

AMENDMENTS TO LB461

(Amendments to E & R amendments, ER183)

Introduced by Friesen, 34.

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

3 Section 1. Section 75-109.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 75-109.01 Except as otherwise specifically provided by law, the
6 Public Service Commission shall have jurisdiction, as prescribed, over
7 the following subjects:

8 (1) Common carriers, generally, pursuant to sections 75-101 to
9 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
11 Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles pursuant to the
13 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

14 (4) Modular housing units pursuant to the Nebraska Uniform Standards
15 for Modular Housing Units Act;

16 (5) Motor carrier registration, licensure, and safety pursuant to
17 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371 and sections 8
18 and 9 of this act;

19 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
20 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
21 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
22 the provisions of the Major Oil Pipeline Siting Act, the provisions of
23 the Major Oil Pipeline Siting Act control;

24 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
25 74-1323, and 75-401 to 75-430;

26 (8) Telecommunications carriers pursuant to the Automatic Dialing-

1 Announcing Devices Act, the Emergency Telephone Communications Systems
2 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
3 Regulation Act, the Nebraska Telecommunications Regulation Act, the
4 Nebraska Telecommunications Universal Service Fund Act, the
5 Telecommunications Relay System Act, the Telephone Consumer Slamming
6 Prevention Act, and sections 86-574 to 86-580;

7 (9) Transmission lines and rights-of-way pursuant to sections 70-301
8 and 75-702 to 75-724;

9 (10) Water service pursuant to the Water Service Regulation Act; and

10 (11) Jurisdictional utilities governed by the State Natural Gas
11 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
12 provisions of the State Natural Gas Regulation Act, the provisions of the
13 State Natural Gas Regulation Act control.

14 Sec. 2. Section 75-118, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 75-118 The commission shall:

17 (1) Until July 1, 2021, fix ~~Fix~~ all necessary rates, charges, and
18 regulations governing and regulating the transportation, storage, or
19 handling of household goods and ~~passengers~~ by any common carrier in
20 Nebraska intrastate commerce;

21 (2) Fix all necessary rates, charges, and regulations governing and
22 regulating the transportation of passengers by any common carrier in
23 Nebraska intrastate commerce;

24 (3) Until July 1, 2021, make ~~(2) Make~~ all necessary classifications
25 of household goods that may be transported, stored, or handled by any
26 common carrier in Nebraska intrastate commerce, such classifications
27 applying to and being the same for all common carriers;

28 (4) Authorize the transportation of (a) household goods under a
29 license issued pursuant to section 8 of this act or (b) employees of a
30 railroad carrier under a license issued pursuant to section 9 of this
31 act;

1 (5) ~~(3)~~ Prevent and correct the unjust discriminations set forth in
2 section 75-126;

3 (6) ~~(4)~~ Enforce all statutes and commission regulations pertaining
4 to rates and, if necessary, institute actions in the appropriate court of
5 any county in which the common carrier involved operates except actions
6 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits
7 shall be brought and penalties recovered in the name of the state by or
8 under the direction of the Attorney General; and

9 (7) ~~(5)~~ Enforce the Major Oil Pipeline Siting Act and the State
10 Natural Gas Regulation Act.

11 Sec. 3. Section 75-124, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 75-124 The commission may compile and reproduce tariffs containing
14 the schedules of rates and charges for transportation of persons and,
15 until July 1, 2021, household goods. The commission ~~property~~ and may make
16 a charge for copies of such tariffs to cover the cost of reproducing,
17 supplementing, and mailing the same. Every common carrier shall
18 reproduce, keep for public inspection, and file with the commission in
19 the manner prescribed by the commission, schedules showing the rates,
20 fares, and charges for the transportation of passengers and, until July
21 1, 2021, household goods, which have been fixed and established as
22 provided in Chapter 75, articles 1 and 3, and which are in force at the
23 time with respect to such common carrier.

