

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 136**

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 60-172,
- 2 60-3,205, and 60-4,146.01, Reissue Revised Statutes of Nebraska, and
- 3 sections 60-144, 60-146, and 60-149, Revised Statutes Cumulative
- 4 Supplement, 2022; to change provisions relating to the Motor Vehicle
- 5 Certificate of Title Act, the Motor Vehicle Registration Act, and
- 6 the Motor Vehicle Operator's License Act as prescribed; and to
- 7 repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-144, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and  
4 (d) of this subsection, the county treasurer shall be responsible for  
5 issuing and filing certificates of title for vehicles, and each county  
6 shall issue and file such certificates of title using the Vehicle Title  
7 and Registration System which shall be provided and maintained by the  
8 department. Application for a certificate of title shall be made upon a  
9 form prescribed by the department. All applications shall be accompanied  
10 by the appropriate fee or fees.

11 (ii) In addition to the information required under subdivision (1)  
12 (a)(i) of this section, the application for a certificate of title shall  
13 contain (A)(I) the full legal name as defined in section 60-468.01 of  
14 each owner or (II) the name of each owner as such name appears on the  
15 owner's motor vehicle operator's license or state identification card and  
16 (B)(I) the motor vehicle operator's license number or state  
17 identification card number of each owner, if applicable, and one or more  
18 of the identification elements as listed in section 60-484 of each owner,  
19 if applicable, and (II) if any owner is a business entity, a nonprofit  
20 organization, an estate, a trust, or a church-controlled organization,  
21 its tax identification number.

22 (b) The department shall issue and file certificates of title for  
23 Nebraska-based fleet vehicles. Application for a certificate of title  
24 shall be made upon a form prescribed by the department. All applications  
25 shall be accompanied by the appropriate fee or fees.

26 (c) The department shall issue and file certificates of title for  
27 state-owned vehicles. Application for a certificate of title shall be  
28 made upon a form prescribed by the department. All applications shall be  
29 accompanied by the appropriate fee or fees.

30 (d) The department shall issue certificates of title pursuant to  
31 subsection (2) of section 60-142.01 and section 60-142.06. Application

1 for a certificate of title shall be made upon a form prescribed by the  
2 department. All applications shall be accompanied by the appropriate fee  
3 or fees.

4 (e) The department shall issue certificates of title pursuant to  
5 section 60-142.09. Application for a certificate of title shall be made  
6 upon a form prescribed by the department. All applications shall be  
7 accompanied by the appropriate fee or fees.

8 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,  
9 or a minibike resides in Nebraska, the application ~~may shall~~ be filed  
10 with the county treasurer of any ~~the county in which the owner resides~~.

11 (3)(a) If a vehicle has situs in Nebraska, the application for a  
12 certificate of title may be filed with the county treasurer of any  
13 county.

14 (b) If a motor vehicle dealer licensed under the Motor Vehicle  
15 Industry Regulation Act applies for a certificate of title for a vehicle,  
16 the application may be filed with the county treasurer of any county.

17 (c) An approved licensed dealer participating in the electronic  
18 dealer services system pursuant to section 60-1507 may apply for a  
19 certificate of title for a vehicle to the county treasurer of any county  
20 or the department in a manner provided by the electronic dealer services  
21 system.

22 (4) If the owner of a vehicle is a nonresident, the application  
23 shall be filed in the county in which the transaction is consummated.

24 (5) The application shall be filed within thirty days after the  
25 delivery of the vehicle.

26 (6) All applicants registering a vehicle pursuant to section  
27 60-3,198 shall file the application for a certificate of title with the  
28 Division of Motor Carrier Services of the department. The division shall  
29 deliver the certificate to the applicant if there are no liens on the  
30 vehicle. If there are one or more liens on the vehicle, the certificate  
31 of title shall be handled as provided in section 60-164. All certificates

1 of title issued by the division shall be issued in the manner prescribed  
2 for the county treasurer in section 60-152.

3 Sec. 2. Section 60-146, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 60-146 (1) An application for a certificate of title for a vehicle  
6 shall include a statement that an identification inspection has been  
7 conducted on the vehicle unless (a) the title sought is a salvage branded  
8 certificate of title or a nontransferable certificate of title, (b) the  
9 surrendered ownership document is a Nebraska certificate of title, a  
10 manufacturer's statement of origin, an importer's statement of origin, a  
11 United States Government Certificate to Obtain Title to a Vehicle ~~of~~  
12 ~~Release of a vehicle~~, or a nontransferable certificate of title, (c) the  
13 application contains a statement that the vehicle is to be registered  
14 under section 60-3,198, (d) the vehicle is a cabin trailer, (e) the title  
15 sought is the first title for the vehicle sold directly by the  
16 manufacturer of the vehicle to a dealer franchised by the manufacturer,  
17 or (f) the vehicle was sold at an auction authorized by the manufacturer  
18 and purchased by a dealer franchised by the manufacturer of the vehicle.

