

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 138

Introduced by Geist, 25.

Read first time January 06, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,142
2 and 60-4,172, Reissue Revised Statutes of Nebraska, and sections
3 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386,
4 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01,
5 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501,
6 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366,
7 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative
8 Supplement, 2022; to adopt updates to federal law and update certain
9 federal references; to change provisions of the Motor Vehicle
10 Operator's License Act as prescribed; to change certain civil
11 penalties; and to repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-107, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 60-107 Cabin trailer means a trailer or a semitrailer, which is
4 designed, constructed, and equipped as a dwelling place, living abode, or
5 sleeping place, whether used for such purposes or instead permanently or
6 temporarily for the advertising, sale, display, or promotion of
7 merchandise or services or for any other commercial purpose except
8 transportation of property for hire or transportation of property for
9 distribution by a private carrier. Cabin trailer does not mean a trailer
10 or semitrailer which is permanently attached to real estate. There are
11 four classes of cabin trailers:

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

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

17 (3) Travel trailer which includes cabin trailers not more than one
18 hundred two inches in width nor more than forty feet in length from front
19 hitch to rear bumper, except as provided in subdivision (2)(k) of section
20 60-6,288; and

21 (4) Manufactured home means a structure, transportable in one or
22 more sections, which in the traveling mode is eight body feet or more in
23 width or forty body feet or more in length or when erected on site is
24 three hundred twenty or more square feet and which is built on a
25 permanent frame and designed to be used as a dwelling with or without a
26 permanent foundation when connected to the required utilities and
27 includes the plumbing, heating, air conditioning, and electrical systems
28 contained in the structure, except that manufactured home includes any
29 structure that meets all of the requirements of this subdivision other
30 than the size requirements and with respect to which the manufacturer
31 voluntarily files a certification required by the United States Secretary

1 of Housing and Urban Development and complies with the standards
2 established under the National Manufactured Housing Construction and
3 Safety Standards Act of 1974, as such act existed on January 1, 2023
4 ~~2022~~, 42 U.S.C. 5401 et seq.

5 Sec. 2. Section 60-119.01, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
8 (a) whose speed attainable in one mile is more than twenty miles per hour
9 and not more than twenty-five miles per hour on a paved, level surface,
10 (b) whose gross vehicle weight rating is less than three thousand pounds,
11 and (c) that complies with 49 C.F.R. part 571, as such part existed on
12 January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose
13 maximum speed attainable is not more than twenty-five miles per hour on a
14 paved, level surface, (b) whose gross vehicle weight rating is less than
15 three thousand pounds, and (c) which is equipped with a windshield and an
16 occupant protection system. A motorcycle with a sidecar attached is not a
17 low-speed vehicle.

18 Sec. 3. Section 60-169, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 60-169 (1)(a) Except as otherwise provided in subdivision (c) of
21 this subsection, each owner of a vehicle and each person mentioned as
22 owner in the last certificate of title, when the vehicle is dismantled,
23 destroyed, or changed in such a manner that it loses its character as a
24 vehicle or changed in such a manner that it is not the vehicle described
25 in the certificate of title, shall surrender his or her certificate of
26 title to any county treasurer or to the department. If the certificate of
27 title is surrendered to a county treasurer, he or she shall, with the
28 consent of any holders of any liens noted thereon, enter a cancellation
29 upon the records and shall notify the department of such cancellation.
30 Beginning on the implementation date designated by the director pursuant
31 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall

1 report electronically to the department using the electronic reporting
2 system. If the certificate is surrendered to the department, it shall,
3 with the consent of any holder of any lien noted thereon, enter a
4 cancellation upon its records.

5 (b) This subdivision applies to all licensed wrecker or salvage
6 dealers and, except as otherwise provided in this subdivision, to each
7 vehicle located on the premises of such dealer. For each vehicle required
8 to be reported under 28 C.F.R. 25.56, as such regulation existed on
9 January 1, 2023 ~~2022~~, the information obtained by the department under
10 this section may be reported to the National Motor Vehicle Title
11 Information System in a format that will satisfy the requirement for
12 reporting under 28 C.F.R. 25.56, as such regulation existed on January 1,
13 2023 ~~2022~~. Such report shall include:

14 (i) The name, address, and contact information for the reporting
15 entity;

16 (ii) The vehicle identification number;

17 (iii) The date the reporting entity obtained such motor vehicle;

18 (iv) The name of the person from whom such motor vehicle was
19 obtained, for use only by a law enforcement or other appropriate
20 government agency;

21 (v) A statement of whether the motor vehicle was or will be crushed,
22 disposed of, offered for sale, or used for another purpose; and

23 (vi) Whether the motor vehicle is intended for export outside of the
24 United States.

25 The department may set and collect a fee, not to exceed the cost of
26 reporting to the National Motor Vehicle Title Information System, from
27 wrecker or salvage dealers for electronic reporting to the National Motor
28 Vehicle Title Information System, which shall be remitted to the State
29 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
30 subdivision does not apply to any vehicle reported by a wrecker or
31 salvage dealer to the National Motor Vehicle Title Information System as

1 required under 28 C.F.R. 25.56, as such regulation existed on January 1,
2 2023 ~~2022~~.

