which run only on rails or tracks, and (c)
26 road and general-purpose construction and maintenance machinery which by
27 design and function is obviously not intended for use on a public
28 highway, including, but not limited to, motor scrapers, earthmoving
29 equipment, backhoes, trenchers, motor graders, compactors, tractors,
30 bulldozers, bucket loaders, ditchdigging apparatus, asphalt spreaders,
31 leveling graders, power shovels, and crawler tractors;

1 ~~(34)~~ ~~(33)~~ Nonbulk packaging means a packaging which has:

2 (a) A maximum capacity of four hundred fifty liters (one hundred
3 nineteen gallons) ~~one hundred nineteen gallons~~ or less as a receptacle
4 for a liquid;

5 (b) A maximum net mass of four hundred kilograms (eight hundred
6 eighty-two pounds) ~~eight hundred eighty-two pounds~~ or less and a maximum
7 capacity of four hundred fifty liters (one hundred nineteen gallons) ~~one~~
8 ~~hundred nineteen gallons~~ or less as a receptacle for a solid; ~~or~~

9 (c) A water capacity of four hundred fifty-four kilograms (one
10 thousand pounds) ~~one thousand pounds~~ or less as a receptacle for a gas as
11 defined in 49 C.F.R. 173.115; or

12 ~~(d)~~ Regardless of the definition of bulk packaging, a maximum net
13 mass of four hundred kilograms (eight hundred eighty-two pounds) or less
14 for a bag or box conforming to the applicable requirements for
15 specification packagings, including the maximum net mass limitations
16 provided in subpart L of 49 C.F.R. 178;

17 ~~(35)~~ ~~(34)~~ Out-of-service order means a declaration by an authorized
18 enforcement officer of a federal, state, Canadian, Mexican, or local
19 jurisdiction that a driver, a commercial motor vehicle, or a motor
20 carrier operation is out of service pursuant to 49 C.F.R. 386.72, 392.5,
21 392.9a, 395.13, or 396.9, or compatible laws or the North American
22 Uniform Out-of-Service Criteria;

23 ~~(36)~~ ~~(35)~~ Packaging means a receptacle and any other components or
24 materials necessary for the receptacle to perform its containment
25 function in conformance with the minimum packing requirements of Title 49
26 of the Code of Federal Regulations. For radioactive materials packaging,
27 see 49 C.F.R. 173.403;

28 ~~(37)~~ ~~(36)~~ Person means any individual, partnership, association,
29 corporation, business trust, or any other organized group of individuals;

30 ~~(38)~~ ~~(37)~~ Planting and harvesting season means the period beginning
31 on January 1 up to and including December 31 of each calendar year;

1 (39) ~~(38)~~ Principal place of business means the single location
2 designated by the motor carrier, normally its headquarters, for purposes
3 of identification. The motor carrier must make records required by the
4 regulations referred to in sections 75-362 to 75-369.07 available for
5 inspection at this location within forty-eight hours, Saturdays, Sundays,
6 and state or federal holidays excluded, after a request has been made by
7 an officer of the Nebraska State Patrol;

8 (40) ~~(39)~~ Private motor carrier means a person who provides
9 transportation of property or passengers by commercial motor vehicle and
10 is not a for-hire motor carrier;

11 (41) ~~(40)~~ Safety audit means an examination of a motor carrier's
12 operations to provide educational and technical assistance on drivers'
13 hours of service, maintenance and inspection, driver qualification,
14 commercial driver's license requirements, financial responsibility,
15 accidents, hazardous materials, and other safety and transportation
16 records to determine whether a motor carrier meets the safety fitness
17 standard. The purpose of a safety audit is to gather critical safety data
18 needed to make an assessment of the carrier's safety performance and
19 basic safety management controls. Safety audits do not result in safety
20 ratings; and

21 (42) ~~(41)~~ Tank means a container, consisting of a shell and heads,
22 that forms a pressure-tight vessel having openings designed to accept
23 pressure-tight fittings or closures, but excludes any appurtenances,
24 reinforcements, fittings, or closures.

25 Sec. 49. Section 75-363, Revised Statutes Supplement, 2019, is
26 amended to read:

27 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
28 of Federal Regulations listed below, as modified in this section, or any
29 other parts, subparts, and sections referred to by such parts, subparts,
30 and sections, in existence and effective as of January 1, 2020 ~~2019~~, are
31 adopted as Nebraska law.