19 (2) The department shall prescribe a form to be executed by a dealer  
20 and submitted with an application for a certificate of title for vehicles  
21 exempt from inspection pursuant to subdivision (1)(e) or (f) of this  
22 section. The form shall clearly identify the vehicle and state under  
23 penalty of law that the vehicle is exempt from inspection.

24 (3) The statement that an identification inspection has been  
25 conducted shall be furnished by the county sheriff of any county or by  
26 any other holder of a certificate of training issued pursuant to section  
27 60-183, shall be in a format as determined by the department, and shall  
28 expire ninety days after the date of the inspection. The county treasurer  
29 shall accept a certificate of inspection, approved by the superintendent,  
30 from an officer of a state police agency of another state unless an  
31 inspection is required under section 60-174.

1           (4)(a) Except as provided in subdivision (b) of this subsection, the  
2 identification inspection shall include examination and notation of the  
3 then current odometer reading, if any, and a comparison of the vehicle  
4 identification number with the number listed on the ownership records,  
5 except that if a lien is registered against a vehicle and recorded on the  
6 vehicle's ownership records, the county treasurer shall provide a copy of  
7 the ownership records for use in making such comparison. If such numbers  
8 are not identical, if there is reason to believe further inspection is  
9 necessary, or if the inspection is for a Nebraska assigned number, the  
10 person performing the inspection shall make a further inspection of the  
11 vehicle which may include, but shall not be limited to, examination of  
12 other identifying numbers placed on the vehicle by the manufacturer and  
13 an inquiry into the numbering system used by the state issuing such  
14 ownership records to determine ownership of a vehicle. The identification  
15 inspection shall also include a statement that the vehicle identification  
16 number has been checked for entry in (i) the National Crime Information  
17 Center and (ii) the Nebraska Crime Information Service or the National  
18 Motor Vehicle Title Information System. In the case of an assembled  
19 vehicle, a vehicle designated as reconstructed, or a vehicle designated  
20 as replica, the identification inspection shall include, but not be  
21 limited to, an examination of the records showing the date of receipt and  
22 source of each major component part. No identification inspection shall  
23 be conducted unless all major component parts are properly attached to  
24 the vehicle in the correct location.

25           (b) Each county sheriff shall establish a process by which to enter  
26 into an agreement with any motor vehicle dealer as defined in section  
27 60-1401.26 with an established place of business as defined in section  
28 60-1401.15 in the county in which the sheriff has jurisdiction in order  
29 to collect information for the identification inspection on motor  
30 vehicles which are in the inventory of the motor vehicle dealer at the  
31 dealer's established place of business in such county. The agreement

1 entered into shall require that the motor vehicle dealer provide the  
2 required fee, a copy of the documents evidencing transfer of ownership,  
3 and the make, model, vehicle identification number, and odometer reading  
4 in a form and manner prescribed by the county sheriff, which shall  
5 include a requirement to provide one or more photographs or digital  
6 images of the vehicle, the vehicle identification number, and the  
7 odometer reading. The county sheriff shall complete the identification  
8 inspection as required under subdivision (a) of this subsection using  
9 such information and return to the motor vehicle dealer the statement  
10 that an identification inspection has been conducted for each motor  
11 vehicle as provided in subsection (3) of this section. If the information  
12 is incomplete or if there is reason to believe that further inspection is  
13 necessary, the county sheriff shall inform the motor vehicle dealer. If  
14 the motor vehicle dealer knowingly provides inaccurate or false  
15 information, the motor vehicle dealer shall be liable for any damages  
16 that result from the provision of such information. The motor vehicle  
17 dealer shall keep the records for five years after the date the  
18 identification inspection is complete.

19 (5) If there is cause to believe that odometer fraud exists, written  
20 notification shall be given to the office of the Attorney General. If  
21 after such inspection the sheriff or his or her designee determines that  
22 the vehicle is not the vehicle described by the ownership records, no  
23 statement shall be issued.