24 Sec. 4. Section 75-156, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 75-156 (1) In addition to other penalties and relief provided by
27 law, the Public Service Commission may, upon a finding that the violation
28 is proven by clear and convincing evidence, assess a civil penalty of up
29 to ten thousand dollars per day against any person, motor carrier,
30 regulated motor carrier, common carrier, contract carrier, licensee,
31 grain dealer, or grain warehouseman for each violation of (a) any

1 provision of the laws of this state within the jurisdiction of the
2 commission as enumerated in section 75-109.01, (b) any term, condition,
3 or limitation of any certificate, permit, license, or authority issued by
4 the commission pursuant to the laws of this state within the jurisdiction
5 of the commission as enumerated in section 75-109.01, or (c) any rule,
6 regulation, or order of the commission issued under authority delegated
7 to the commission pursuant to the laws of this state within the
8 jurisdiction of the commission as enumerated in section 75-109.01.

9 (2) In addition to other penalties and relief provided by law, the
10 Public Service Commission may, upon a finding that the violation is
11 proven by clear and convincing evidence, assess a civil penalty not less
12 than one hundred dollars and not more than one thousand dollars against
13 any jurisdictional utility for each violation of (a) any provision of the
14 State Natural Gas Regulation Act, (b) any rule, regulation, order, or
15 lawful requirement issued by the commission pursuant to the act, (c) any
16 final judgment or decree made by any court upon appeal from any order of
17 the commission, or (d) any term, condition, or limitation of any
18 certificate issued by the commission issued under authority delegated to
19 the commission pursuant to the act. The amount of the civil penalty
20 assessed in each case shall be based on the severity of the violation
21 charged. The commission may compromise or mitigate any penalty prior to
22 hearing if all parties agree. In determining the amount of the penalty,
23 the commission shall consider the appropriateness of the penalty in light
24 of the gravity of the violation and the good faith of the violator in
25 attempting to achieve compliance after notification of the violation is
26 given.

27 (3) In addition to other penalties and relief provided by law, the
28 Public Service Commission may, upon a finding that the violation is
29 proven by clear and convincing evidence, assess a civil penalty of up to
30 ten thousand dollars per day against any wireless carrier for each
31 violation of the Enhanced Wireless 911 Services Act or any rule,

1 regulation, or order of the commission issued under authority delegated
2 to the commission pursuant to the act.

3 (4) In addition to other penalties and relief provided by law, the
4 Public Service Commission may, upon a finding that the violation is
5 proven by clear and convincing evidence, assess a civil penalty of up to
6 one thousand dollars against any person for each violation of the
7 Nebraska Uniform Standards for Modular Housing Units Act or the Uniform
8 Standard Code for Manufactured Homes and Recreational Vehicles or any
9 rule, regulation, or order of the commission issued under the authority
10 delegated to the commission pursuant to either act. Each such violation
11 shall constitute a separate violation with respect to each modular
12 housing unit, manufactured home, or recreational vehicle, except that the
13 maximum penalty shall not exceed one million dollars for any related
14 series of violations occurring within one year from the date of the first
15 violation.

16 (5) The civil penalty assessed under this section shall not exceed
17 two million dollars per year for each violation except as provided in
18 subsection (4) of this section. The amount of the civil penalty assessed
19 in each case shall be based on the severity of the violation charged. The
20 commission may compromise or mitigate any penalty prior to hearing if all
21 parties agree. In determining the amount of the penalty, the commission
22 shall consider the appropriateness of the penalty in light of the gravity
23 of the violation and the good faith of the violator in attempting to
24 achieve compliance after notification of the violation is given.

25 (6) Upon notice and hearing in accordance with this section and
26 section 75-157, the commission may enter an order assessing a civil
27 penalty of up to one hundred dollars against any person, firm,
28 partnership, limited liability company, corporation, cooperative, or
29 association for failure to file an annual report or pay the fee as
30 required by section 75-116 and as prescribed by commission rules and
31 regulations or for failure to register as required by section 86-125 and

1 as prescribed by commission rules and regulations. Each day during which
2 the violation continues after the commission has issued an order finding
3 that a violation has occurred constitutes a separate offense. Any party
4 aggrieved by an order of the commission under this section may appeal.
5 The appeal shall be in accordance with section 75-136.