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

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

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

7 (i) All vehicles of such motor carriers with a gross vehicle weight
8 rating, gross combination weight rating, gross vehicle weight, or gross
9 combination weight over ten thousand pounds;

10 (ii) All vehicles of such motor carriers designed or used to
11 transport more than eight passengers, including the driver, for
12 compensation, or designed or used to transport more than fifteen
13 passengers, including the driver, and not used to transport passengers
14 for compensation;

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

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

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

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

23 (b) Part 385 - SAFETY FITNESS PROCEDURES;

24 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

25 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
26 CARRIERS;

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

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

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

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

- 1 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;
- 2 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;
- 3 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
- 4 PARKING RULES; and

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

6 (4) The provisions of subpart E - Physical Qualifications And
7 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
8 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any
9 driver subject to this section who: (a) Operates a commercial motor
10 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
11 commercial driver's license issued by this state prior to July 30, 1996.

12 (5) The regulations adopted in subsection (3) of this section shall
13 not apply to farm trucks registered pursuant to section 60-3,146 with a
14 gross weight of sixteen tons or less. The following parts and sections of
15 49 C.F.R. chapter III shall not apply to drivers of farm trucks
16 registered pursuant to section 60-3,146 and operated solely in intrastate
17 commerce:

- 18 (a) All of part 391;
- 19 (b) Section 395.8 of part 395; and
- 20 (c) Section 396.11 of part 396.

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

- 23 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
- 24 (b) Part 391, subpart E - Physical Qualifications and Examinations;
- 25 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and
- 26 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

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

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

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

9 (i) More than twelve hours following ten consecutive hours off duty;
10 or

11 (ii) For any period after having been on duty sixteen hours
12 following ten consecutive hours off duty.

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

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

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

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

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

29 (b) The transportation of such farm supplies is from a wholesale or
30 retail distribution point of the farm supplies to a farm or other
31 location where the farm supplies are intended to be used which is within

1 a one-hundred-fifty-air-mile radius of the wholesale or retail
2 distribution point; or

3 (c) The transportation of such farm supplies is from a wholesale
4 distribution point of the farm supplies to a retail distribution point of
5 the farm supplies which is within a one-hundred-fifty-air-mile radius of
6 the wholesale distribution point.

7 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
8 intermodal equipment shall not apply to farm trucks and farm truck-
9 tractors registered pursuant to section 60-3,146 and operated solely in
10 intrastate commerce.

11 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
12 Nebraska motor carriers operating commercial motor vehicles solely in
13 intrastate commerce.

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

17 Sec. 50. Section 75-364, Revised Statutes Supplement, 2019, is
18 amended to read:

19 75-364 The parts, subparts, and sections of Title 49 of the Code of
20 Federal Regulations listed below, or any other parts, subparts, and
21 sections referred to by such parts, subparts, and sections, in existence
22 and effective as of January 1, 2020 ~~2019~~, are adopted as part of Nebraska
23 law and shall be applicable to all motor carriers whether engaged in
24 interstate or intrastate commerce, drivers of such motor carriers, and
25 vehicles of such motor carriers:

26 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -
27 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
28 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
29 Engineers;

30 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -
31 Registration of Persons Who Offer or Transport Hazardous Materials;

- 1 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;
- 2 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
- 3 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
- 4 TRAINING REQUIREMENTS, AND SECURITY PLANS;
- 5 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
- 6 PACKAGINGS;
- 7 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;
- 8 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and
- 9 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
- 10 PACKAGINGS.

11 Sec. 51. Section 75-366, Revised Statutes Supplement, 2019, is
12 amended to read:

13 75-366 For the purpose of enforcing Chapter 75, article 3, any
14 officer of the Nebraska State Patrol may, upon demand, inspect the
15 accounts, records, and equipment of any motor carrier or shipper. Any
16 officer of the Nebraska State Patrol shall have the authority to enforce
17 the federal motor carrier safety regulations, as such regulations existed
18 on January 1, 2020 ~~2019~~, and federal hazardous materials regulations, as
19 such regulations existed on January 1, 2020 ~~2019~~, and is authorized to
20 enter upon, inspect, and examine any and all lands, buildings, and
21 equipment of any motor carrier, any shipper, and any other person subject
22 to the federal Interstate Commerce Act, the federal Department of
23 Transportation Act, and other related federal laws and to inspect and
24 copy any and all accounts, books, records, memoranda, correspondence, and
25 other documents of a motor carrier, a shipper, and any other person
26 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
27 75, article 3. To promote uniformity of enforcement, the carrier
28 enforcement division of the Nebraska State Patrol shall cooperate and
29 consult with the Public Service Commission and the Division of Motor
30 Carrier Services.