24 (6) The county treasurer or the department may also request an  
25 identification inspection of a vehicle to determine if it meets the  
26 definition of motor vehicle as defined in section 60-123.

27 Sec. 3. Section 60-149, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 60-149 (1)(a) If a certificate of title has previously been issued  
30 for a vehicle in this state, the application for a new certificate of  
31 title shall be accompanied by the certificate of title duly assigned

1 except as otherwise provided in the Motor Vehicle Certificate of Title  
2 Act.

3 (b) Except for manufactured homes or mobile homes as provided in  
4 subsection (2) of this section, if a certificate of title has not  
5 previously been issued for the vehicle in this state or if a certificate  
6 of title is unavailable, the application shall be accompanied by:

7 (i) A manufacturer's or importer's certificate except as otherwise  
8 provided in subdivision (viii) of this subdivision;

9 (ii) A duly certified copy of the manufacturer's or importer's  
10 certificate;

11 (iii) An affidavit by the owner affirming ownership in the case of  
12 an all-terrain vehicle, a utility-type vehicle, or a minibike;

13 (iv) A certificate of title from another state;

14 (v) A court order issued by a court of record, a manufacturer's  
15 certificate of origin, or an assigned registration certificate, if the  
16 law of the state from which the vehicle was brought into this state does  
17 not have a certificate of title law;

18 (vi) Evidence of ownership as provided for in section 30-24,125,  
19 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections  
20 60-2401 to 60-2411;

21 (vii) Documentation prescribed in section 60-142.01, 60-142.02,  
22 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of  
23 compliance with section 76-1607;

24 (viii) A manufacturer's or importer's certificate and an affidavit  
25 by the owner affirming ownership in the case of a minitruck;~~or~~

26 (ix) In the case of a motor vehicle, a trailer, an all-terrain  
27 vehicle, a utility-type vehicle, or a minibike, an affidavit by the  
28 holder of a motor vehicle auction dealer's license as described in  
29 subdivision (11) of section 60-1406 affirming that the certificate of  
30 title is unavailable and that the vehicle (A) is a salvage vehicle  
31 through payment of a total loss settlement, (B) is a salvage vehicle

1 purchased by the auction dealer, or (C) has been donated to an  
2 organization operating under section 501(c)(3) of the Internal Revenue  
3 Code as defined in section 49-801.01; or -

4 (x) A United States Government Certificate to Obtain Title to a  
5 Vehicle.

6 (c) If the application for a certificate of title in this state is  
7 accompanied by a valid certificate of title issued by another state which  
8 meets that state's requirements for transfer of ownership, then the  
9 application may be accepted by this state.

10 (d) If a certificate of title has not previously been issued for the  
11 vehicle in this state and the applicant is unable to provide such  
12 documentation, the applicant may apply for a bonded certificate of title  
13 as prescribed in section 60-167.

14 (2)(a) If the application for a certificate of title for a  
15 manufactured home or a mobile home is being made in accordance with  
16 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
17 manufactured home or a mobile home is unavailable, the application shall  
18 be accompanied by proof of ownership in the form of:

19 (i) A duly assigned manufacturer's or importer's certificate;

20 (ii) A certificate of title from another state;

21 (iii) A court order issued by a court of record;

22 (iv) Evidence of ownership as provided for in section 30-24,125,  
23 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections  
24 60-2401 to 60-2411, or documentation of compliance with section 76-1607;

25 or

26 (v) Assessment records for the manufactured home or mobile home from  
27 the county assessor and an affidavit by the owner affirming ownership.

28 (b) If the applicant cannot produce proof of ownership described in  
29 subdivision (a) of this subsection, he or she may submit to the  
30 department such evidence as he or she may have, and the department may  
31 thereupon, if it finds the evidence sufficient, issue the certificate of



1 title or authorize the county treasurer to issue a certificate of title,  
2 as the case may be.

3 (3) For purposes of this section, certificate of title includes a  
4 salvage certificate, a salvage branded certificate of title, or any other  
5 document of ownership issued by another state or jurisdiction for a  
6 salvage vehicle. Only a salvage branded certificate of title shall be  
7 issued to any vehicle conveyed upon a salvage certificate, a salvage  
8 branded certificate of title, or any other document of ownership issued  
9 by another state or jurisdiction for a salvage vehicle. A previously  
10 salvage branded certificate of title may be issued if, prior to  
11 application, the applicant's vehicle has been repaired and inspected as  
12 provided in section 60-146.

13 (4) The county treasurer shall retain the evidence of title  
14 presented by the applicant and on which the certificate of title is  
15 issued.

