

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1180

Introduced by DeBoer, 10.

Read first time January 21, 2026

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections
2 75-303.01, 75-303.02, and 75-303.03, Reissue Revised Statutes of
3 Nebraska, sections 75-118, 75-302, and 75-307, Revised Statutes
4 Cumulative Supplement, 2024, and sections 75-126, 75-311, and
5 75-342, Revised Statutes Supplement, 2025; to provide that certain
6 rates charged by motor carriers and regulated motor carriers are not
7 subject to regulation by the Public Service Commission; to provide
8 for licenses to engage in intrastate medicaid nonemergency medical
9 transportation services as prescribed; to provide powers and duties
10 for the Public Service Commission; to provide fees; to redefine
11 terms; to harmonize provisions; to eliminate obsolete provisions;
12 and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 75-118, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 75-118 The commission shall:

4 ~~(1) Until July 1, 2021, fix all necessary rates, charges, and~~
5 ~~regulations governing and regulating the transportation, storage, or~~
6 ~~handling of household goods by any common carrier in Nebraska intrastate~~
7 ~~commerce;~~

8 (1) ~~(2)~~ Fix all necessary rates, charges, and regulations governing
9 and regulating the transportation of passengers by any common carrier in
10 Nebraska intrastate commerce;

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

15 (2) ~~(4)~~ Authorize the transportation of (a) household goods under a
16 license issued pursuant to section 75-304.03 or (b) employees of a
17 railroad carrier under a license issued pursuant to section 75-304.04;

18 (3) ~~(5)~~ Prevent and correct the unjust discriminations set forth in
19 section 75-126;

20 (4) ~~(6)~~ Enforce all statutes and commission regulations pertaining
21 to rates and, if necessary, institute actions in the appropriate court of
22 any county in which the common carrier involved operates except actions
23 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits
24 shall be brought and penalties recovered in the name of the state by or
25 under the direction of the Attorney General; ~~and~~

26 (5) ~~(7)~~ Enforce the Major Oil Pipeline Siting Act and the State
27 Natural Gas Regulation Act; and -

28 (6) ~~Issue licenses that authorize intrastate medicaid nonemergency~~
29 ~~medical transportation services pursuant to section 75-311.~~

30 **Sec. 2.** Section 75-126, Revised Statutes Supplement, 2025, is
31 amended to read:

1 75-126 (1) Except as otherwise provided in this section, no common
2 carrier shall:

3 (a) Charge, demand, collect, or receive from any person a greater or
4 lesser compensation for any services rendered than it charges, demands,
5 collects, or receives from any other person for doing a like or
6 contemporaneous service;

7 (b) Make or give any undue or unreasonable preference or advantage
8 to any particular person;

9 (c) Subject any type of traffic to any undue or unreasonable
10 prejudice, delay, or disadvantage in any respect whatsoever;

11 (d) Charge or receive any greater compensation in the aggregate for
12 the transportation of a like kind of property or passengers for a shorter
13 than for a longer distance over the same line or route, except as the
14 commission may prescribe in special cases to prevent manifest injuries,
15 except that no manifest injustice shall be imposed upon any person at
16 intermediate points. This section shall not prevent the commission from
17 making group or emergency rates;

18 (e) Demand, charge, or collect, by any device whatsoever, a lesser
19 or greater compensation for any service rendered than that filed with or
20 prescribed by the commission; or

21 (f) Change any rate, schedule, or classification in any manner
22 whatsoever before application has been made to the commission and
23 permission granted for that purpose, except as otherwise provided in
24 section 86-155.

25 (2) This section shall not prohibit any common carrier from, and a
26 common carrier shall not be subject to any fine, penalty, or forfeiture
27 for, performing services free or at reduced rates to:

28 (a) The United States, the State of Nebraska, or any governmental
29 subdivision thereof;

30 (b) The employees, both present and retired, of such common carrier;

31 (c) Any person when the object is to provide relief in case of any

1 disaster;

2 (d) Any person who transports property for charitable purposes;

3 (e) Ministers and others giving their entire time to religious or
4 charitable work;

5 (f) Any person who is legally blind or visually handicapped; or

6 (g) Any person who is sixty-five years of age or older.

7 (3) The rates for services that are provided by motor carriers and
8 regulated motor carriers as defined in section 75-302 are not subject to
9 regulation by the Public Service Commission for any rate that is
10 determined by an agreement with a state agency.