3 (c)(i) In the case of a mobile home or manufactured home for which a
4 certificate of title has been issued, if such mobile home or manufactured
5 home is affixed to real property in which each owner of the mobile home
6 or manufactured home has any ownership interest, the certificate of title
7 may be surrendered for cancellation to the county treasurer of the county
8 where such mobile home or manufactured home is affixed to real property
9 if at the time of surrender the owner submits to the county treasurer an
10 affidavit of affixture on a form provided by the department that contains
11 all of the following, as applicable:

12 (A) The names and addresses of all of the owners of record of the
13 mobile home or manufactured home;

14 (B) A description of the mobile home or manufactured home that
15 includes the name of the manufacturer, the year of manufacture, the
16 model, and the manufacturer's serial number;

17 (C) The legal description of the real property upon which the mobile
18 home or manufactured home is affixed and the names of all of the owners
19 of record of the real property;

20 (D) A statement that the mobile home or manufactured home is affixed
21 to the real property;

22 (E) The written consent of each holder of a lien duly noted on the
23 certificate of title to the release of such lien and the cancellation of
24 the certificate of title;

25 (F) A copy of the certificate of title surrendered for cancellation;
26 and

27 (G) The name and address of an owner, a financial institution, or
28 another entity to which notice of cancellation of the certificate of
29 title may be delivered.

30 (ii) The person submitting an affidavit of affixture pursuant to
31 subdivision (c)(i) of this subsection shall swear or affirm that all

1 statements in the affidavit are true and material and further acknowledge
2 that any false statement in the affidavit may subject the person to
3 penalties relating to perjury under section 28-915.

4 (2) If a certificate of title of a mobile home or manufactured home
5 is surrendered to the county treasurer, along with the affidavit required
6 by subdivision (1)(c) of this section, he or she shall enter a
7 cancellation upon his or her records, notify the department of such
8 cancellation, forward a duplicate original of the affidavit to the
9 department, and deliver a duplicate original of the executed affidavit
10 under subdivision (1)(c) of this section to the register of deeds for the
11 county in which the real property is located to be filed by the register
12 of deeds. The county treasurer shall be entitled to collect fees from the
13 person submitting the affidavit in accordance with section 33-109 to
14 cover the costs of filing such affidavit. Following the cancellation of a
15 certificate of title for a mobile home or manufactured home, the county
16 treasurer or designated county official shall not issue a certificate of
17 title for such mobile home or manufactured home, except as provided in
18 subsection (5) of this section.

19 (3) If a mobile home or manufactured home is affixed to real estate
20 before June 1, 2006, a person who is the holder of a lien or security
21 interest in both the mobile home or manufactured home and the real estate
22 to which it is affixed on such date may enforce its liens or security
23 interests by accepting a deed in lieu of foreclosure or in the manner
24 provided by law for enforcing liens on the real estate.

25 (4) A mobile home or manufactured home for which the certificate of
26 title has been canceled and for which an affidavit of affixture has been
27 duly recorded pursuant to subsection (2) of this section shall be treated
28 as part of the real estate upon which such mobile home or manufactured
29 home is located. Any lien thereon shall be perfected and enforced in the
30 same manner as a lien on real estate. The owner of such mobile home or
31 manufactured home may convey ownership of the mobile home or manufactured

1 home only as a part of the real estate to which it is affixed.

2 (5)(a) If each owner of both the mobile home or manufactured home
3 and the real estate described in subdivision (1)(c) of this section
4 intends to detach the mobile home or manufactured home from the real
5 estate, the owner shall do both of the following: (i) Before detaching
6 the mobile home or manufactured home, record an affidavit of detachment
7 in the office of the register of deeds in the county in which the
8 affidavit is recorded under subdivision (1)(c) of this section; and (ii)
9 apply for a certificate of title for the mobile home or manufactured home
10 pursuant to section 60-147.

11 (b) The affidavit of detachment shall contain all of the following:

12 (i) The names and addresses of all of the owners of record of the
13 mobile home or manufactured home;

14 (ii) A description of the mobile home or manufactured home that
15 includes the name of the manufacturer, the year of manufacture, the
16 model, and the manufacturer's serial number;

17 (iii) The legal description of the real estate from which the mobile
18 home or manufactured home is to be detached and the names of all of the
19 owners of record of the real estate;

20 (iv) A statement that the mobile home or manufactured home is to be
21 detached from the real property;

22 (v) A statement that the certificate of title of the mobile home or
23 manufactured home has previously been canceled;

24 (vi) The name of each holder of a lien of record against the real
25 estate from which the mobile home or manufactured home is to be detached,
26 with the written consent of each holder to the detachment; and

27 (vii) The name and address of an owner, a financial institution, or
28 another entity to which the certificate of title may be delivered.

29 (6) An owner of an affixed mobile home or manufactured home for
30 which the certificate of title has previously been canceled pursuant to
31 subsection (2) of this section shall not detach the mobile home or

1 manufactured home from the real estate before a certificate of title for
2 the mobile home or manufactured home is issued by the county treasurer or
3 department. If a certificate of title is issued by the county treasurer
4 or department, the mobile home or manufactured home is no longer
5 considered part of the real property. Any lien thereon shall be perfected
6 pursuant to section 60-164. The owner of such mobile home or manufactured
7 home may convey ownership of the mobile home or manufactured home only by
8 way of a certificate of title.

9 (7) For purposes of this section:

10 (a) A mobile home or manufactured home is affixed to real estate if
11 the wheels, towing hitches, and running gear are removed and it is
12 permanently attached to a foundation or other support system; and

13 (b) Ownership interest means the fee simple interest in real estate
14 or an interest as the lessee under a lease of the real property that has
15 a term that continues for at least twenty years after the recording of
16 the affidavit under subsection (2) of this section.