6 (7) When any person or party is accused of any violation listed in
7 this section, the commission shall notify such person or party in writing
8 (a) setting forth the date, facts, and nature of each act or omission
9 upon which each charge of a violation is based, (b) specifically
10 identifying the particular statute, certificate, permit, rule,
11 regulation, or order purportedly violated, (c) that a hearing will be
12 held and the time, date, and place of the hearing, (d) that in addition
13 to the civil penalty, the commission may enforce additional penalties and
14 relief as provided by law, and (e) that upon failure to pay any civil
15 penalty determined by the commission, the penalty may be collected by
16 civil action in the district court of Lancaster County.

17 Sec. 5. Section 75-301, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 75-301 (1) It is the policy of the Legislature to comply with the
20 laws of the United States, to promote uniformity of regulation, to
21 prevent motor vehicle accidents, deaths, and injuries, to protect the
22 public safety, to reduce redundant regulation, to promote financial
23 responsibility on the part of all motor carriers operating in and through
24 the state, and to foster the development, coordination, and preservation
25 of a safe, sound, adequate, and productive motor carrier system which is
26 vital to the economy of the state.

27 (2) It is the policy of the Legislature to (a) regulate
28 transportation by motor carriers of passengers and household goods in
29 intrastate commerce upon the public highways of Nebraska in such manner
30 as to recognize and preserve the inherent advantages of and foster sound
31 economic conditions in such transportation and among such carriers, in

1 the public interest, (b) authorize upon the public highways of Nebraska
2 the transportation in intrastate commerce of (i) household goods by motor
3 carriers under licenses issued pursuant to section 8 of this act and (ii)
4 employees of railroad carriers engaged in interstate commerce to or from
5 their work locations under licenses issued pursuant to section 9 of this
6 act, (c) promote adequate economical and efficient service by motor
7 carriers and reasonable charges therefor without unjust discrimination,
8 undue preferences or advantages, and unfair or destructive competitive
9 practices, (d) ~~(c)~~ improve the relations between and coordinate
10 transportation by and regulation of such motor carriers and other
11 carriers, (e) ~~(d)~~ develop and preserve a highway transportation system
12 properly adapted to the needs of the commerce of Nebraska, (f) ~~(e)~~
13 cooperate with the several states and the duly authorized officials
14 thereof, and (g) ~~(f)~~ cooperate with the United States Government in the
15 administration and enforcement of the unified carrier registration plan
16 and agreement.

17 The commission, the Division of Motor Carrier Services, and the
18 carrier enforcement division shall enforce all provisions of section
19 75-126 and Chapter 75, article 3, so as to promote, encourage, and ensure
20 a safe, dependable, responsive, and adequate transportation system for
21 the public as a whole.

22 Sec. 6. Section 75-302, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 75-302 For purposes of sections 75-301 to 75-343 and sections 8 and
25 9 of this act and in all rules and regulations adopted and promulgated by
26 the commission pursuant to such sections, unless the context otherwise
27 requires:

28 (1) Attended services means an attendant or caregiver accompanying a
29 minor or a person who has a physical, mental, or developmental disability
30 and is unable to travel or wait without assistance or supervision;

31 (2) Carrier enforcement division means the carrier enforcement

1 division of the Nebraska State Patrol or the Nebraska State Patrol;

2 (3) Certificate means a certificate of public convenience and
3 necessity issued under Chapter 75, article 3, to common carriers by motor
4 vehicle;

5 (4) Civil penalty means any monetary penalty assessed by the
6 commission or carrier enforcement division due to a violation of Chapter
7 75, article 3, or section 75-126 as such section applies to any person or
8 carrier specified in Chapter 75, article 3; any term, condition, or
9 limitation of any certificate or permit issued pursuant to Chapter 75,
10 article 3; or any rule, regulation, or order of the commission, the
11 Division of Motor Carrier Services, or the carrier enforcement division
12 issued pursuant to Chapter 75, article 3;

13 (5) Commission means the Public Service Commission;