16 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of  
17 this section, the holder of a motor vehicle auction dealer's license  
18 shall certify that (i) it has made at least two written attempts and has  
19 been unable to obtain the properly endorsed certificate of title to the  
20 property noted in the affidavit from the owner and (ii) thirty days have  
21 expired after the mailing of a written notice regarding the intended  
22 disposition of the property noted in the affidavit by certified mail,  
23 return receipt requested, to the last-known address of the owner and to  
24 any lien or security interest holder of record of the property noted in  
25 the affidavit.

26 (b) The notice under subdivision (5)(a)(ii) of this section shall  
27 contain a description of the property noted in the affidavit and a  
28 statement that title to the property noted in the affidavit shall vest in  
29 the holder of the motor vehicle auction dealer's license thirty days  
30 after the date such notice was mailed.

31 (c) The mailing of notice and the expiration of thirty days under

1 subdivision (5)(a)(ii) of this section shall extinguish any lien or  
2 security interest of a lienholder or security interest holder in the  
3 property noted in the affidavit, unless the lienholder or security  
4 interest holder has claimed such property within such thirty-day period.  
5 The holder of a motor vehicle auction dealer's license shall transfer  
6 possession of the property noted in the affidavit to the lienholder or  
7 security interest holder claiming such property.

8 Sec. 4. Section 60-172, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-172 A certificate of title issued on or after January 1, 2003,  
11 shall disclose in writing, from any records readily accessible to the  
12 department or county officials or a law enforcement officer, anything  
13 which indicates that the vehicle was previously issued a title in another  
14 jurisdiction that bore any word or symbol signifying that the vehicle was  
15 branded damaged, including, but not limited to, older model salvage,  
16 unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed,  
17 rebuilt, flood damaged, damaged, buyback, or any other indication,  
18 symbol, or word of like kind, and the name of the jurisdiction issuing  
19 the previous title.

20 Sec. 5. Section 60-3,205, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 60-3,205 (1)(a) The director may suspend, revoke, cancel, or refuse  
23 to issue or renew a registration certificate under the International  
24 Registration Plan Act:

25 (i) If the applicant or certificate holder has had his or her  
26 license issued under the International Fuel Tax Agreement Act revoked or  
27 the director refused to issue or refused to renew such license;~~or~~

28 (ii) If the applicant or certificate holder is in violation of  
29 sections 75-392 to 75-3,100; or -

30 (iii) If the applicant or certificate holder committed any  
31 violations of the International Registration Plan Act or the rules and

1 regulations adopted and promulgated under the act.

2 (b) Prior to taking action under this section, the director shall  
3 notify and advise the applicant or certificate holder of the proposed  
4 action and the reasons for such action in writing, by regular United  
5 States mail, to his or her last-known business address as shown on the  
6 application for the certificate or renewal. The notice shall also include  
7 an advisement of the procedures in subdivision (c) of this subsection.

8 (c) The applicant or certificate holder may, within thirty days  
9 after the date of the mailing of the notice, petition the director for a  
10 hearing to contest the proposed action. The hearing shall be commenced in  
11 accordance with the rules and regulations adopted and promulgated by the  
12 department. If a petition is filed, the director shall, within twenty  
13 days after receipt of the petition, set a hearing date at which the  
14 applicant or certificate holder may show cause why the proposed action  
15 should not be taken. The director shall give the applicant or certificate  
16 holder reasonable notice of the time and place of the hearing. If the  
17 director's decision is adverse to the applicant or certificate holder,  
18 the applicant or certificate holder may appeal the decision in accordance  
19 with the Administrative Procedure Act.

20 (d) Except as provided in subsections (2) and (3) of this section,  
21 the filing of the petition shall stay any action by the director until a  
22 hearing is held and a final decision and order is issued.

23 (e) Except as provided in subsections (2) and (3) of this section,  
24 if no petition is filed at the expiration of thirty days after the date  
25 on which the notification was mailed, the director may take the proposed  
26 action described in the notice.

27 (f) If, in the judgment of the director, the applicant or  
28 certificate holder has complied with or is no longer in violation of the  
29 provisions for which the director took action under this subsection, the  
30 director may reinstate the registration certificate without delay.