31 Sec. 52. Section 75-369.03, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 75-369.03 (1) The Superintendent of Law Enforcement and Public
3 Safety may issue an order imposing a civil penalty against a motor
4 carrier transporting persons or property in interstate commerce for a
5 violation of sections 75-392 to 75-399 and section 58 of this act or
6 against a motor carrier transporting persons or property in intrastate
7 commerce for a violation or violations of section 75-363 or 75-364 based
8 upon an inspection conducted pursuant to section 75-366 in an amount
9 which shall not exceed eight hundred dollars for any single violation in
10 any proceeding or series of related proceedings against any person or
11 motor carrier as defined in 49 C.F.R. 390.5 as adopted in section 75-363.

12 (2) The superintendent shall issue an order imposing a civil penalty
13 in an amount not to exceed sixteen thousand four hundred fifty-three
14 ~~fifteen thousand seven hundred twenty-seven~~ dollars against a motor
15 carrier transporting persons or property in interstate commerce for a
16 violation of subdivision (2)(e) of section 60-4,162 based upon a
17 conviction of such a violation.

18 (3) The superintendent shall issue an order imposing a civil penalty
19 against a driver operating a commercial motor vehicle, as defined in
20 section 60-465, that requires a commercial driver's license or CLP-
21 commercial learner's permit, in violation of an out-of-service order. The
22 civil penalty shall be in an amount not less than three thousand one
23 hundred seventy-four ~~thirty-four~~ dollars for a first violation and not
24 less than six thousand three hundred forty-eight ~~sixty-eight~~ dollars for
25 a second or subsequent violation.

26 (4) The superintendent shall issue an order imposing a civil penalty
27 against a motor carrier who knowingly allows, requires, permits, or
28 authorizes the operation of a commercial motor vehicle, as defined in
29 section 60-465, that requires a commercial driver's license or CLP-
30 commercial learner's permit, in violation of an out-of-service order. The
31 civil penalty shall be not less than five thousand seven hundred thirty-

1 ~~two four hundred seventy-nine~~ dollars but not more than thirty one
2 thousand seven thousand three hundred thirty-seven dollars per violation.

3 (5) Upon the discovery of any violation by a motor carrier
4 transporting persons or property in interstate commerce of section
5 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 and section 58 of
6 this act based upon an inspection conducted pursuant to section 75-366,
7 the superintendent shall immediately refer such violation to the
8 appropriate federal agency for disposition, and upon the discovery of any
9 violation by a motor carrier transporting persons or property in
10 intrastate commerce of section 75-307 based upon such inspection, the
11 superintendent shall refer such violation to the Public Service
12 Commission for disposition.

13 Sec. 53. Section 75-386, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 75-386 The Division of Motor Carrier Services shall:

16 (1) Foster, promote, and preserve the motor carrier industry of the
17 State of Nebraska;

18 (2) Protect and promote the public health and welfare of the
19 citizens of the state by ensuring that the motor carrier industry is
20 operated in an efficient and safe manner;

21 (3) Promote and provide for efficient and uniform governmental
22 oversight of the motor carrier industry;

23 (4) Promote financial responsibility on the part of motor carriers
24 operating in and through the State of Nebraska;

25 (5) Administer all provisions of the International Fuel Tax
26 Agreement Act, the International Registration Plan Act, and the unified
27 carrier registration plan and agreement pursuant to sections 75-392 to
28 75-399 and section 58 of this act;

29 (6) Provide for the issuance of certificates of title to apportioned
30 registered motor vehicles as provided for by subsection (6) of section
31 60-144; and

1 (7) Carry out such other duties and responsibilities as directed by
2 the Legislature.

3 Sec. 54. Section 75-392, Revised Statutes Supplement, 2019, is
4 amended to read:

5 75-392 For purposes of sections 75-392 to 75-399 and section 58 of
6 this act:

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, 2020 ~~2019~~.