14 (6) Common carrier means any person who or which undertakes to
15 transport passengers or, until July 1, 2021, household goods, for the
16 general public in intrastate commerce by motor vehicle for hire, whether
17 over regular or irregular routes, upon the highways of this state.
18 Beginning July 1, 2021, common carrier does not include a motor carrier
19 operating under a license issued pursuant to section 8 of this act;

20 (7) Contract carrier means any motor carrier which transports
21 passengers or, until July 1, 2021, household goods, for hire other than
22 as a common carrier designed to meet the distinct needs of each
23 individual customer or a specifically designated class of customers
24 without any limitation as to the number of customers it can serve within
25 the class. Beginning on the operative date of this section, contract
26 carrier does not include a motor carrier operating under a license issued
27 pursuant to section 9 of this act;

28 (8) Division of Motor Carrier Services means the Division of Motor
29 Carrier Services of the Department of Motor Vehicles;

30 (9) Highway means the roads, highways, streets, and ways in this
31 state;

1 (10) Household goods means personal effects and property used or to
2 be used in a dwelling, when a part of the equipment or supply of such
3 dwelling, and similar property as the commission may provide by
4 regulation if the transportation of such effects or property, is:

5 (a) Arranged and paid for by the householder, including
6 transportation of property from a factory or store when the property is
7 purchased by the householder with the intent to use in his or her
8 dwelling; or

9 (b) Arranged and paid for by another party;

10 (11) Intrastate commerce means commerce between any place in this
11 state and any other place in this state and not in part through any other
12 state;

13 (12) License means a license issued to a motor carrier engaged in
14 the for-hire, intrastate transportation of (a) household goods under
15 section 8 of this act or (b) employees of a railroad carrier engaged in
16 interstate commerce to or from their work locations under section 9 of
17 this act;

18 (13) ~~(12)~~ Licensed care transportation services means transportation
19 provided by an entity licensed by the Department of Health and Human
20 Services as a residential child-caring agency as defined in section
21 71-1926 or child-placing agency as defined in section 71-1926 or a child
22 care facility licensed under the Child Care Licensing Act to a client of
23 the entity or facility when the person providing transportation services
24 also assists and supervises the passenger or, if the client is a minor,
25 to a family member of a minor when it is necessary for agency or facility
26 staff to accompany or facilitate the transportation in order to provide
27 necessary services and support to the minor. Licensed care transportation
28 services must be incidental to and in furtherance of the social services
29 provided by the entity or facility to the transported client;

30 (14) ~~(13)~~ Motor carrier means any person other than a regulated
31 motor carrier who or which owns, controls, manages, operates, or causes

1 to be operated any motor vehicle used to transport passengers or property
2 over any public highway in this state;

3 ~~(15)~~ ~~(14)~~ Motor vehicle means any vehicle, machine, tractor,
4 trailer, or semitrailer propelled or drawn by mechanical power and used
5 upon the highways in the transportation of passengers or property but
6 does not include any vehicle, locomotive, or car operated exclusively on
7 a rail or rails;

8 ~~(16)~~ ~~(15)~~ Permit means a permit issued under Chapter 75, article 3,
9 to contract carriers by motor vehicle;

10 ~~(17)~~ ~~(16)~~ Person means any individual, firm, partnership, limited
11 liability company, corporation, company, association, or joint-stock
12 association and includes any trustee, receiver, assignee, or personal
13 representative thereof;

14 ~~(18)~~ ~~(17)~~ Private carrier means any motor carrier which owns,
15 controls, manages, operates, or causes to be operated a motor vehicle to
16 transport passengers or property to or from its facility, plant, or place
17 of business or to deliver to purchasers its products, supplies, or raw
18 materials (a) when such transportation is within the scope of and
19 furthers a primary business of the carrier other than transportation and
20 (b) when not for hire. Nothing in sections 75-301 to 75-322 and sections
21 8 and 9 of this act shall apply to private carriers;