31 (2)(a) The director may suspend, revoke, cancel, or refuse to issue

1 or renew a registration certificate under the International Registration  
2 Plan Act or a license under the International Fuel Tax Agreement Act if  
3 the applicant, licensee, or certificate holder has issued to the  
4 department a check or draft which has been returned because of  
5 insufficient funds, no funds, or a stop-payment order. The director may  
6 take such action no sooner than seven days after the written notice  
7 required in subdivision (1)(b) of this section has been provided. Any  
8 petition to contest such action filed pursuant to subdivision (1)(c) of  
9 this section shall not stay such action of the director.

10 (b) If the director takes an action pursuant to this subsection, the  
11 director shall reinstate the registration certificate or license without  
12 delay upon the payment of certified funds by the applicant, licensee, or  
13 certificate holder for any fees due and reasonable administrative costs,  
14 not to exceed twenty-five dollars, incurred in taking such action.

15 (c) The rules, regulations, and orders of the director and the  
16 department that pertain to hearings commenced in accordance with this  
17 section and that are in effect prior to March 17, 2006, shall remain in  
18 effect, unless changed or eliminated by the director or the department,  
19 except for those portions involving a stay upon the filing of a petition  
20 to contest any action taken pursuant to this subsection, in which case  
21 this subsection shall supersede those provisions.

22 (3) Any person who receives notice from the director of action taken  
23 pursuant to subsection (1) or (2) of this section shall, within three  
24 business days, return such registration certificate and license plates to  
25 the department as provided in this section. If any person fails to return  
26 the registration certificate and license plates to the department, the  
27 department shall notify the Nebraska State Patrol that any such person is  
28 in violation of this section.

29 Sec. 6. Section 60-4,146.01, Reissue Revised Statutes of Nebraska,  
30 is amended to read:

31 60-4,146.01 (1) Any resident of this state who is a seasonal

1 commercial motor vehicle operator for a farm-related or ranch-related  
2 service industry may apply for a restricted commercial driver's license.  
3 If the applicant is an individual, the application or examiner's  
4 certificate shall include the applicant's social security number. A  
5 restricted commercial driver's license shall authorize the holder to  
6 operate any Class B Heavy Straight Vehicle commercial motor vehicle or  
7 any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial  
8 motor vehicle required to be placarded pursuant to section 75-364 when  
9 the hazardous material being transported is (a) diesel fuel in quantities  
10 of one thousand gallons or less, (b) liquid fertilizers in vehicles or  
11 implements of husbandry with total capacities of three thousand gallons  
12 or less, or (c) solid fertilizers that are not transported or mixed with  
13 any organic substance within one hundred fifty miles of the employer's  
14 place of business or the farm or ranch being served.

15 (2) Any applicant for a restricted commercial driver's license or  
16 seasonal permit shall be eighteen years of age or older, shall have  
17 possessed a valid operator's license during the twelve-month period  
18 immediately preceding application, and shall demonstrate, in a manner to  
19 be prescribed by the director, that:

20 (a) If the applicant has possessed a valid operator's license for  
21 two or more years, that in the two-year period immediately preceding  
22 application the applicant:

23 (i) Has not possessed more than one operator's license at one time;

24 (ii) Has not been subject to any order of suspension, revocation, or  
25 cancellation of any type;

26 (iii) Has no convictions involving any type or classification of  
27 motor vehicle of the disqualification offenses enumerated in sections  
28 60-4,168 and 60-4,168.01; and

29 (iv) Has no convictions for traffic law violations that are  
30 accident-connected and no record of at-fault accidents; and

31 (b) If the applicant has possessed a valid operator's license for

1 more than one but less than two years, the applicant shall demonstrate  
2 that he or she meets the requirements prescribed in subdivision (a) of  
3 this subsection for the entire period of his or her driving record  
4 history.

5 ~~(3)(a) Until January 1, 2022, the commercial motor vehicle operating~~  
6 ~~privilege as conferred by the restricted commercial driver's license~~  
7 ~~shall be valid for five years if annually revalidated by the seasonal~~  
8 ~~permit which shall be valid for no more than one hundred eighty~~  
9 ~~consecutive days in any twelve-month period. To revalidate the restricted~~  
10 ~~commercial driver's license, the applicant shall meet the requirements of~~  
11 ~~subsection (2) of this section and shall designate a time period he or~~  
12 ~~she desires the commercial motor vehicle operating privilege to be valid.~~  
13 ~~The time period designated by the applicant shall appear and be clearly~~  
14 ~~indicated on the seasonal permit. A seasonal permit shall not be issued~~  
15 ~~to any person more than once in any twelve-month period. The holder of a~~  
16 ~~restricted commercial driver's license shall operate commercial motor~~  
17 ~~vehicles in the course or scope of his or her employment within one~~  
18 ~~hundred fifty miles of the employer's place of business or the farm or~~  
19 ~~ranch currently being served.~~