17 (8) Upon cancellation of a certificate of title in the manner
18 prescribed by this section, the county treasurer and the department may
19 cancel and destroy all certificates and all memorandum certificates in
20 that chain of title.

21 Sec. 4. Section 60-302.01, Revised Statutes Cumulative Supplement,
22 2022, is 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, 2023 ~~2022~~.

28 Sec. 5. Section 60-336.01, Revised Statutes Cumulative Supplement,
29 2022, is 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, 2023 ~~2022~~, 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. 6. Section 60-386, Revised Statutes Cumulative Supplement,
11 2022, is 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 through 390.21, as such regulations
18 existed on January 1, 2023 ~~2022~~, and the weight of the motor vehicle or
19 trailer required by the Motor Vehicle Registration Act. For trailers
20 which are not required to have a certificate of title under section
21 60-137 and which have no identification number, the assignment of an
22 identification number shall be required and the identification number
23 shall be issued by the county treasurer or department. With the
24 application the applicant shall pay the proper registration fee and shall
25 state whether the motor vehicle is propelled by alternative fuel and, if
26 alternative fuel, the type of fuel. The application shall also contain a
27 notification that bulk fuel purchasers may be subject to federal excise
28 tax liability. The department shall include such notification in the
29 notices required by section 60-3,186.

30 (2) In addition to the information required under subsection (1) of
31 this section, the application for registration shall contain (a)(i) the

1 full legal name as defined in section 60-468.01 of each owner or (ii) the
2 name of each owner as such name appears on the owner's motor vehicle
3 operator's license or state identification card and (b)(i) the motor
4 vehicle operator's license number or state identification card number of
5 each owner, if applicable, and one or more of the identification elements
6 as listed in section 60-484 of each owner, if applicable, and (ii) if any
7 owner is a business entity, a nonprofit organization, an estate, a trust,
8 or a church-controlled organization, its tax identification number.

9 Sec. 7. Section 60-3,113.04, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
12 a design, size, configuration, color, and construction and contain such
13 information as specified in the regulations adopted by the United States
14 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
15 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
16 January 1, 2023 ~~2022~~.

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

23 (3) A duplicate handicapped or disabled parking permit may be
24 provided up to two times during any single permit period if a permit is
25 destroyed, lost, or stolen. Such duplicate permit shall be issued as
26 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
27 except that a new certification by a physician, a physician assistant, or
28 an advanced practice registered nurse need not be provided. A duplicate
29 permit shall be valid for the remainder of the period for which the
30 original permit was issued. If a person has been issued two duplicate
31 permits under this subsection and needs another permit, such person shall

1 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
2 whichever is applicable.

3 Sec. 8. Section 60-3,193.01, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
6 International Registration Plan is adopted and incorporated by reference
7 as the plan existed on January 1, 2023 ~~2022~~.

8 Sec. 9. Section 60-462.01, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
11 the following federal regulations are adopted as Nebraska law as they
12 existed on January 1, 2023 ~~2022~~:

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

15 Sec. 10. Section 60-479.01, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 60-479.01 (1) All persons handling source documents or engaged in
18 the issuance of new, renewed, or reissued operators' licenses or state
19 identification cards shall have periodic fraudulent document recognition
20 training.

21 (2) All persons and agents of the department involved in the
22 recording of verified application information or verified operator's
23 license and state identification card information, involved in the
24 manufacture or production of licenses or cards, or who have the ability
25 to affect information on such licenses or cards shall be subject to a
26 criminal history record information check, including a check of prior
27 employment references, and a lawful status check as required by 6 C.F.R.
28 part 37, as such part existed on January 1, 2023 ~~2022~~. Such persons and
29 agents shall provide fingerprints which shall be submitted to the Federal
30 Bureau of Investigation. The bureau shall use its records for the
31 criminal history record information check.

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

13 (4) Any person convicted of any disqualifying offense as provided in
14 6 C.F.R. part 37, as such part existed on January 1, 2023 ~~2022~~, shall not
15 be involved in the recording of verified application information or
16 verified operator's license and state identification card information,
17 involved in the manufacture or production of licenses or cards, or
18 involved in any capacity in which such person would have the ability to
19 affect information on such licenses or cards. Any employee or prospective
20 employee of the department shall be provided notice that he or she will
21 undergo such criminal history record information check prior to
22 employment or prior to any involvement with the issuance of operators'
23 licenses or state identification cards.

24 Sec. 11. Section 60-4,111.01, Revised Statutes Cumulative
25 Supplement, 2022, is amended to read:

26 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
27 enforcement agencies may store or compile information acquired from an
28 operator's license or a state identification card for their statutorily
29 authorized purposes.

30 (2) Except as otherwise provided in subsection (3) or (4) of this
31 section, no person having use of or access to machine-readable

1 information encoded on an operator's license or a state identification
2 card shall compile, store, preserve, trade, sell, or share such
3 information. Any person who trades, sells, or shares such information
4 shall be guilty of a Class IV felony. Any person who compiles, stores, or
5 preserves such information except as authorized in subsection (3) or (4)
6 of this section shall be guilty of a Class IV felony.