22 ~~(19)~~ ~~(18)~~ Regulated motor carrier means any person who or which
23 owns, controls, manages, operates, or causes to be operated any motor
24 vehicle used to transport passengers, other than those excepted under
25 section 75-303, or, until July 1, 2021, household goods, over any public
26 highway in this state. Beginning July 1, 2021, regulated motor carrier
27 does not include a motor carrier operating under a license issued
28 pursuant to section 8 of this act. Beginning on the operative date of
29 this section, regulated motor carrier does not include a motor carrier
30 operating under a license issued pursuant to section 9 of this act;

31 ~~(20)~~ ~~(19)~~ Residential care means care for a minor or a person who is

1 physically, mentally, or developmentally disabled who resides in a
2 residential home or facility regulated by the Department of Health and
3 Human Services, including, but not limited to, a foster home, treatment
4 facility, residential child-caring agency, or shelter;

5 (21) ~~(20)~~ Residential care transportation services means
6 transportation services to persons in residential care when such
7 residential care transportation services and residential care are
8 provided as part of a services contract with the Department of Health and
9 Human Services or pursuant to a subcontract entered into incident to a
10 services contract with the department;

11 (22) ~~(21)~~ Supported transportation services means transportation
12 services to a minor or for a person who is physically, mentally, or
13 developmentally disabled when the person providing transportation
14 services also assists and supervises the passenger or transportation
15 services to a family member of a minor when it is necessary for provider
16 staff to accompany or facilitate the transportation in order to provide
17 necessary services and support to the minor. Supported transportation
18 services must be provided as part of a services contract with the
19 Department of Health and Human Services or pursuant to a subcontract
20 entered into incident to a services contract with the department, and the
21 driver must meet department requirements for (a) training or experience
22 working with minors or persons who are physically, mentally, or
23 developmentally disabled, (b) training with regard to the specific needs
24 of the client served, (c) reporting to the department, and (d) age.
25 Assisting and supervising the passenger shall not necessarily require the
26 person providing transportation services to stay with the passenger after
27 the transportation services have been provided; and

28 (23) ~~(22)~~ Transportation network company has the definition found in
29 section 75-323. A transportation network company shall not own, control,
30 operate, or manage drivers' personal vehicles.

31 Sec. 7. Section 75-303, Revised Statutes Supplement, 2019, is

1 amended to read:

2 75-303 Sections 75-301 to 75-322 and sections 8 and 9 of this act
3 shall apply to transportation by a motor carrier or the transportation of
4 passengers and, until July 1, 2021, household goods, by a regulated motor
5 carrier for hire in intrastate commerce except for the following:

6 (1) A motor carrier for hire in the transportation of school
7 children and teachers to and from school;

8 (2) A motor carrier for hire operated in connection with a part of a
9 streetcar system;

10 (3) A motor carrier for hire providing transportation services for
11 passengers in vehicles with a rated seating capacity of eight or more
12 passengers when (a) such services are incidental to agritourism
13 activities as defined in section 82-603, (b) the destination for such
14 agritourism activities is outside any incorporated city or village, and
15 (c) the point of origination and termination is outside a county that
16 includes a city of the metropolitan class or primary class;

17 (4) (3) An ambulance, ambulance owner, hearse, or automobile used
18 exclusively as an incident to conducting a funeral;

19 (5) (4) A motor carrier exempt by subdivision (1) of this section
20 which hauls for hire (a) persons of a religious, fraternal, educational,
21 or charitable organization, (b) pupils of a school to athletic events,
22 (c) players of American Legion baseball teams when the point of origin or
23 termination is within five miles of the domicile of the carrier, and (d)
24 the elderly as defined in section 13-1203 and their spouses and
25 dependents under a contract with a municipality or county authorized in
26 section 13-1208;

27 (6) (5) A motor carrier operated by a city and engaged in the
28 transportation of passengers, and such exempt operations shall be no
29 broader than those authorized in intrastate commerce at the time the city
30 or other political subdivision assumed ownership of the operation;

31 (7) (6) A motor vehicle owned and operated by a nonprofit

1 organization which is exempt from payment of federal income taxes, as
2 provided by section 501(c)(4), Internal Revenue Code, transporting solely
3 persons over age sixty, persons who are spouses and dependents of persons
4 over age sixty, and handicapped persons;