11 **Sec. 3.** Section 75-302, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 75-302 For purposes of sections 75-301 to 75-343 and in all rules
14 and regulations adopted and promulgated by the commission pursuant to
15 such sections, unless the context otherwise requires:

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

19 (2) Carrier enforcement division means the carrier enforcement
20 division of the Nebraska State Patrol or the Nebraska State Patrol;

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

24 (4) Civil penalty means any monetary penalty assessed by the
25 commission or carrier enforcement division due to a violation of Chapter
26 75, article 3, or section 75-126 as such section applies to any person or
27 carrier specified in Chapter 75, article 3; any term, condition, or
28 limitation of any certificate or permit issued pursuant to Chapter 75,
29 article 3; or any rule, regulation, or order of the commission, the
30 Division of Motor Carrier Services, or the carrier enforcement division
31 issued pursuant to Chapter 75, article 3;

1 (5) Commission means the Public Service Commission;

2 (6) Common carrier means any person who or which undertakes to
3 transport passengers ~~or, until July 1, 2021, household goods,~~ for the
4 general public in intrastate commerce by motor vehicle for hire, whether
5 over regular or irregular routes, upon the highways of this state. Common
6 ~~Beginning July 1, 2021, common~~ carrier does not include:

7 (a) A ~~a~~ motor carrier operating under a license issued pursuant to
8 section 75-304.03; and

9 (b) A motor carrier that is engaged in intrastate medicaid
10 nonemergency medical transportation services under a license that was
11 issued pursuant to section 75-311.

12 (7) Contract carrier means any motor carrier ~~that~~ which transports
13 passengers ~~or, until July 1, 2021, household goods,~~ for hire other than
14 as a common carrier designed to meet the distinct needs of each
15 individual customer or a specifically designated class of customers
16 without any limitation as to the number of customers it can serve within
17 the class. Contract ~~Beginning on January 1, 2021, contract~~ carrier does
18 not include:

19 (a) A ~~a~~ motor carrier operating under a license issued pursuant to
20 section 75-304.04; and

21 (b) A motor carrier that is engaged in intrastate medicaid
22 nonemergency medical transportation services under a license that was
23 issued pursuant to section 75-311.

24 (8) Division of Motor Carrier Services means the Division of Motor
25 Carrier Services of the Department of Motor Vehicles;

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

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

1 (a) Arranged and paid for by the householder, including
2 transportation of property from a factory or store when the property is
3 purchased by the householder with the intent to use in his or her
4 dwelling; or

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

6 (11) Intrastate commerce means commerce between any place in this
7 state and any other place in this state and not in part through any other
8 state;

9 (12) License means a license issued to a motor carrier engaged in
10 the for-hire, intrastate transportation of:

11 (a) Household ~~(a) household~~ goods under section 75-304.03; ~~or~~

12 (b) Employees ~~employees~~ of a railroad carrier engaged in interstate
13 commerce to or from their work locations under section 75-304.04; or

14 (c) A motor carrier that is engaged in intrastate medicaid
15 nonemergency medical transportation services under a license that was
16 issued pursuant to section 75-311.

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

29 (14) Motor carrier means any person other than a regulated motor
30 carrier who or which owns, controls, manages, operates, or causes to be
31 operated any motor vehicle used to transport passengers or property over

1 any public highway in this state;

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

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

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

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

21 (19) Regulated motor carrier means any person who or which owns,
22 controls, manages, operates, or causes to be operated any motor vehicle
23 used to transport passengers, other than those excepted under section
24 75-303, ~~or, until July 1, 2021, household goods,~~ over any public highway
25 in this state. ~~Regulated Beginning July 1, 2021, regulated~~ motor carrier
26 does not include:

27 (a) A a motor carrier operating under a license issued pursuant to
28 section 75-304.03; ~~or~~

29 (b) A ~~Beginning on January 1, 2021, regulated motor carrier does not~~
30 ~~include~~ a motor carrier operating under a license issued pursuant to
31 section 75-304.04; and

1 (c) A motor carrier that is engaged in intrastate medicaid
2 nonemergency medical transportation services under a license that was
3 issued pursuant to section 75-311.

