LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 768

Introduced by Albrecht, 17.
Read first time January 08, 2020

Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 38-129 and 75-362, Reissue Revised Statutes of Nebraska, sections 4-111, 60-192, 60-484.04, 60-484.05, 60-4,138, 60-4,141, and 60-4,168, Revised Statutes Cumulative Supplement, 2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement, 2019; to update federal references relating to cabin trailers, low-speed vehicles, access aisles, United States Department of Transportation numbers, handicapped or disabled parking permits, the International Registration Plan, operators' licenses and state identification cards, lawful status, financial transactions, the operation of commercial motor vehicles, hazardous materials, commercial learner's permits, occupant protection systems, motor vehicle consumer informal dispute settlement procedures, disclosure of motor vehicle records, motor carrier regulations and enforcement, and the unified carrier registration plan and agreement; to change provisions relating to odometer readings and lifetime disqualifications from operating a commercial motor vehicle; to provide restrictions for a commercial learner's permit; to define and redefine terms; to harmonize provisions; and to repeal the original sections.
1 Be it enacted by the people of the State of Nebraska,
Section 1. Section 4-111, Revised Statutes Cumulative Supplement, 2018, is amended to read:

4-111 (1) Verification of lawful presence in the United States pursuant to section 4-108 requires that the applicant for public benefits attest in a format prescribed by the Department of Administrative Services that:

(a) He or she is a United States citizen; or

(b) He or she is a qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is lawfully present in the United States.

(2) A state agency or political subdivision of the State of Nebraska may adopt and promulgate rules and regulations or procedures for the electronic filing of the attestation required under subsection (1) of this section if such attestation is substantially similar to the format prescribed by the Department of Administrative Services.

(3)(a) The Legislature finds that it is in the best interest of the State of Nebraska to make full use of the skills and talents in the state by ensuring that a person who is work-authorized is able to obtain a professional or commercial license and practice his or her profession.

(b) For purposes of a professional or commercial license, the Legislature finds that a person not described in subdivision (1)(a) or (1)(b) of this section who submits (i) an unexpired employment authorization document issued by the United States Department of Homeland Security, Form I-766, and (ii) documentation issued by the United States Department of Homeland Security, the United States Citizenship and Immigration Services, or any other federal agency, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that such person is described in section 202(c) (2)(B)(i) through (x) (ix) of the federal REAL ID Act of 2005, Public Law 109-13, has demonstrated lawful presence pursuant to section 4-108 and is eligible to obtain such license. Such license shall be valid only for the
period of time during which such person's employment authorization
document is valid. Nothing in this subsection shall affect the
requirements to obtain a professional or commercial license that are
unrelated to the lawful presence requirements demonstrated pursuant to
this subsection.

(c) Nothing in this subsection shall be construed to grant eligibility for any public benefits other than obtaining a professional or commercial license.

(d) Any person who has complied with the requirements of this subsection shall have his or her employment authorization document verified through the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security or an equivalent program designated by the United States Department of Homeland Security.

(e) The Legislature enacts this subsection pursuant to the authority provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

Sec. 2. Section 38-129, Reissue Revised Statutes of Nebraska, is amended to read:

38-129 (1) No individual shall be issued a credential under the Uniform Credentialing Act until he or she has furnished satisfactory evidence to the department that he or she is of good character and has attained the age of nineteen years except as otherwise specifically provided by statute, rule, or regulation.

(2) A credential may only be issued to (a) a citizen of the United States, (b) an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, (c) a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act, or (d) a person who submits (i) an unexpired employment authorization document issued by the United States Department of Homeland Security, Form I-766, and (ii) documentation issued by the United States Department of Homeland
Security, the United States Citizenship and Immigration Services, or any other federal agency, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that such person is described in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be valid only for the period of time during which such person's employment authorization document is valid.

Sec. 3. Section 60-107, Revised Statutes Supplement, 2019, is amended to read:

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

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

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

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

(4) Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a
permanent frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, except that manufactured home includes any structure that meets all of the requirements of this subdivision other than the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as such act existed on January 1, 2020, 42 U.S.C. 5401 et seq.