13 Sec. 55. Section 75-393, Revised Statutes Supplement, 2019, is
14 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, 2020 ~~2019~~, 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. 56. Section 75-398, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 75-398 Any foreign or domestic motor carrier, private carrier,
23 leasing company, broker, or freight forwarder operating any motor vehicle
24 in violation of sections 75-392 to 75-399 and section 58 of this act, any
25 rule or regulation adopted and promulgated pursuant to such sections, or
26 any order of the division issued pursuant to such sections is guilty of a
27 Class IV misdemeanor and shall also be subject to section 75-369.03. Each
28 day of the violation constitutes a separate offense.

29 Sec. 57. Section 75-399, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 75-399 Sections 75-392 to 75-399 and section 58 of this act do not

1 apply to a foreign or domestic motor carrier, private carrier, leasing
2 company, broker, or freight forwarder, including a transporter of waste
3 or recyclable materials, engaged exclusively in intrastate commerce.

4 Sec. 58. (1) The director may suspend, revoke, cancel, or refuse to
5 issue or renew a registration pursuant to the unified carrier
6 registration plan and agreement:

7 (a) If the applicant or registrant has had his or her license issued
8 under the International Fuel Tax Agreement Act revoked or the director
9 refused to issue or refused to renew such license;

10 (b) If the applicant's or registrant's registration certificate
11 issued pursuant to the International Registration Plan Act has been
12 suspended, revoked, or canceled or the director refused to issue or renew
13 such certificate; or

14 (c) If the applicant or registrant is in violation of sections
15 75-392 to 75-399 and section 58 of this act.

16 (2) Prior to taking any action pursuant to subsection (1) of this
17 section, the director shall notify and advise the applicant or registrant
18 of the proposed action and the reasons for such action in writing, by
19 regular United States mail, to the last-known business address as shown
20 on the application for the registration or renewal. The notice shall also
21 include an advisement of the procedures in subsection (3) of this
22 section.

23 (3) The applicant or registrant may, within thirty days after the
24 mailing of the notice, petition the director in writing for a hearing to
25 contest the proposed action. The hearing shall be commenced in accordance
26 with the Administrative Procedure Act. If a petition is filed, the
27 director shall, within twenty days after receipt of the petition, set a
28 hearing date at which the applicant or registrant may show cause why the
29 proposed action should not be taken. The director shall give the
30 applicant or registrant reasonable notice of the time and place of the
31 hearing. If the director's decision is adverse to the applicant or

1 registrant, such person may appeal the decision in accordance with the
2 Administrative Procedure Act.

3 (4) The filing of the petition shall stay any action by the director
4 until a hearing is held and a final decision and order is issued.

5 (5) If no petition is filed at the expiration of thirty days after
6 the date on which the notification was mailed, the director may take the
7 proposed action described in the notice.

8 (6) If, in the judgment of the director, the applicant or registrant
9 has complied with or is no longer in violation of the provisions for
10 which the director took action under this section, the director may
11 reinstate the registration without delay. An applicant for reinstatement,
12 issuance, or renewal of a registration within three years after the date
13 of suspension, revocation, cancellation, or refusal to issue or renew
14 shall submit a fee of one hundred dollars to the director. The director
15 shall remit the fee to the State Treasurer for credit to the Highway Cash
16 Fund.

17 Sec. 59. Original sections 18-1214, 38-129, 60-142.01, 60-3,137,
18 60-3,203, 60-3,212, 66-1406.02, 66-1424, 75-362, 75-369.03, 75-386,
19 75-398, and 75-399, Reissue Revised Statutes of Nebraska, sections 4-111,
20 60-192, 60-3,205, 60-484.04, 60-484.05, 60-4,113, 60-4,114, 60-4,138,
21 60-4,141, 60-4,168, 60-6,294, 60-6,297, and 60-6,356, Revised Statutes
22 Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-144,
23 60-302.01, 60-336.01, 60-386, 60-395, 60-3,113.04, 60-3,193.01, 60-3,198,
24 60-3,238, 60-3,240, 60-3,242, 60-462.01, 60-479.01, 60-4,111.01,
25 60-4,132, 60-4,134, 60-4,147.02, 60-4,182, 60-501, 60-628.01, 60-6,265,
26 60-6,290, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and
27 75-393, Revised Statutes Supplement, 2019, are repealed.