

LEGISLATIVE BILL 256

Approved by the Governor May 27, 1997

Introduced by Kristensen, 37

AN ACT relating to motor vehicles; to amend sections 60-311, 60-335, 60-462, and 60-479, Revised Statutes Supplement, 1996; to provide for undercover license plates and undercover driver's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. (1)(a) Undercover license plates may be issued to state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover license plates may also be issued to the Nebraska State Patrol, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control or for the prevention and control of those communicable diseases which endanger the public health, the Department of Health and Human Services Regulation and Licensure in the enforcement of drug control laws or for other investigation purposes, and the Department of Agriculture for special investigative purposes. Undercover license plates shall not be used on personal vehicles or for personal use of government vehicles.

(b) The Director of Motor Vehicles shall prescribe a form for agencies to apply for undercover license plates. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover license plates are to be used only for legitimate criminal investigatory purposes, and a statement that undercover license plates are not to be used on personal vehicles or for personal use of government vehicles.

(2) The agency shall include the name and signature of the contact person for the agency on the form and pay the fee prescribed in section 60-311. If the undercover license plates will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover license plates will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(3) Upon receipt of a completed form, the director shall determine whether the undercover license plates will be used by an approved agency for a legitimate purpose pursuant to subsection (1) of this section. If the director determines that the undercover license plates will be used for such a purpose, he or she may issue the undercover license plates in the form and under the conditions he or she determines to be necessary. The decision of the director regarding issuance of undercover license plates is final.

(4) The Department of Motor Vehicles shall keep records pertaining to undercover license plates confidential, and such records shall not be subject to public disclosure. Any person who receives information pertaining to undercover license plates in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.

(5) The contact person shall return the undercover license plates to the Department of Motor Vehicles if:

(a) The undercover license plates expire and are not renewed;

(b) The purpose for which the undercover license plates were issued has been completed or terminated; or

(c) The director requests their return.

(6) A state agency, board, or commission that uses motor vehicles from the transportation services bureau of the Department of Administrative Services shall notify the bureau immediately after undercover license plates have been assigned to the motor vehicle and shall provide the equipment and license number and the undercover license plates' numbers to the bureau. The transportation services bureau shall maintain a list of state-owned motor vehicles which have been assigned undercover license plates. The list shall be confidential and not be subject to public disclosure. Any person who receives information pertaining to undercover license plates in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.

(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each vehicle, and the person who is assigned to the vehicle. This record shall be confidential and not be subject to public disclosure.

Sec. 2. Section 60-311, Revised Statutes Supplement, 1996, is amended to read:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued or shall display undercover license plates when such license plates are issued under section 1 of this act.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16.

(5) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Section 60-335, Revised Statutes Supplement, 1996, is amended to read:

60-335. No registration fee shall be charged for any motor vehicle owned or leased and used by any city or village of this state, any rural fire protection district, the Civil Air Patrol, any public school district, any county, the state, the United States Government, any joint entity or agency formed pursuant to the Interlocal Cooperation Act or the Integrated Solid Waste Management Act, or any municipal public body or authority used in operating a public passenger transportation system. Any motor vehicle owned or leased and used by this state or any political subdivision as set forth in this section and exempt from a distinct marking as provided in section 81-1021 may carry number plates the same design and size as provided in subsection (3) of section 60-311 or undercover license plates issued under section 1 of this act.

Sec. 4. Section 60-462, Revised Statutes Supplement, 1996, is amended to read:

60-462. Sections 60-462 to 60-4,188 and section 6 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 5. Section 60-479, Revised Statutes Supplement, 1996, is amended to read:

60-479. Sections 60-480 to 60-4,111 and 60-4,182 to 60-4,188 and section 6 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 6. (1)(a) Undercover driver's licenses may be issued to state, county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover driver's licenses may also be issued to the Nebraska State Patrol, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control or for the prevention and control of those communicable diseases which endanger the public health, the Department of Health and Human Services Regulation and Licensure in the enforcement of drug control laws or for other investigation purposes, and the Department of Agriculture for special investigative purposes. Undercover driver's licenses are not for personal use.

(b) The director shall prescribe a form for agencies to apply for undercover driver's licenses. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover driver's licenses are to be used only for legitimate criminal investigatory purposes, and a statement that undercover driver's licenses are not for personal use.

(2) The agency shall include the name and signature of the contact person for the agency on the form and pay the fees prescribed in section 60-4,115. If the undercover driver's licenses will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover driver's licenses will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.

(3) Upon receipt of a completed form, the director shall determine whether the undercover driver's licenses will be used by an approved agency for a legitimate purpose pursuant to subsection (1) of this section. If the director determines that the undercover driver's licenses will be used for such a purpose, he or she may issue the undercover driver's licenses in the form and under the conditions he or she determines to be necessary. The decision of the director regarding issuance of undercover driver's licenses is final.

(4) The Department of Motor Vehicles shall keep records pertaining to undercover driver's licenses confidential, and such records shall not be subject to public disclosure. Any person who receives information pertaining to undercover driver's licenses in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.

(5) The contact person shall return the undercover driver's licenses to the Department of Motor Vehicles if:

(a) The undercover driver's licenses expire and are not renewed;

(b) The purpose for which the undercover driver's licenses were issued has been completed or terminated;

(c) The persons for whom the undercover driver's licenses were issued cease to be employees of the agency; or

(d) The director requests their return.

Sec. 7. The Revisor of Statutes shall assign section 1 of this act to Chapter 60, article 3.

Sec. 8. Original sections 60-311, 60-335, 60-462, and 60-479, Revised Statutes Supplement, 1996, are repealed.