7 (3)(a) For purposes of compliance with and enforcement of
8 restrictions on the purchase of alcohol, lottery tickets, and tobacco
9 products, a retailer who sells any of such items pursuant to a license
10 issued or a contract under the applicable statutory provision may scan
11 machine-readable information encoded on an operator's license or a state
12 identification card presented for the purpose of such a sale. The
13 retailer may store only the following information obtained from the
14 license or card: Age and license or card identification number. The
15 retailer shall post a sign at the point of sale of any of such items
16 stating that the license or card will be scanned and that the age and
17 identification number will be stored. The stored information may only be
18 used by a law enforcement agency for purposes of enforcement of the
19 restrictions on the purchase of alcohol, lottery tickets, and tobacco
20 products and may not be shared with any other person or entity.

21 (b) For purposes of compliance with the provisions of sections
22 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
23 to such sections may scan machine-readable information encoded on an
24 operator's license or a state identification card presented for the
25 purpose of such a sale. The seller may store only the following
26 information obtained from the license or card: Name, age, address, type
27 of identification presented by the customer, the governmental entity that
28 issued the identification, and the number on the identification. The
29 seller shall post a sign at the point of sale stating that the license or
30 card will be scanned and stating what information will be stored. The
31 stored information may only be used by law enforcement agencies,

1 regulatory agencies, and the exchange for purposes of enforcement of the
2 restrictions on the sale or purchase of methamphetamine precursors
3 pursuant to sections 28-458 to 28-462 and may not be shared with any
4 other person or entity. For purposes of this subsection, the terms
5 exchange, methamphetamine precursor, and seller have the same meanings as
6 in section 28-458.

7 (c) The retailer or seller shall utilize software that stores only
8 the information allowed by this subsection. A programmer for computer
9 software designed to store such information shall certify to the retailer
10 that the software stores only the information allowed by this subsection.
11 Intentional or grossly negligent programming by the programmer which
12 allows for the storage of more than the age and identification number or
13 wrongfully certifying the software shall be a Class IV felony.

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

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

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

24 (a) Scan, compile, store, or preserve such information in order to
25 provide the information to a check services company subject to and in
26 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
27 seq., as such act existed on January 1, 2023 ~~2022~~, for the purpose of
28 effecting, administering, or enforcing a transaction requested by the
29 holder of the license or card or preventing fraud or other criminal
30 activity; or

31 (b) Scan and store such information only as necessary to protect

1 against or prevent actual or potential fraud, unauthorized transactions,
2 claims, or other liability or to resolve a dispute or inquiry by the
3 holder of the license or card.

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

11 Sec. 12. Section 60-4,132, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137
14 to 60-4,172 are to implement the requirements mandated by the federal
15 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
16 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,
17 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and
18 Strengthening America by Providing Appropriate Tools Required to
19 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
20 5103a, and federal regulations as such acts and regulations existed on
21 January 1, 2023 ~~2022~~, and to reduce or prevent commercial motor vehicle
22 accidents, fatalities, and injuries by: (1) Permitting drivers to hold
23 only one operator's license; (2) disqualifying drivers for specified
24 offenses and serious traffic violations; and (3) strengthening licensing
25 and testing standards.

26 Sec. 13. Section 60-4,134, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 60-4,134 In conformance with section 7208 of the federal Fixing
29 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
30 section and regulation existed on January 1, 2023 ~~2022~~, no hazardous
31 materials endorsement authorizing the holder of a Class A commercial

1 driver's license to operate a commercial motor vehicle transporting
2 diesel fuel shall be required if such driver is (1) operating within the
3 state and acting within the scope of his or her employment as an employee
4 of a custom harvester operation, an agrichemical business, a farm retail
5 outlet and supplier, or a livestock feeder and (2) operating a service
6 vehicle that is (a) transporting diesel in a quantity of one thousand
7 gallons or less and (b) clearly marked with a flammable or combustible
8 placard, as appropriate.

9 Sec. 14. Section 60-4,138, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 60-4,138 (1) Commercial drivers' licenses and restricted commercial
12 drivers' licenses shall be issued by the department in compliance with 49
13 C.F.R. parts 380, 382, 383, 384, ~~and~~ 391, and 392, shall be classified as
14 provided in subsection (2) of this section, and shall bear such
15 endorsements and restrictions as are provided in subsections (3) and (4)
16 of this section.

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

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

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

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

31 (i) Motor vehicles designed to transport sixteen or more passengers,

1 including the driver; and

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

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

6 (a) T – Double/triple trailers;

7 (b) P – Passenger;

8 (c) N – Tank vehicle;

9 (d) H – Hazardous materials;

10 (e) X – Combination tank vehicle and hazardous materials; and

11 (f) S – School bus.

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

14 (a) E – No manual transmission equipped commercial motor vehicle;

15 (b) K – Operation of a commercial motor vehicle only in intrastate
16 commerce;

17 (c) L – Operation of only a commercial motor vehicle which is not
18 equipped with air brakes;

19 (d) M – Operation of a commercial motor vehicle which is not a Class
20 A passenger vehicle;

21 (e) N – Operation of a commercial motor vehicle which is not a Class
22 A or Class B passenger vehicle;

23 (f) O – No tractor-trailer commercial motor vehicle;

24 (g) V – Operation of a commercial motor vehicle for drivers with
25 medical variance documentation. The documentation shall be required to be
26 carried on the driver's person while operating a commercial motor
27 vehicle; and

28 (h) Z – No full air brake equipped commercial motor vehicle.