4 (20) Residential care means care for a minor or a person who is
5 physically, mentally, or developmentally disabled who resides in a
6 residential home or facility regulated by the Department of Health and
7 Human Services, including, but not limited to, a foster home, treatment
8 facility, residential child-caring agency, or shelter;

9 (21) Residential care transportation services means transportation
10 services to persons in residential care when such residential care
11 transportation services and residential care are provided as part of a
12 services contract with the Department of Health and Human Services or
13 pursuant to a subcontract entered into incident to a services contract
14 with the department;

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

1 (23) Transportation network company has the definition found in
2 section 75-323. A transportation network company shall not own, control,
3 operate, or manage drivers' personal vehicles.

4 **Sec. 4.** Section 75-303.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 75-303.01 (1) The Department of Health and Human Services, a
7 medicaid-managed care organization under contract with the department, or
8 another agent working on the department's behalf may contract for
9 nonemergency medical transportation for medicaid clients with a motor
10 carrier or regulated motor carrier holding:

11 (a) A designation of authority issued pursuant to subsection (3)
12 of section 75-311 to provide medicaid nonemergency medical transportation
13 services; or

14 (b) A license that was issued pursuant to section 75-311 to engage
15 in intrastate medicaid nonemergency medical transportation services. that
16 has been authorized to provide such services by the commission prior to
17 April 28, 2017.

18 (2) While operating under such a designation of authority or such
19 license issued pursuant to subsection (3) of section 75-311, a motor
20 carrier or regulated motor carrier shall comply with:

21 (a) The ~~the~~ requirements of the Department of Health and Human
22 Services to protect the safety and well-being of department clients,
23 including training, driver standards, background checks, and the
24 provision and quality of service; and

25 (b) The ~~the~~ rules and regulations adopted, promulgated, and enforced
26 by the commission governing insurance requirements, equipment standards,
27 and background checks.

28 **Sec. 5.** Section 75-303.02, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 75-303.02 (1) The Department of Health and Human Services or any
31 agency organized under the Nebraska Community Aging Services Act may

1 contract for the transportation of clients with a contractor which does
2 not hold a certificate or which is not otherwise exempt under section
3 75-303 only if:

4 (a) The proposed contractor is the individual who will personally
5 drive the vehicle in question;

6 (b) The only compensation to the contractor for the transportation
7 is paid by the department at a rate no greater than that provided for
8 reimbursement of state employees pursuant to section 81-1176 for the
9 costs incurred in the transportation; and

10 (c)(i) There is no regulated motor carrier serving the area in which
11 the client needs transportation, (ii) the regulated motor carrier serving
12 the area is incapable of providing the specific service in question by
13 its own written statement or as determined by the commission upon
14 application of the regulated motor carrier or the department, or (iii)
15 the regulated carrier cannot or will not provide such service at the rate
16 specified in subsection (2) of section 75-303.03.

17 (2) This section does not apply to a motor carrier or regulated
18 motor carrier holding:

19 (a) A designation of authority issued pursuant to subsection (3)
20 of section 75-311; or -

21 (b) A license that was issued pursuant to section 75-311 to engage
22 in intrastate medicaid nonemergency medical transportation services.

23 **Sec. 6.** Section 75-303.03, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 75-303.03 (1) The commission, in consultation with the Department of
26 Health and Human Services, shall adopt and promulgate rules and
27 regulations governing minimum liability insurance requirements, equipment
28 standards, driver qualification requirements, and the issuance and filing
29 of notice for any contractor utilized by the department or any agency
30 organized under the Nebraska Community Aging Services Act pursuant to
31 section 75-303.02.

1 (2) The Department of Health and Human Services or any agency
2 organized under the Nebraska Community Aging Services Act shall reimburse
3 common and contract carriers for transportation of passengers at a rate
4 not to exceed the rate of reimbursement pursuant to section 81-1176
5 multiplied by three. The maximum reimbursement rate provided for in this
6 subsection shall not apply when the carrier (a) transports such person
7 wholly within the corporate limits of the city or village where the
8 transportation of the person originated, (b) transports a disabled person
9 as defined by the federal Americans with Disabilities Act of 1990 in a
10 vehicle that is compliant with the regulations providing for the
11 transportation of such disabled person, or (c) provides nonemergency
12 medical transportation of medicaid clients pursuant to subsection (3) of
13 section 75-311.