20 (3)(a) Prior to January 1, 2024 ~~(b) Beginning January 1, 2022,~~ the  
21 restricted commercial driver's license shall be valid for five years and  
22 shall clearly indicate the commercial motor vehicle operating privilege  
23 for the seasonal period of validity on the back of the restricted  
24 commercial driver's license. The seasonal period of validity shall be  
25 valid for no more than one hundred eighty consecutive days in any twelve-  
26 month period. The applicant shall designate the seasonal period of  
27 validity when making application for the restricted commercial driver's  
28 license. The holder of the restricted commercial driver's license may  
29 change the seasonal period of validity by renewing or obtaining a  
30 replacement of the restricted commercial driver's license. The holder of  
31 a restricted commercial driver's license shall operate commercial motor

1 vehicles in the course or scope of his or her employment within one  
2 hundred fifty miles of the employer's place of business or the farm or  
3 ranch currently being served. The department shall annually revalidate  
4 the restricted commercial driver's license to confirm that the holder of  
5 the restricted commercial driver's license meets the requirements of  
6 subsection (2) of this section. If the holder of the restricted  
7 commercial driver's license does not meet the requirements of subsection  
8 (2) of this section upon revalidation, the department shall provide  
9 notice to the holder that the restricted commercial driver's license is  
10 canceled and the holder must apply for a Class 0 operator's license  
11 within thirty calendar days after the date notice was sent.

12 (b) Beginning January 1, 2024, the restricted commercial driver's  
13 license shall be valid for five years and shall clearly indicate the  
14 commercial motor vehicle operating privilege for the seasonal period of  
15 validity on the back of the restricted commercial driver's license. The  
16 seasonal period of validity shall be valid for no more than two hundred  
17 ten days in any calendar year. The applicant shall designate the seasonal  
18 period of validity when making application for the restricted commercial  
19 driver's license. The holder of the restricted commercial driver's  
20 license may change the seasonal period of validity by renewing or  
21 obtaining a replacement of the restricted commercial driver's license.  
22 The holder of a restricted commercial driver's license shall operate  
23 commercial motor vehicles in the course or scope of his or her employment  
24 within one hundred fifty miles of the employer's place of business or the  
25 farm or ranch currently being served. The department shall annually  
26 revalidate the restricted commercial driver's license to confirm that the  
27 holder of the restricted commercial driver's license meets the  
28 requirements of subsection (2) of this section. If the holder of the  
29 restricted commercial driver's license does not meet the requirements of  
30 subsection (2) of this section upon revalidation, the department shall  
31 provide notice to the holder that the restricted commercial driver's

1 license is canceled and the holder must apply for a Class 0 operator's  
2 license within thirty calendar days after the date notice was sent.

3 (4) Any person who violates any provision of this section shall,  
4 upon conviction, be guilty of a Class III misdemeanor. In addition to any  
5 penalty imposed by the court, the director shall also revoke such  
6 person's restricted commercial driver's license and shall disqualify such  
7 person from operating any commercial motor vehicle in Nebraska for a  
8 period of five years.

9 (5) The Department of Motor Vehicles may adopt and promulgate rules  
10 and regulations to carry out the requirements of this section.

11 (6) For purposes of this section:

12 (a) Agricultural chemical business means any business that  
13 transports agricultural chemicals predominately to or from a farm or  
14 ranch;

15 (b) Farm-related or ranch-related service industry means any custom  
16 harvester, retail agricultural outlet or supplier, agricultural chemical  
17 business, or livestock feeder which operates commercial motor vehicles  
18 for the purpose of transporting agricultural products, livestock, farm  
19 machinery and equipment, or farm supplies to or from a farm or ranch;

20 (c) Retail agricultural outlet or supplier means any retail outlet  
21 or supplier that transports either agricultural products, farm machinery,  
22 farm supplies, or both, predominately to or from a farm or ranch; and

23 (d) Seasonal commercial motor vehicle operator means any person who,  
24 exclusively on a seasonal basis, operates a commercial motor vehicle for  
25 a farm-related or ranch-related service industry.

26 Sec. 7. Original sections 60-172, 60-3,205, and 60-4,146.01,  
27 Reissue Revised Statutes of Nebraska, and sections 60-144, 60-146, and  
28 60-149, Revised Statutes Cumulative Supplement, 2022, are repealed.