29 Sec. 15. Section 60-4,142, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-4,142 Any resident or nondomiciled applicant may obtain a CLP-

1 commercial learner's permit from the department by making application to
2 licensing staff of the department. An applicant shall present proof to
3 licensing staff that he or she holds a valid Class 0 license or
4 commercial driver's license or a foreign nondomiciled applicant shall
5 successfully complete the requirements for the Class 0 license before a
6 CLP-commercial learner's permit is issued. An applicant shall also
7 successfully complete the commercial driver's license general knowledge
8 examination under section 60-4,155 and examinations for all previously
9 issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R.
10 383.153(b)(2)(vii). Upon application, the examination may be waived if
11 the applicant presents (1) a Nebraska commercial driver's license which
12 is valid or has been expired for less than one year or (2) , ~~presents a~~
13 ~~valid commercial driver's license from another state, or is renewing a~~
14 ~~CLP-commercial learner's permit.~~ The CLP-commercial learner's permit
15 shall be valid for one year from the date of issuance ~~a period of one~~
16 ~~hundred eighty days.~~ ~~The CLP-commercial learner's permit holder may renew~~
17 ~~the CLP-commercial learner's permit for an additional one hundred eighty~~
18 ~~days without retaking the general and endorsement knowledge tests.~~ The
19 successful applicant shall pay the fee prescribed in section 60-4,115 for
20 the issuance or renewal of a CLP-commercial learner's permit.

21 Sec. 16. Section 60-4,147.02, Revised Statutes Cumulative
22 Supplement, 2022, is amended to read:

23 60-4,147.02 No endorsement authorizing the driver to operate a
24 commercial motor vehicle transporting hazardous materials shall be
25 issued, renewed, or transferred by the Department of Motor Vehicles
26 unless the endorsement is issued, renewed, or transferred in conformance
27 with the requirements of section 1012 of the federal Uniting and
28 Strengthening America by Providing Appropriate Tools Required to
29 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
30 5103a, including all amendments and federal regulations adopted pursuant
31 thereto as of January 1, 2023 ~~2022~~, for the issuance of licenses to

1 operate commercial motor vehicles transporting hazardous materials.

2 Sec. 17. Section 60-4,168, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 60-4,168 (1) Except as provided in subsections (2) and (3) of this
5 section, a person shall be disqualified from operating a commercial motor
6 vehicle for one year upon his or her first conviction, after April 1,
7 1992, in this or any other state for:

8 (a) Operating a commercial motor vehicle in violation of section
9 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
10 beginning September 30, 2005, operating any motor vehicle in violation of
11 section 60-6,196 or 60-6,197 or under the influence of a controlled
12 substance;

13 (b) Operating a commercial motor vehicle in violation of section
14 60-4,163 or 60-4,164;

15 (c) Leaving the scene of an accident involving a commercial motor
16 vehicle operated by the person or, beginning September 30, 2005, leaving
17 the scene of an accident involving any motor vehicle operated by the
18 person;

19 (d) Using a commercial motor vehicle in the commission of a felony
20 other than a felony described in subdivision (3)(b) of this section or,
21 beginning September 30, 2005, using any motor vehicle in the commission
22 of a felony other than a felony described in subdivision (3)(b) of this
23 section;

24 (e) Beginning September 30, 2005, operating a commercial motor
25 vehicle after his or her commercial driver's license has been suspended,
26 revoked, or canceled or the driver is disqualified from operating a
27 commercial motor vehicle; or

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

30 (2) Except as provided in subsection (3) of this section, if any of
31 the offenses described in subsection (1) of this section occurred while a

1 person was transporting hazardous material in a commercial motor vehicle
2 which required placarding pursuant to section 75-364, the person shall,
3 upon conviction or administrative determination, be disqualified from
4 operating a commercial motor vehicle for three years.

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

7 (a) Is convicted of or administratively determined to have committed
8 a second or subsequent violation of any of the offenses described in
9 subsection (1) of this section or any combination of those offenses
10 arising from two or more separate incidents;

11 (b) Beginning September 30, 2005, used a ~~commercial~~ motor vehicle in
12 the commission of a felony involving the manufacturing, distributing, or
13 dispensing of a controlled substance; or

14 (c) Used a commercial motor vehicle in the commission of a felony
15 involving an act or practice of severe forms of trafficking in persons,
16 as defined and described in 22 U.S.C. 7102(11), as such section existed
17 on January 1, 2023 ~~2022~~.

18 (4)(a) A person is disqualified from operating a commercial motor
19 vehicle for a period of not less than sixty days if he or she is
20 convicted in this or any other state of two serious traffic violations,
21 or not less than one hundred twenty days if he or she is convicted in
22 this or any other state of three serious traffic violations, arising from
23 separate incidents occurring within a three-year period while operating a
24 commercial motor vehicle.

25 (b) A person is disqualified from operating a commercial motor
26 vehicle for a period of not less than sixty days if he or she is
27 convicted in this or any other state of two serious traffic violations,
28 or not less than one hundred twenty days if he or she is convicted in
29 this or any other state of three serious traffic violations, arising from
30 separate incidents occurring within a three-year period while operating a
31 motor vehicle other than a commercial motor vehicle if the convictions

1 have resulted in the revocation, cancellation, or suspension of the
2 person's operator's license or driving privileges.