14 ~~(3)(a) (3)~~ Rates for the following nonemergency medical
15 transportation service providers are not subject to regulation by the
16 commission:

17 (i) Any holder of ~~with~~ a designation of authority ~~that was issued~~
18 ~~pursuant to subsection (3) of section 75-311 are not subject to~~
19 ~~commission regulation;~~ ~~and~~

20 (ii) Any holder of a license that was issued pursuant to section
21 75-311 to engage in intrastate medicaid nonemergency medical
22 transportation services.

23 (b) Regulated ~~regulated~~ motor carriers with such a designation
24 reimbursed under this section are not subject to commission rate
25 regulation for such reimbursement rates.

26 (4)(a) The Department of Health and Human Services may reimburse an
27 individual for the costs incurred by such individual in the
28 transportation of a person eligible to receive transportation services
29 through the department if:

30 (i) The individual is under contract with the department and
31 provides transportation to the eligible person; and

1 (ii) The eligible person has chosen the individual to provide the
2 transportation.

3 (b) The department shall reimburse for the costs incurred in the
4 transportation at a rate no greater than that provided for reimbursement
5 of state employees pursuant to section 81-1176.

6 (c) Transportation provided to an eligible person by an individual
7 pursuant to this section does not constitute transportation for hire.

8 (d) The department may adopt and promulgate rules and regulations to
9 implement this subsection.

10 **Sec. 7.** Section 75-307, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 75-307 (1)(a) The following motor carriers and regulated motor
13 carriers shall comply with the rules and regulations described in
14 subdivision (b) of this subsection: (1) Certificated intrastate motor
15 carriers,

16 (i) Common including common and contract carriers; ~~and~~

17 (ii) Any ~~any~~ motor carrier transporting household goods under a
18 license issued pursuant to section 75-304.03; ~~and~~

19 (iii) Any ~~and any~~ motor carrier transporting employees of a railroad
20 carrier under a license issued pursuant to section 75-304.04; and

21 (iv) Any holder of a license that was issued pursuant to section
22 75-311 to engage in intrastate medicaid nonemergency medical
23 transportation services, and any applicant for such license.

24 (b) The commission may adopt and promulgate ~~shall comply with~~
25 reasonable rules and regulations prescribed by the commission governing
26 the filing with the commission, the approval of the filings, and the
27 maintenance of proof at such carrier's principal place of business of
28 surety bonds, policies of insurance, qualifications as a self-insurer, or
29 other securities or agreements, in such reasonable amount as required by
30 the commission, conditioned to pay, within the amount of such surety
31 bonds, policies of insurance, qualifications as a self-insurer, or other

1 securities or agreements, any final judgment recovered against such motor
2 carrier for bodily injuries to or the death of any person resulting from
3 the negligent operation, maintenance, or use of motor vehicles under such
4 certificate, permit, or license or for loss or damage to property of
5 others.

6 (c)(i) Any ~~No~~ certificate, ~~or~~ permit, or license shall not be issued
7 to any of the following that does not comply with this section or the
8 rules and regulations adopted and promulgated pursuant to this section:

9 (A) Any a common or contract carrier;

10 (B) Any , ~~no license shall be issued to a~~ motor carrier transporting
11 household goods under section 75-304.03;

12 (C) Any motor carrier transporting ~~or~~ employees of a railroad
13 carrier under section 75-304.04; ~~or~~ ,

14 (D) Any applicant for a license to engage in intrastate medicaid
15 nonemergency medical transportation services pursuant to section 75-311.

16 (ii) Any ~~nor shall such~~ certificate, permit, or license described in
17 this subdivision (c) that has been issued shall not remain in force
18 unless the ~~such~~ carrier complies with this section and the rules and
19 regulations adopted and promulgated ~~prescribed by the commission~~ pursuant
20 to this section.

21 (2)(a) The following motor carriers shall comply with the rules and
22 regulations described in subdivision (b) of this subsection: ~~(2) The~~
23 commission may, in its discretion and under its rules and regulations,
24 require

25 (i) Any any certificated carrier;

26 (ii) Any , ~~any~~ motor carrier transporting household goods under a
27 license issued pursuant to section 75-304.03;

28 (iii) Any , ~~and any~~ motor carrier transporting employees of a
29 railroad carrier under a license issued pursuant to section 75-304.04;
30 and

31 (iv) Any holder of a license that was issued pursuant to section

1 75-311 to engage in intrastate medicaid nonemergency medical
2 transportation services.