5 ~~(8)~~ (7) A motor carrier engaged in the transportation of passengers
6 operated by a transit authority or regional metropolitan transit
7 authority established under and acting pursuant to the laws of the State
8 of Nebraska;

9 (9) Except as provided in section 8 of this act, a motor carrier
10 engaged in the transportation of household goods;

11 (10) Except as provided in section 9 of this act, a motor carrier
12 engaged in the transportation of employees of a railroad carrier engaged
13 in interstate commerce to or from their work locations;

14 ~~(11)~~ (8) A motor carrier operated by a municipality or county, as
15 authorized in section 13-1208, in the transportation of elderly persons;

16 ~~(12)~~ (9) A motor vehicle having a seating capacity of twenty or less
17 which is operated by a governmental subdivision or a qualified public-
18 purpose organization as defined in section 13-1203 engaged in the
19 transportation of passengers in the state;

20 ~~(13)~~ (10) A motor vehicle owned and operated by a nonprofit entity
21 organized for the purpose of furnishing electric service;

22 ~~(14)~~ (11) A motor carrier engaged in attended services under
23 contract or subcontract with the Department of Health and Human Services
24 or with any agency organized under the Nebraska Community Aging Services
25 Act;

26 ~~(15)~~ (12) A motor carrier engaged in residential care transportation
27 services if the motor carrier complies with the requirements of the
28 Department of Health and Human Services adopted, promulgated, and
29 enforced to protect the safety and well-being of the passengers,
30 including insurance, training, and age requirements;

31 ~~(16)~~ (13) A motor carrier engaged in supported transportation

1 services if the motor carrier complies with the requirements of the
2 Department of Health and Human Services adopted, promulgated, and
3 enforced to protect the safety and well-being of the passengers,
4 including insurance, training, and age requirements; and

5 ~~(17)~~ (14) A motor carrier engaged in licensed care transportation
6 services if the motor carrier files a certificate with the commission
7 that such provider meets the minimum driver standards, insurance
8 requirements, and equipment standards prescribed by the commission.
9 Insurance requirements established by the commission shall be consistent
10 with the insurance requirements established by the Department of Health
11 and Human Services for attended services, residential care transportation
12 services, and supported transportation services.

13 Sec. 8. (1) Beginning July 1, 2021, any mover of household goods
14 operating in this state and engaged in the intrastate transportation for
15 hire of household goods shall apply to the commission for a license prior
16 to transporting household goods in intrastate commerce. A license shall
17 be issued by the commission to any qualified applicant upon payment of a
18 license fee of two hundred fifty dollars and receipt of a completed
19 application in which the principal place of business of the applicant in
20 the State of Nebraska is identified and the applicant agrees and affirms
21 to perform the service in conformance with applicable sections 75-301 to
22 75-322 and the rules and regulations of the commission adopted and
23 promulgated under such sections. Otherwise the application shall be
24 denied. Applications for initial and renewal licenses shall be on forms
25 prescribed by the commission. A license issued under this section shall
26 be valid for one year and may be renewed annually for a fee of two
27 hundred fifty dollars. A license may be suspended or revoked by the
28 commission after notice and hearing for failure to comply with applicable
29 sections 75-101 to 75-801, any rule or regulation adopted and promulgated
30 under such sections, or any lawful order of the commission.

31 (2) Any person who applies for a license pursuant to this section

1 shall comply with the requirements of section 75-307. The commission
2 shall have no authority to regulate the rates of any motor carrier who is
3 issued a license under this section.