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

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

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

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

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

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

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

20 (b)(i) A person shall be disqualified for not less than sixty days
21 if the person is convicted of a first violation described in this
22 subsection.

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

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

29 (6) A person shall be disqualified from operating a commercial motor
30 vehicle for at least one year if, on or after July 8, 2015, the person
31 has been convicted of fraud related to the issuance of his or her CLP-

1 commercial learner's permit or commercial driver's license.

2 (7) If the department receives credible information that a CLP-
3 commercial learner's permit holder or a commercial driver's license
4 holder is suspected, but has not been convicted, on or after July 8,
5 2015, of fraud related to the issuance of his or her CLP-commercial
6 learner's permit or commercial driver's license, the department must
7 require the driver to retake the skills and knowledge tests. Within
8 thirty days after receiving notification from the department that
9 retesting is necessary, the affected CLP-commercial learner's permit
10 holder or commercial driver's license holder must make an appointment or
11 otherwise schedule to take the next available test. If the CLP-commercial
12 learner's permit holder or commercial driver's license holder fails to
13 make an appointment within thirty days, the department must disqualify
14 his or her CLP-commercial learner's permit or commercial driver's
15 license. If the driver fails either the knowledge or skills test or does
16 not take the test, the department must disqualify his or her CLP-
17 commercial learner's permit or commercial driver's license. If the holder
18 of a CLP-commercial learner's permit or commercial driver's license has
19 had his or her CLP-commercial learner's permit or commercial driver's
20 license disqualified, he or she must reapply for a CLP-commercial
21 learner's permit or commercial driver's license under department
22 procedures applicable to all applicants for a CLP-commercial learner's
23 permit or commercial driver's license.

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

26 (9) For purposes of this section, conviction means an unvacated
27 adjudication of guilt, or a determination that a person has violated or
28 failed to comply with the law, in a court of original jurisdiction or by
29 an authorized administrative tribunal, an unvacated forfeiture of bail or
30 collateral deposited to secure the person's appearance in court, a plea
31 of guilty or nolo contendere accepted by the court, the payment of a fine

1 or court costs, or a violation of a condition of release without bail,
2 regardless of whether or not the penalty is rebated, suspended, or
3 probated.

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

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

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

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

10 (d) Following the vehicle ahead too closely as described in section
11 60-6,140;

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

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

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

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

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

27 (j) Using a handheld mobile telephone as described in section
28 60-6,179.02.

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

31 Sec. 18. Section 60-4,172, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-4,172 (1) Within ten days after ~~a receiving an abstract of~~
3 conviction of any nonresident who holds a commercial learner's permit or
4 commercial driver's license for any violation of state law or local
5 ordinance related to motor vehicle traffic control, other than parking
6 violations, committed in a commercial motor vehicle operated in this
7 state, the director shall notify the driver licensing authority which
8 licensed the nonresident who holds a commercial learner's permit or
9 commercial driver's license and the Commercial Driver License Information
10 System of such conviction.

11 (2)(a) Within ten days after disqualifying a nonresident who holds a
12 commercial learner's permit or commercial driver's license or canceling,
13 revoking, or suspending the commercial learner's permit or commercial
14 driver's license held by a nonresident, for a period of at least sixty
15 days, the department shall notify the driver licensing authority which
16 licensed the nonresident and the Commercial Driver License Information
17 System of such action.

18 (b) The notification shall include both the disqualification and the
19 violation that resulted in the disqualification, cancellation,
20 revocation, or suspension. The notification and the information it
21 provides shall be recorded on the driver's record.

22 (3) Within ten days after ~~a receiving an abstract of~~ conviction of
23 any nonresident who holds a commercial learner's permit or commercial
24 driver's license for any violation of state law or local ordinance
25 related to motor vehicle traffic control, other than parking violations,
26 committed in any type of motor vehicle operated in this state, the
27 director shall notify the driver licensing authority which licensed the
28 nonresident and the Commercial Driver License Information System of such
29 conviction.

30 (4) Within ten days after ~~a receiving an abstract of~~ conviction of
31 any nonresident who holds a driver's license for any violation of state

1 law or local ordinance related to motor vehicle traffic control, other
2 than parking violations, committed in a commercial motor vehicle operated
3 in this state, the director shall notify the driver licensing authority
4 which licensed the nonresident.

5 Sec. 19. Section 60-501, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
8 unless the context otherwise requires:

9 (1) Department means Department of Motor Vehicles;

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

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

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

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

3 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
4 whose speed attainable in one mile is more than twenty miles per hour and
5 not more than twenty-five miles per hour on a paved, level surface, (ii)
6 whose gross vehicle weight rating is less than three thousand pounds, and
7 (iii) that complies with 49 C.F.R. part 571, as such part existed on
8 January 1, 2023 ~~2022~~, or (b) three-wheeled motor vehicle (i) whose
9 maximum speed attainable is not more than twenty-five miles per hour on a
10 paved, level surface, (ii) whose gross vehicle weight rating is less than
11 three thousand pounds, and (iii) which is equipped with a windshield and
12 an occupant protection system. A motorcycle with a sidecar attached is
13 not a low-speed vehicle;

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

25 (8) Motor vehicle means any self-propelled vehicle which is designed
26 for use upon a highway, including trailers designed for use with such
27 vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a
28 former military vehicle. Motor vehicle does not include (a) mopeds as
29 defined in section 60-637, (b) traction engines, (c) road rollers, (d)
30 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
31 (h) every vehicle which is propelled by electric power obtained from