Sec. 4. Section 60-119.01, Revised Statutes Supplement, 2019, is amended to read:

60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2020, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 5. Section 60-192, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-192 (1) The transferor of any motor vehicle described in subsection (2) of this section of an age of less than ten years, which was equipped with an odometer by the manufacturer, shall provide to the transferee a statement, signed by the transferor, setting forth:

(a) (1) The mileage on the odometer at the time of transfer; and
(b)(i) A statement that, to the transferor's best knowledge, such mileage is that actually driven by the motor vehicle;
(ii) A statement that the transferor has knowledge that the mileage shown on the odometer is in excess of the designated mechanical odometer limit; or
(iii) A statement that the odometer reading does not reflect the actual mileage and should not be relied upon because the transferor has knowledge that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error.

(2) Prior to January 1, 2021, this section applies to the transfer of any motor vehicle of an age of less than ten years. Beginning January 1, 2021, this section applies to the transfer of any motor vehicle with a manufacturer's model year designation of 2011 or newer and an age of less than twenty years.

(3) If a discrepancy exists between the odometer reading and the actual mileage, a warning notice to alert the transferee shall be included with the statement. The transferor shall retain a true copy of such statement for a period of five years from the date of the transaction.

(4) Beginning on the implementation date designated by the director pursuant to subsection (2) of section 60-1508, if motor vehicle ownership has been transferred by operation of law pursuant to repossession under subdivision (2)(b)(iv) of section 60-166, the mileage shall be listed as the odometer reading at the time of the most recent transfer of ownership prior to the repossession of the motor vehicle. The adjustment shall not be deemed a violation of section 60-190.

Sec. 6. Section 60-302.01, Revised Statutes Supplement, 2019, is amended to read:
60-302.01 Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed

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in compliance with the federal Americans with Disabilities Act of 1990
and the federal regulations adopted in response to the act, as the act
and the regulations existed on January 1, 2020.

Sec. 7. Section 60-336.01, Revised Statutes Supplement, 2019, is
amended to read:

60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
(a) whose speed attainable in one mile is more than twenty miles per hour
and not more than twenty-five miles per hour on a paved, level surface,
(b) whose gross vehicle weight rating is less than three thousand pounds,
and (c) that complies with 49 C.F.R. part 571, as such part existed on
January 1, 2020, or (2) three-wheeled motor vehicle (a) whose
maximum speed attainable is not more than twenty-five miles per hour on a
paved, level surface, (b) whose gross vehicle weight rating is less than
three thousand pounds, and (c) which is equipped with a windshield and an
occupant protection system. A motorcycle with a sidecar attached is not a
low-speed vehicle.

Sec. 8. Section 60-386, Revised Statutes Supplement, 2019, is
amended to read:

60-386 (1) Each new application shall contain, in addition to other
information as may be required by the department, the name and
residential and mailing address of the applicant and a description of the
motor vehicle or trailer, including the color, the manufacturer, the
identification number, the United States Department of Transportation
number if required by 49 C.F.R. 390.5 to 390.21, as such regulations
existed on January 1, 2020, and the weight of the motor vehicle or
trailer required by the Motor Vehicle Registration Act. Beginning on the
implementation date designated by the director pursuant to subsection (4)
of section 60-1508, for trailers which are not required to have a
certificate of title under section 60-137 and which have no
identification number, the assignment of an identification number shall
be required and the identification number shall be issued by the county
treasurer or department. With the application the applicant shall pay the
proper registration fee and shall state whether the motor vehicle is
propelled by alternative fuel and, if alternative fuel, the type of fuel.
The application shall also contain a notification that bulk fuel
purchasers may be subject to federal excise tax liability. The department
shall include such notification in the notices required by section
60-3,186.

(2) This subsection applies beginning on an implementation date
designated by the director. The director shall designate an
implementation date which is on or before January 1, 2021. In addition to
the information required under subsection (1) of this section, the
application for registration shall contain (a)(i) the full legal name as
defined in section 60-468.01 of each owner or (ii) the name of each owner
as such name appears on the owner's motor vehicle operator's license or
state identification card and (b)(i) the motor vehicle operator's license
number or state identification card number of each owner, if applicable,
and one or more of the identification elements as listed in section
60-484 of each owner, if applicable, and (ii) if any owner is a business
entity, a nonprofit organization, an estate, a trust, or a church-
controlled organization, its tax identification number.