4 Sec. 9. (1) Any motor carrier operating in this state engaged in
5 the intrastate transportation for hire of employees of a railroad carrier
6 engaged in interstate commerce to or from their work locations shall
7 apply to the commission for a license prior to transporting such
8 employees in intrastate commerce. A license shall be issued by the
9 commission to any qualified applicant upon payment of a license fee of
10 two hundred fifty dollars and receipt of a completed application in which
11 the principal place of business of the applicant in the State of Nebraska
12 is identified and the applicant agrees and affirms to perform the service
13 in conformance with section 75-307 and the rules and regulations adopted
14 and promulgated by the commission relating to driver qualifications,
15 equipment, operating standards, and recordkeeping. Otherwise the
16 application shall be denied. Applications for initial and renewal
17 licenses shall be on forms prescribed by the commission. A license issued
18 under this section shall be valid for one year and may be renewed
19 annually for a fee of two hundred fifty dollars. A license may be
20 suspended or revoked by the commission after notice and hearing for
21 failure to comply with section 75-307, and any rule or regulation adopted
22 and promulgated under this section, or any lawful order of the
23 commission.

24 (2) Any person who applies for a license pursuant to this section
25 shall comply with the requirements of section 75-307. The commission
26 shall have no authority to regulate the rates of any motor carrier who is
27 issued a license under this section.

28 Sec. 10. Section 75-307, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 75-307 (1) Certificated intrastate motor carriers, including common
31 and contract carriers, any motor carrier transporting household goods

1 under a license issued pursuant to section 8 of this act, and any motor
2 carrier transporting employees of a railroad carrier under a license
3 issued pursuant to section 9 of this act shall comply with reasonable
4 rules and regulations prescribed by the commission governing the filing
5 with the commission, the approval of the filings, and the maintenance of
6 proof at such carrier's principal place of business of surety bonds,
7 policies of insurance, qualifications as a self-insurer, or other
8 securities or agreements, in such reasonable amount as required by the
9 commission, conditioned to pay, within the amount of such surety bonds,
10 policies of insurance, qualifications as a self-insurer, or other
11 securities or agreements, any final judgment recovered against such motor
12 carrier for bodily injuries to or the death of any person resulting from
13 the negligent operation, maintenance, or use of motor vehicles under such
14 certificate, ~~or~~ permit, or license or for loss or damage to property of
15 others. No certificate or permit shall be issued to a common or contract
16 carrier, no license shall be issued to a motor carrier transporting
17 household goods under section 8 of this act or employees of a railroad
18 carrier under section 9 of this act, nor shall such certificate, permit,
19 or license ~~or~~ remain in force unless such carrier complies with this
20 section and the rules and regulations prescribed by the commission
21 pursuant to this section.

22 (2) The commission may, in its discretion and under its rules and
23 regulations, require any certificated carrier, any motor carrier
24 transporting household goods under a license issued pursuant to section 8
25 of this act, and any motor carrier transporting employees of a railroad
26 carrier under a license issued pursuant to section 9 of this act to file
27 a surety bond, policies of insurance, qualifications as a self-insurer,
28 or other securities or agreements, in a sum to be determined by the
29 commission, to be conditioned upon such carrier making compensation to
30 shippers or consignees for all property belonging to shippers or
31 consignees and coming into the possession of such carrier in connection

1 with its transportation service. Any carrier which may be required by law
2 to compensate a shipper or consignee for any loss, damage, or default for
3 which a connecting motor common carrier is legally responsible shall be
4 subrogated to the rights of such shipper or consignee under any such
5 bond, policies of insurance, or other securities or agreements to the
6 extent of the sum so paid.

7 (3) In carrying out this section, the commission may classify motor
8 carriers and regulated motor carriers taking into consideration the
9 hazards of the operations of such carriers and the value of the household
10 goods carried. Nothing contained in this section shall be construed to
11 authorize the commission to compel motor carriers other than those
12 transporting common carriers of household goods under section 75-309 or
13 under a license issued pursuant to section 8 of this act to carry cargo
14 insurance.

15 (4) This section does not apply to transportation network companies.
16 Sec. 11. Section 75-308, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 75-308 It is unlawful for a regulated motor carrier to engage in the
19 transportation of passengers or, until July 1, 2021, household goods, in
20 intrastate commerce unless the motor carrier has filed, published, and
21 kept open for inspection its tariff schedule as provided in section
22 75-124 in the manner prescribed by the commission pursuant to such
23 section. Until July 1, 2021, no regulated ~~No such~~ motor carrier shall
24 engage in the transportation of household goods in intrastate commerce
25 unless it has obtained a copy of the most current applicable tariff, or a
26 tariff prepared by a tariff publishing bureau or an individual, which
27 conforms with the rates and charges prescribed by the commission.