3 (b) The commission may adopt and promulgate rules and regulations
4 that require the motor carriers described in subdivision (a) of this
5 subsection to file a surety bond, policies of insurance, qualifications
6 as a self-insurer, or other securities or agreements, in a sum to be
7 determined by the commission, to be conditioned upon such carrier making
8 compensation to shippers or consignees for all property belonging to
9 shippers or consignees and coming into the possession of such carrier in
10 connection with its transportation service.

11 (c) Any motor carrier that is ~~which may be~~ required by law to
12 compensate a shipper or consignee for any loss, damage, or default for
13 which a connecting motor common carrier is legally responsible shall be
14 subrogated to the rights of such shipper or consignee under any such
15 bond, policies of insurance, or other securities or agreements to the
16 extent of the sum so paid.

17 (3) In carrying out this section, the commission may classify motor
18 carriers and regulated motor carriers taking into consideration the
19 hazards of the operations of such carriers and the value of the household
20 goods carried. Nothing contained in this section shall be construed to
21 authorize the commission to compel motor carriers other than those
22 transporting household goods under section 75-309 or under a license
23 issued pursuant to section 75-304.03 to carry cargo insurance.

24 (4) This section does not apply to transportation network companies.

25 **Sec. 8.** Section 75-311, Revised Statutes Supplement, 2025, is
26 amended to read:

27 75-311 (1)(a) A certificate shall be issued to any qualified
28 applicant authorizing the whole or any part of the operations covered by
29 the application if it is found after notice and hearing that (i) the
30 applicant is fit, willing, and able properly to perform the service
31 proposed and to conform to the provisions of sections 75-301 to 75-322

1 and the requirements, rules, and regulations of the commission under such
2 sections and (ii) the proposed service, to the extent to be authorized by
3 the certificate, whether regular or irregular, is or will be required by
4 the present or future public convenience and necessity. Otherwise the
5 application shall be denied.

6 (b) The burden shall be on the applicant to show (i) that they are
7 fit, willing, and able properly to perform the service proposed and to
8 conform to the provisions of sections 75-301 to 75-322 and the
9 requirements, rules, and regulations of the commission and (ii) that the
10 proposed service will be responsive to a public demand or need.

11 (c) The burden shall be on any protestant to the application to show
12 that (i) existing carriers are currently meeting, or will meet, the
13 proposed need and (ii) that even if the applicant's service will be
14 responsive to a public demand or need, that applicant would not be able
15 to serve this need in a specified manner without endangering or impairing
16 the operations of existing carriers contrary to the public interest.

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

30 (b) Prior to January 1, 2027, for ~~For~~ a designation of authority to
31 provide medicaid nonemergency medical transportation services pursuant to

1 a contract with (i) the Department of Health and Human Services, (ii) a
2 medicaid-managed care organization under contract with the department, or
3 (iii) another agent working on the department's behalf as provided under
4 section 75-303.01, in determining whether the authorization will be
5 consistent with the public interest, the commission shall consult with
6 the Director of Medicaid and Long-Term Care of the Division of Medicaid
7 and Long-Term Care of the department or his or her designee.

8 (3)(a) This subsection applies prior to January 1, 2027.

9 (b) ~~(3)(a)~~ A designation of authority shall be issued to any
10 regulated motor carrier holding a certificate under subsection (1) of
11 this section or a permit under subsection (2) of this section authorizing
12 such carrier to provide medicaid nonemergency medical transportation
13 services pursuant to a contract with (i) the Department of Health and
14 Human Services, (ii) a medicaid-managed care organization under contract
15 with the department, or (iii) another agent working on the department's
16 behalf as provided under section 75-303.01, if it is found after notice
17 and hearing from the application or from any hearing held on the
18 application that the authorization is or will be required by the present
19 or future convenience and necessity to serve the distinct needs of
20 medicaid clients.

21 (c) ~~(b)~~ The burden shall be on the applicant to show that the
22 proposed service will be responsive to a public demand or need. The
23 burden shall be on any protestant to the application to show that (i)
24 existing carriers are currently meeting, or will meet, the proposed need
25 and (ii) that even if the applicant's service will be responsive to a
26 public demand or need, that applicant would not be able to serve this
27 need in a specified manner without endangering or impairing the
28 operations of existing carriers contrary to the public interest.