1 overhead wires but not operated upon rails, (i) electric personal
2 assistive mobility devices as defined in section 60-618.02, (j) off-road
3 designed vehicles, including, but not limited to, golf car vehicles, go-
4 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
5 utility-type vehicles as defined in section 60-6,355, minibikes as
6 defined in section 60-636, and snowmobiles as defined in section 60-663,
7 and (k) bicycles as defined in section 60-611;

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

10 (10) Nonresident's operating privilege means the privilege conferred
11 upon a nonresident by the laws of this state pertaining to the operation
12 by him or her of a motor vehicle or the use of a motor vehicle owned by
13 him or her in this state;

14 (11) Operator means every person who is in actual physical control
15 of a motor vehicle;

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

24 (13) Person means every natural person, firm, partnership, limited
25 liability company, association, or corporation;

26 (14) Proof of financial responsibility means evidence of ability to
27 respond in damages for liability, on account of accidents occurring
28 subsequent to the effective date of such proof, arising out of the
29 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
30 twenty-five thousand dollars because of bodily injury to or death of one
31 person in any one accident, (b) subject to such limit for one person, in

1 the amount of fifty thousand dollars because of bodily injury to or death
2 of two or more persons in any one accident, and (c) in the amount of
3 twenty-five thousand dollars because of injury to or destruction of
4 property of others in any one accident;

5 (15) Registration means registration certificate or certificates and
6 registration plates issued under the laws of this state pertaining to the
7 registration of motor vehicles;

8 (16) State means any state, territory, or possession of the United
9 States, the District of Columbia, or any province of the Dominion of
10 Canada; and

11 (17) The forfeiture of bail, not vacated, or of collateral deposited
12 to secure an appearance for trial shall be regarded as equivalent to
13 conviction of the offense charged.

14 Sec. 20. Section 60-628.01, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
17 (a) whose speed attainable in one mile is more than twenty miles per hour
18 and not more than twenty-five miles per hour on a paved, level surface,
19 (b) whose gross vehicle weight rating is less than three thousand pounds,
20 and (c) that complies with 49 C.F.R. part 571, as such part existed on
21 January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose
22 maximum speed attainable is not more than twenty-five miles per hour on a
23 paved, level surface, (b) whose gross vehicle weight rating is less than
24 three thousand pounds, and (c) which is equipped with a windshield and an
25 occupant protection system. A motorcycle with a sidecar attached is not a
26 low-speed vehicle.

27 Sec. 21. Section 60-6,265, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

30 (1) Occupant protection system means a system utilizing a lap belt,
31 a shoulder belt, or any combination of belts installed in a motor vehicle

1 which (a) restrains drivers and passengers and (b) conforms to Federal
2 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
3 571.210, as such standards existed on January 1, 2023 ~~2022~~, or, as a
4 minimum standard, to the federal motor vehicle safety standards for
5 passenger restraint systems applicable for the motor vehicle's model
6 year; and

7 (2) Three-point safety belt system means a system utilizing a
8 combination of a lap belt and a shoulder belt installed in a motor
9 vehicle which restrains drivers and passengers.

10 Sec. 22. Section 60-2705, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 60-2705 The Director of Motor Vehicles shall adopt standards for an
13 informal dispute settlement procedure which substantially comply with the
14 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2023
15 ~~2022~~.

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

21 Sec. 23. Section 60-2909.01, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 60-2909.01 The department and any officer, employee, agent, or
24 contractor of the department having custody of a motor vehicle record
25 shall, upon the verification of identity and purpose of a requester,
26 disclose and make available the requested motor vehicle record, including
27 the sensitive personal information in the record, other than the social
28 security number, for the following purposes:

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

1 governmental agency in carrying out the agency's functions;

2 (2) For use in connection with any civil, criminal, administrative,
3 or arbitral proceeding in any federal, state, or local court or
4 governmental agency or before any self-regulatory body, including service
5 of process, investigation in anticipation of litigation, and execution or
6 enforcement of judgments and orders, or pursuant to an order of a
7 federal, state, or local court, an administrative agency, or a self-
8 regulatory body;

9 (3) For use by any insurer or insurance support organization, or by
10 a self-insured entity, or its agents, employees, or contractors, in
11 connection with claims investigation activities, anti-fraud activities,
12 rating, or underwriting;

13 (4) For use by an employer or the employer's agent or insurer to
14 obtain or verify information relating to a holder of a commercial
15 driver's license or CLP-commercial learner's permit that is required
16 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et
17 seq., as such act existed on January 1, 2023 ~~2022~~, or pursuant to
18 sections 60-4,132 and 60-4,141; and

19 (5) For use by employers of a holder of a commercial driver's
20 license or CLP-commercial learner's permit and by the Commercial Driver
21 License Information System as provided in section 60-4,144.02 and 49
22 C.F.R. 383.73, as such regulation existed on January 1, 2023 ~~2022~~.

23 Sec. 24. Section 75-363, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
26 of Federal Regulations listed below, as modified in this section, or any
27 other parts, subparts, and sections referred to by such parts, subparts,
28 and sections, in existence and effective as of January 1, 2023 ~~2022~~, are
29 adopted as Nebraska law.

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

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

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

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

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

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

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

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

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

21 (b) Part 385 - SAFETY FITNESS PROCEDURES;

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

23 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
24 CARRIERS;

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

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

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

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

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

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

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

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

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

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

16 (a) All of part 391;

17 (b) Section 395.8 of part 395; and

18 (c) Section 396.11 of part 396.

