LEGISLATIVE BILL 215

Introduced by Linehan, 39; Blood, 3; McDonnell, 5.
Read first time January 11, 2019
Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-395, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018; to provide for Prostate Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-301, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-301 Sections 60-301 to 60-3,235 and sections 5 and 6 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 2. Section 60-395, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-395 (1) Except as otherwise provided in subsection (2) of this section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, 60-3,227, 60-3,231, 60-3,233, and 60-3,235 and section 6 of this act, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals and by either making application on a form prescribed by the department to the county treasurer of the occurrence of an event described in subdivisions (a) through (e) of this subsection or, in the case of a change in situs, displaying to the county treasurer the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees and taxes on motor vehicles or trailers based on the number of unexpired months remaining in the registration period from the date of any of the following events:

(a) Upon transfer of ownership of any motor vehicle or trailer;

(b) In case of loss of possession because of fire, theft, dismantlement, or junking;

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

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

(e) Upon a trade-in or surrender of a motor vehicle under a lease;
(f) In case of a change in the situs of a motor vehicle or trailer to a location outside of this state.

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

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

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

(5) For purposes of this section, the date of the event shall be:
   (a) In the case of a transfer or loss, the date of the transfer or loss;
   (b) in the case of a change in the situs, the date of registration in another state; (c) in the case of a trade-in or surrender under a lease, the date of trade-in or surrender; (d) in the case of a legislative act, the effective date of the act; and (e) in the case of a court decision, the date the decision is rendered.

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

(7) If a motor vehicle or trailer was reported stolen under section 60-178, a refund under this section shall not be reduced for a lost plate charge and a credit under this section may be reduced for a lost plate charge but the applicant shall not be required to pay the plate fee for new plates.
The county treasurer shall refund the motor vehicle fee and registration fee from the fees which have not been transferred to the State Treasurer. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed. No refund of less than two dollars shall be paid.

Sec. 3. Section 60-3,104, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

1. Amateur radio station license plates issued pursuant to section 60-3,126;
2. Apportionable vehicle license plates issued pursuant to section 60-3,203;
3. Autocycle license plates issued pursuant to section 60-3,100;
4. Boat dealer license plates issued pursuant to section 60-379;
5. Breast Cancer Awareness Plates issued pursuant to sections 60-3,230 and 60-3,231;
6. Bus license plates issued pursuant to section 60-3,144;
7. Choose Life License Plates issued pursuant to sections 60-3,232 and 60-3,233;
8. Commercial motor vehicle license plates issued pursuant to section 60-3,147;
9. Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
10. Disabled veteran license plates issued pursuant to section 60-3,124;
11. Farm trailer license plates issued pursuant to section 60-3,151;
12. Farm truck license plates issued pursuant to section 60-3,146;
13. Farm trucks with a gross weight of over sixteen tons license
plates issued pursuant to section 60-3,146;
(14) Fertilizer trailer license plates issued pursuant to section 60-3,151;
(15) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;
(16) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
(17) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;
(18) Local truck license plates issued pursuant to section 60-3,145;
(19) Metropolitan utilities district license plates issued pursuant to section 60-3,228;
(20) Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;
(21) Minitruck license plates issued pursuant to section 60-3,100;
(22) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
(23) Motor vehicles exempt pursuant to section 60-3,107;
(24) Motorcycle license plates issued pursuant to section 60-3,100;
(25) Mountain Lion Conservation Plates issued pursuant to sections 60-3,226 and 60-3,227;
(26) Native American Cultural Awareness and History Plates issued pursuant to sections 60-3,234 and 60-3,235;
(27) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
(28) Nebraska 150 Sesquicentennial Plates issued pursuant to sections 60-3,223 to 60-3,225;
(29) Nonresident owner thirty-day license plates issued pursuant to section 60-382;
(30) Passenger car having a seating capacity of ten persons or less
and not used for hire issued pursuant to section 60-3,143 other than
autocycles;

(31) Passenger car having a seating capacity of ten persons or less
and used for hire issued pursuant to section 60-3,143 other than
autocycles;

(32) Pearl Harbor license plates issued pursuant to section
60-3,122;

(33) Personal-use dealer license plates issued pursuant to section
60-3,116;

(34) Personalized message license plates for motor vehicles,
trailers, and semitrailers, except motor vehicles, trailers, and
semitrailers registered under section 60-3,198, issued pursuant to
sections 60-3,118 to 60-3,121;

(35) Prisoner-of-war license plates issued pursuant to section
60-3,123;

(36) Prostate Cancer Awareness Plates issued pursuant to sections 5
and 6 of this act;

(37) (36) Public power district license plates issued pursuant to
section 60-3,228;

(38) (37) Purple Heart license plates issued pursuant to section
60-3,125;

(39) (38) Recreational vehicle license plates issued pursuant to
section 60-3,151;

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. Section 60-3,130.04, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-3,130.04 (1) An owner of a historical vehicle eligible for registration under section 60-3,130 may use a license plate or plates designed by this state in the year corresponding to the model year when the vehicle was manufactured in lieu of the plates designed pursuant to section 60-3,130.03 subject to the approval of the department. The department shall inspect the plate or plates and may approve the plate or plates if it is determined that the model-year license plate or plates are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to
original condition may be used when approved by the department.

(2) The department may consult with a recognized car club in determining whether the year of the license plate or plates to be used corresponds to the model year when the vehicle was manufactured.

(3) If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general.

(4) License plates used pursuant to this section corresponding to the year of manufacture of the vehicle shall not be personalized message license plates, Pearl Harbor license plates, prisoner-of-war license plates, disabled veteran license plates, Purple Heart license plates, amateur radio station license plates, Nebraska Cornhusker Spirit Plates, handicapped or disabled person license plates, specialty license plates, special interest motor vehicle license plates, Military Honor Plates, Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, Prostate Cancer Awareness Plates, Mountain Lion Conservation Plates, Choose Life License Plates, or Native American Cultural Awareness and History Plates.

Sec. 5. (1) The department shall design license plates to be known as Prostate Cancer Awareness Plates. The design shall include a light blue ribbon and the words "early detection saves lives" along the bottom of the plate.

(2) The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section 60-3,102. The department shall make applications available for this type of plate when it is designed.

(3) One type of plate under this section shall be alphanumeric plates. The department shall:

(a) Assign a designation up to five characters; and
(b) Not use a county designation.

(4) One type of plate under this section shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section 60-3,118, except that a maximum of five characters may be used.

Sec. 6. (1) Beginning January 1, 2021, a person may apply to the department for Prostate Cancer Awareness Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a plate under this section for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers.

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

(3) When the department receives an application for Prostate Cancer Awareness Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. The county treasurer or the department shall issue plates under this section in lieu of
regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Prostate Cancer Awareness Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section 60-3,157.

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

Sec. 7. Original sections 60-301, 60-395, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018, are repealed.