

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT (CORRECTED)
LB97

Hearing Date: Monday February 03, 2025
Committee On: Transportation and Telecommunications
Introducer: Fredrickson
One Liner: Change provisions relating to deferred judgments, the State Boat Act, the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, the Motor Vehicle Operator's License Act, the Nebraska Rules of the Road, the Department of Motor Vehicles Cash Fund, the Uniform Motor Vehicle Records Disclosure Act, the Motor Carrier Services Division Distributive Fund, and the State Treasurer

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Ballard, Bosn, Brandt, DeBoer, Fredrickson, Guereca, Moser, Storer
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:
Senator John Fredrickson
Rhonda Lahm

Representing:
Opening Presenter
Department of Motor Vehicles

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB97 is designed to cleanup legislation related to the functions of the Department of Motor Vehicles (DMV). The bill defines amphibious vehicles and junk vehicles and expands the definition of minibikes. It exempts fertilizer trailers from the Motor Vehicle Certificate of Title Act. LB97 moves telephone numbers from the definition of personal information to the definition of sensitive personal information. Finally, it removes language relating to DMV surcharges from the statutes.

LB97 also modifies the effect of a United States Government Certificate to Obtain Title on identification identifications when applying for a certificate of title. Instead of waiving the requirement for an identification inspection, it waives the fee for such an inspection if one is presented. Before receiving a bonded certificate of title from the DMV, applicants must now inform any holders of secured interest in the vehicle and must present such notice and any responses to



the DMV. Applications for duplicate certificates of title for motor vehicles and motorboats no longer require notarization and duplicate weight or validation decals are now be available if they are lost or mutilated.

The bill allows the DMV to send license plates through the US Postal Service or alternative shipping services and the department may charge a postage and handling fee. All fees associated with license plates would be credited to the License Plate Cash Fund instead of the Highway Trust Fund. It also allows the department to issue registrations for periods of up to three years instead of only annually.

The bill also allows court orders and administrative license revocations from other jurisdictions to be used in applications for interlock devices. Finally, before it issues such a device, the DMV must conduct a background check and ensure that applicants are not subject to any no-drive orders

Explanation of amendments:

The committee amendment incorporates the provisions of two other bills into this bill: LB225 and LB543.

LB225 removes language obligating applicants for duplicate motor vehicle certificates of title to notarize their application. They must still sign the application. (Section 6 of the amendment)

Testifiers on LB225:

Proponents:

Senator Dunixi Guereca , Opening Presenter
Mark Binder, Copart

Opponents: None

Neutral: None

Committee vote to attach LB225: Yes - 8; No - 0; Absent - 0; Present Not Voting - 0;

LB543 allows for multiyear registration periods for license plates. It also allows for mail delivery of license plates and credits fees for such delivery to the Department of Motor Vehicles (DMV) Cash Fund. Finally, it allows for weight or validation decal replacement if such decal is lost or mutilated. (Sections 18 and 23 of the amendment)

Testifiers on LB543:

Proponents:

Senator Robert Dover , Opening Presenter
Rhonda Lahm, Department of Motor Vehicles
Adam Feser, Nebraska Cooperative Council

Opponents: None

Neutral:

Beth Bazyn Ferrell, Nebraska Association of County Officials

Committee vote to attach LB543: Yes - 8; No - 0; Absent - 0; Present Not Voting - 0;

Summary of LB97 Sections



Section 1 - Amends section 29-2292 – Deferral of entry of judgment of conviction

This section directs a court to not defer judgment when a driver holding a commercial driver's license (CDL) or CLP-commercial learner's permit receives a conviction if such deferral would mask the conviction and lead to noncompliance with federal laws or regulations.

Section 2 – Amends section 37-1201 to include sections 4 and 5 of the present act.

Sections 37-1201 to 37-12,110, the State Boat Act, will include sections 4 and 5 of this act.

Section 3 – Amends section 37-1202 to include section 4 of the present act.

Definitions found in section 4 of this act will be used in the State Boat Act.

Section 4 – Defines amphibious vehicle as a vehicle that is a means of transport on land and on or under water.

Section 5 – Provides that sections 37-1211 to 37-1231 and 37-1275 to 37-12,108 shall not apply to amphibious vehicles if a current and valid registration has been issued under the Motor Vehicle Registration Act.

Section 6 - Amends section 37-1284 – Certificate of Title; loss or destruction; replacement certificate

Removes language obligating applicants for duplicate motor vehicle certificates to notarize their application when the original was lost or destroyed. They must still sign the application.

Section 7 – Adds section 9 of the present act to the Motor Vehicle Certificate of Title Act

Section 8 - Provides that the definitions found in section 9 of the present act shall be included in the Motor Vehicle Certificate of Title Act.