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

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

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

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

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

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

30 (8) For purposes of this section, intrastate motor carriers shall
31 not include any motor carrier or driver excepted from 49 C.F.R. chapter

1 III by section 390.3(f) of part 390.

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

7 (i) More than twelve hours following ten consecutive hours off duty;
8 or

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

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

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

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

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

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

27 (b) The transportation of such farm supplies is from a wholesale or
28 retail distribution point of the farm supplies to a farm or other
29 location where the farm supplies are intended to be used which is within
30 a one-hundred-fifty-air-mile radius of the wholesale or retail
31 distribution point; or

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

5 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
6 intermodal equipment shall not apply to farm trucks and farm truck-
7 tractors registered pursuant to section 60-3,146 and operated solely in
8 intrastate commerce.

9 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
10 Nebraska motor carriers operating commercial motor vehicles solely in
11 intrastate commerce.

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

15 Sec. 25. Section 75-364, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 75-364 The parts, subparts, and sections of Title 49 of the Code of
18 Federal Regulations listed below, or any other parts, subparts, and
19 sections referred to by such parts, subparts, and sections, in existence
20 and effective as of January 1, 2023 ~~2022~~, are adopted as part of Nebraska
21 law and shall be applicable to all motor carriers whether engaged in
22 interstate or intrastate commerce, drivers of such motor carriers, and
23 vehicles of such motor carriers:

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

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

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

31 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,

1 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
2 TRAINING REQUIREMENTS, AND SECURITY PLANS;

3 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
4 PACKAGINGS;

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

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

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

9 Sec. 26. Section 75-366, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 75-366 For the purpose of enforcing Chapter 75, article 3, any
12 officer of the Nebraska State Patrol may, upon demand, inspect the
13 accounts, records, and equipment of any motor carrier or shipper. Any
14 officer of the Nebraska State Patrol shall have the authority to enforce
15 the federal motor carrier safety regulations, as such regulations existed
16 on January 1, 2023 ~~2022~~, and federal hazardous materials regulations, as
17 such regulations existed on January 1, 2023 ~~2022~~, and is authorized to
18 enter upon, inspect, and examine any and all lands, buildings, and
19 equipment of any motor carrier, any shipper, and any other person subject
20 to the federal Interstate Commerce Act, the federal Department of
21 Transportation Act, and other related federal laws and to inspect and
22 copy any and all accounts, books, records, memoranda, correspondence, and
23 other documents of a motor carrier, a shipper, and any other person
24 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
25 75, article 3. To promote uniformity of enforcement, the carrier
26 enforcement division of the Nebraska State Patrol shall cooperate and
27 consult with the Public Service Commission and the Division of Motor
28 Carrier Services.

29 Sec. 27. Section 75-369.03, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 75-369.03 (1) The Superintendent of Law Enforcement and Public

1 Safety may issue an order imposing a civil penalty against a motor
2 carrier transporting persons or property in interstate commerce for a
3 violation of sections 75-392 to 75-3,100 or against a motor carrier
4 transporting persons or property in intrastate commerce for a violation
5 or violations of section 75-363 or 75-364 based upon an inspection
6 conducted pursuant to section 75-366 in an amount which shall not exceed
7 nine hundred one ~~eight hundred forty-eight~~ dollars for any single
8 violation in any proceeding or series of related proceedings against any
9 person or motor carrier as defined in 49 C.F.R. 390.5 as adopted in
10 section 75-363.

11 (2) The superintendent shall issue an order imposing a civil penalty
12 in an amount not to exceed seventeen thousand nine hundred ninety-five
13 ~~sixteen thousand nine hundred forty-one~~ dollars against a motor carrier
14 transporting persons or property in interstate commerce for a violation
15 of subdivision (2)(e) of section 60-4,162 based upon a conviction of such
16 a violation.

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

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

1 ~~thousand seven hundred twelve~~ ~~thirty-two thousand six hundred seventy-~~
2 ~~nine~~ 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 75-3,100 based upon an
6 inspection conducted pursuant to section 75-366, the superintendent shall
7 immediately refer such violation to the appropriate federal agency for
8 disposition, and upon the discovery of any violation by a motor carrier
9 transporting persons or property in intrastate commerce of section 75-307
10 based upon such inspection, the superintendent shall refer such violation
11 to the Public Service Commission for disposition.

12 Sec. 28. Section 75-392, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 75-392 For purposes of sections 75-392 to 75-3,100:

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

16 (2) Division means the Division of Motor Carrier Services of the
17 Department of Motor Vehicles; and

18 (3) Unified carrier registration plan and agreement means the plan
19 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
20 such section existed on January 1, 2023 ~~2022~~.

21 Sec. 29. Section 75-393, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 75-393 The director may participate in the unified carrier
24 registration plan and agreement pursuant to the Unified Carrier
25 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
26 1, 2023 ~~2022~~, and may file on behalf of this state the plan required by
27 such plan and agreement for enforcement of the act in this state.

28 Sec. 30. Original sections 60-4,142 and 60-4,172, Reissue Revised
29 Statutes of Nebraska, and sections 60-107, 60-119.01, 60-169, 60-302.01,
30 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01,
31 60-4,111.01, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501,

1 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366,
2 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement,
3 2022, are repealed.