29 (d) ~~(c)~~ In determining whether the authorization is or will be
30 required by the present or future convenience and necessity to serve the
31 distinct needs of medicaid clients, the commission shall consult with the

1 Director of Medicaid and Long-Term Care of the Division of Medicaid and
2 Long-Term Care of the department or his or her designee.

3 (4)(a) Beginning January 1, 2027, a person shall not engage in
4 intrastate medicaid nonemergency medical transportation services with any
5 of the following prior to being issued a license for such purpose by the
6 commission:

7 (i) The Department of Health and Human Services;

8 (ii) A medicaid-managed care organization under contract with the
9 Department of Health and Human Services; or

10 (iii) Any agent working on behalf of the Department of Health and
11 Human Services.

12 (b) Any person may apply to the commission for a license to engage
13 in intrastate medicaid nonemergency medical transportation services on a
14 form prescribed by the commission. The commission may approve any such
15 application if the commission determines that the applicant meets the
16 following qualifications:

17 (i) The applicant is fit, willing, and able to properly perform
18 intrastate medicaid nonemergency medical transportation services; and

19 (ii) The applicant is able to conform to sections 75-301 to 75-322
20 and the rules and regulations that are adopted and promulgated by the
21 commission under such sections.

22 (c) Prior to issuing a license to engage in intrastate medicaid
23 nonemergency medical transportation services, the commission may hold a
24 hearing to determine if the applicant meets the qualifications described
25 in subdivision (b) of this subsection.

26 (d) A license to engage in intrastate medicaid nonemergency medical
27 transportation services is valid for one year. Any such license may be
28 renewed annually.

29 (e) The fee for a license or renewal of a license shall be
30 established by the commission, but shall not exceed two hundred fifty
31 dollars. Such fee shall accompany the application for such license or

1 renewal of such license.

2 (f) The commission may suspend or revoke any license to engage in
3 intrastate medicaid nonemergency medical transportation services of any
4 person if such person does not comply with section 75-307, any rule or
5 regulation that is adopted and promulgated by the commission, or any
6 lawful order of the commission. Any such suspension or revocation is not
7 valid unless the commission:

8 (i) Provides to such person a written notice that describes such
9 suspension or revocation. Such written notice shall be provided at least
10 fifteen days prior to the hearing described in subdivision (f)(ii) of
11 this subsection; and

12 (ii) Holds a hearing to determine if such license shall be suspended
13 or revoked. Such person is not required to be present at the hearing.

14 (g) Except for a transportation network company holding a permit
15 under section 75-324, any person that is issued a license to engage in
16 intrastate medicaid nonemergency medical transportation services shall
17 comply with section 75-307.

18 (5) Subsections (1) through (3) of this ~~(4)~~ This section shall not
19 apply to transportation network companies holding a permit under section
20 75-324 or operations pursuant to a contract authorized by sections
21 75-303.02 and 75-303.03.

22 **Sec. 9.** Section 75-342, Revised Statutes Supplement, 2025, is
23 amended to read:

24 75-342 (1) Except as otherwise provided in subsection (2) of this
25 section, no ~~No~~ transportation network company or participating driver
26 shall provide transportation for any person under contract with the
27 Department of Health and Human Services or any contractors of the
28 Department of Health and Human Services without specific authorization
29 from the commission. The commission shall grant specific authorization to
30 a requesting transportation network company or participating driver,
31 unless a protestant shows that (a) ~~(1)~~ existing carriers are currently

1 meeting, or will meet, the proposed need for the proposed service and (b)
2 {2} that even if the applicant's service will be responsive to a public
3 demand or need, that applicant would not be able to serve this need in a
4 specified manner without endangering or impairing the operations of
5 existing carriers contrary to the public interest.

6 (2) No transportation network company or participating driver shall
7 engage in intrastate medicaid nonemergency medical transportation
8 services unless such transportation network company or participating
9 driver holds a license to engage in such services under section 75-311.

10 **Sec. 10.** Original sections 75-303.01, 75-303.02, and 75-303.03,
11 Reissue Revised Statutes of Nebraska, sections 75-118, 75-302, and
12 75-307, Revised Statutes Cumulative Supplement, 2024, and sections
13 75-126, 75-311, and 75-342, Revised Statutes Supplement, 2025, are
14 repealed.