Section 9 – Junk vehicle definition

This section defines a junk vehicle as a vehicle that is incapable of operating on a highway and has no value except as scrap or a source of parts.

Section 10 – Minibike definition

The definition of minibike is expanded to include two-wheeled devices that have an engine power of less than three horsepower or have an engine-rating capacity of less than two thousand two hundred thirty-eight watts. This expanded definition is also amended into sections 60-337 and 60-636.

Section 11 – Amends section 60-137 - Fertilizer Trailers

Fertilizer trailers are now exempt from the Motor Vehicle Certificate of Title Act.

Section 12 – Amends section 60-146; Identification inspections, exceptions

This section removes a United States Government Certificate of to Obtain Title to a Vehicle as a means to exempt out of the requirement that applications for certificate of title need an identification inspection.

Section 13 – Amends section 60-158 – Identification Inspection; fees

Allows the DMV to collect a ten-dollar fee, remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, when conducting a vehicle identification inspection. The fee is waived if a United States Government Certificate to Obtain Title is presented.

Section 14 – Amends section 60-167 – Bonded Certificate of Title

Adds a requirement that proof of written notice has been provided to parties with a secured interest in a vehicle before



receiving a bonded certificate of title from the DMV. Such notice shall be provided to the last-known address of each party through certified mail and shall include notice that the interest will be discharged if a response is not received within thirty days. Any response from such parties must be presented to the department. Finally, it also allows the department to recall a bonded certificate of title if it finds that written notice was not provided to relevant parties.

Section 15 - Amends section 60-168 – Certificate of Title; loss or mutilation; duplicate certificate

Removes language obligating applicants for duplicate motor vehicle certificates to notarize their application when the original was lost or mutilated. They must still sign the application.

Section 16 – Amends section 60-169 – Junk vehicle title

Mandates that owners of junk vehicles and those mentioned as owners on their last certificate of title shall surrender the title to the DMV. When such a certificate is surrendered, the DMV shall enter a cancelation of the certificate in its records.

Section 18 - Amends section 60-392 - Renewal of registration

Amends vehicle registration to allow for annual or multiyear registration periods of up to three years. Fees for each year will be paid at the time of registration.

Section 19 - Amends section 60-399 – Display of Plates

Prohibits the addition, removal, or modification of design, color, or appearance of license plates.

Section 20 - Amends section 60-3,100 - Issuance of license plates

Beginning on or before January 1, 2029, per the director of the DMV, the department may deliver license plates and registration certificates through the United States Postal Service or alternative shipping services. The department may charge postage and handling fees to recover the cost of such delivery, which would be credited to the DMV Cash Fund. Anyone who presents proof of registration would be able to operate a motor vehicle for thirty days without the mailed plate displayed.

Section 22 – Amends section 60-3,102 – License plate fees

Beginning with the 2029 license plate cycle, all fees collected in conjunction with license plates will be credited to the License Plate Cash Fund instead of the Highway Trust Fund.

Section 23 – Vehicle owners can now apply for replacements of weight and validation decals if they become lost or mutilated.

Sections 24 through 26 – Amends sections 60-4,113, 60-4,115, and 60-4,117 – Fees and surcharges

References to surcharges have been removed from the statutory language. Surcharge language is also removed from sections 60-4,120, 60-4,120.01, 60-4,123, 60-4,124, 60-4,126, 60-4,127, 60-4,148, 60-148.01, 60-4,149, 60-4,150, and 60-4,181.

Section 27 – Amends section 60-4,118.06 – Ignition interlock permit

Beginning January 1, 2026, this section allows court orders or administrative license revocation orders from other jurisdictions to be used in applications for an ignition interlock permit, if the application contains sufficient proof of residence in Nebraska and the order is in substantial compliance with 60-6,197.03. It also allows ignition interlock permits to be available to persons who have not previously held Class M or O operators' licenses. Section 35 also adds this language, stating that such permits issued in conjunction with another jurisdiction will start to take effect January 1, 2026.

Section 40 – Amends section 60-6,211.05 – Interlock devices from other jurisdictions



Prior to issuing an interlock device pursuant to section 27 of this act, the DMV must determine the applicant's eligibility for such a device, review any previous convictions of the applicant, review whether the applicant is subject to any required no-drive periods. The applicant must not be subject to any other suspension, cancellation, or period of revocation and must successfully complete the interlock application process.

Section 42 – Amends section 60-2904 – Sensitive personal information definition

Removes telephone numbers from the definition of personal information and adds it to the definition of sensitive personal information along with an individual's email address.

Section 43 – Amends section 66-1414 – Motor Carrier Services Distributive Fund

Changes language on distribution of fees collected under the International Fuel Tax Agreement.

Section 44 – Operative dates

Defines the operative dates of sections 6, 15, 18, 20, 21, 22, 23, and 46.

Mike Moser, Chairperson