28 Sec. 12. Section 75-311, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 75-311 (1) A certificate shall be issued to any qualified applicant
31 authorizing the whole or any part of the operations covered by the

1 application if it is found after notice and hearing that (a) the
2 applicant is fit, willing, and able properly to perform the service
3 proposed and to conform to the provisions of sections 75-301 to 75-322
4 and the requirements, rules, and regulations of the commission under such
5 sections and (b) the proposed service, to the extent to be authorized by
6 the certificate, whether regular or irregular, ~~passenger or household~~
7 ~~goods~~, is or will be required by the present or future public convenience
8 and necessity. Otherwise the application shall be denied.

9 (2) A permit shall be issued to any qualified applicant therefor
10 authorizing in whole or in part the operations covered by the application
11 if it appears after notice and hearing from the application or from any
12 hearing held on the application that (a) the applicant is fit, willing,
13 and able properly to perform the service of a contract carrier by motor
14 vehicle and to conform to the provisions of such sections and the lawful
15 requirements, rules, and regulations of the commission under such
16 sections and (b) the proposed operation, to the extent authorized by the
17 permit, will be consistent with the public interest by providing services
18 designed to meet the distinct needs of each individual customer or a
19 specifically designated class of customers as defined in subdivision (7)
20 of section 75-302. Otherwise the application shall be denied.

21 (3) A designation of authority shall be issued to any regulated
22 motor carrier holding a certificate under subsection (1) of this section
23 or a permit under subsection (2) of this section authorizing such carrier
24 to provide medicaid nonemergency medical transportation services pursuant
25 to a contract with (i) the Department of Health and Human Services, (ii)
26 a medicaid-managed care organization under contract with the department,
27 or (iii) another agent working on the department's behalf as provided
28 under section 75-303.01, if it is found after notice and hearing from the
29 application or from any hearing held on the application that the
30 authorization is or will be required by the present or future convenience
31 and necessity to serve the distinct needs of medicaid clients. In

1 determining whether the authorization is or will be required by the
2 present or future convenience and necessity to serve the distinct needs
3 of medicaid clients, the commission shall consult with the Director of
4 Medicaid and Long-Term Care of the Division of Medicaid and Long-Term
5 Care of the department or his or her designee.

6 (4) Until July 1, 2021, no ~~No~~ person shall at the same time hold a
7 certificate as a common carrier and a permit as a contract carrier for
8 transportation of household goods by motor vehicles over the same route
9 or within the same territory unless the commission finds that it is
10 consistent with the public interest and with the policy declared in
11 section 75-301.

12 (5) Until July 1, 2021, after ~~After~~ the issuance of a certificate or
13 permit, the commission shall review the operations of all common or
14 contract carriers who hold authority from the commission to determine
15 whether there are insufficient operations in the transportation of
16 household goods to justify the commission's finding that such common or
17 contract carrier has willfully failed to perform transportation under
18 sections 75-301 to 75-322 and rules and regulations promulgated under
19 such sections. If the commission determines that there are insufficient
20 operations, then the commission shall commence proceedings under section
21 75-315 to revoke the certificate or permit involved.

22 (6) This section shall not apply to transportation network companies
23 holding a permit under section 75-324 or operations pursuant to a
24 contract authorized by sections 75-303.02 and 75-303.03.

25 Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of
26 this act become operative on January 1, 2021. Section 15 of this act
27 becomes operative on July 1, 2021. The other section of this act becomes
28 operative on its effective date.

29 Sec. 14. Original sections 75-109.01, 75-118, 75-124, 75-156,
30 75-301, 75-302, 75-307, 75-308, and 75-311, Reissue Revised Statutes of
31 Nebraska, and section 75-303, Revised Statutes Supplement, 2019, are

1 repealed.

2 Sec. 15. The following section is outright repealed: Section

3 75-304.02, Reissue Revised Statutes of Nebraska.