Sec. 9. Section 60-3,113.04, Revised Statutes Supplement, 2019, is
amended to read:

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

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

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

Sec. 10. Section 60-3,193.01, Revised Statutes Supplement, 2019, is amended to read:

60-3,193.01 For purposes of the Motor Vehicle Registration Act, the International Registration Plan is adopted and incorporated by reference as the plan existed on January 1, 2020.

Sec. 11. Section 60-462.01, Revised Statutes Supplement, 2019, is amended to read:

60-462.01 For purposes of the Motor Vehicle Operator's License Act, the following federal regulations are adopted as Nebraska law as they existed on January 1, 2020:

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

Sec. 12. Section 60-479.01, Revised Statutes Supplement, 2019, is amended to read:

60-479.01 (1) All persons handling source documents or engaged in the issuance of new, renewed, or reissued operators' licenses or state identification cards shall have periodic fraudulent document recognition
(2) All persons and agents of the department involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or who have the ability to affect information on such licenses or cards shall be subject to a criminal history record information check, including a check of prior employment references, and a lawful status check as required by 6 C.F.R. part 37, as such part existed on January 1, 2020. Such persons and agents shall provide fingerprints which shall be submitted to the Federal Bureau of Investigation. The bureau shall use its records for the criminal history record information check.

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

(4) Any person convicted of any disqualifying offense as provided in 6 C.F.R. part 37, as such part existed on January 1, 2020, shall not be involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or involved in any capacity in which such person would have the ability to affect information on such licenses or cards. Any employee or prospective
employee of the department shall be provided notice that he or she will undergo such criminal history record information check prior to employment or prior to any involvement with the issuance of operators' licenses or state identification cards.

Sec. 13. Section 60-484.04, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-484.04 (1) The Legislature finds and declares that section 202(c)(2)(B)(i) through (x)(ix) of the federal REAL ID Act of 2005, Public Law 109-13, enumerated categories of individuals who may demonstrate lawful status for the purpose of eligibility for a federally secure motor vehicle operator's license or state identification card. The Legislature further finds and declares that it was the intent of the Legislature in 2011 to adopt the enumerated categories by the passage of Laws 2011, LB215. The Legislature declares that the passage of Laws 2015, LB623, is for the limited purpose of reaffirming the original legislative intent of Laws 2011, LB215. Except as provided in section 60-4,144 with respect to operators of commercial motor vehicles, before being issued any other type of operator's license or a state identification card under the Motor Vehicle Operator's License Act, the department shall require an applicant to present valid documentary evidence that he or she has lawful status in the United States as enumerated in section 202(c)(2)(B)(i) through (x)(ix) of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may be shown by:

(a) A valid, unexpired United States passport;

(b) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;

(c) A Consular Report of Birth Abroad (CRBA) issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;

(d) A valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security or United States
Citizenship and Immigration Services;

(e) An unexpired employment authorization document (EAD) issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;

(f) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;

(g) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;

(h) A Certificate of Citizenship, Form N-560 or Form N-561, issued by the United States Department of Homeland Security;

(i) A driver's license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or

(j) Such other documents as the director may approve.

(2)(a) If an applicant presents one of the documents listed under subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the verification of the applicant's identity in the manner prescribed in section 60-484 will also provide satisfactory evidence of lawful status.

(b) If the applicant presents one of the identity documents listed under subdivision (1)(e), (f), or (i) of this section, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subsection (1) of this section or documentation issued by the United States Department of Homeland Security, the United States Citizenship and Immigration Services, or other federal agencies, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that the applicant has lawful status as enumerated in section 202(c)(2)(B)(i) through (x) (ix) of the federal REAL ID Act of 2005, Public Law 109-13.

(3) An applicant may present other documents as designated by the
director as proof of lawful status as enumerated in section 202(c)(2)(B)(i) through (x)(ix) of the federal REAL ID Act of 2005, Public Law 109-13. Any documents accepted shall be recorded according to a written exceptions process established by the director.

Sec. 14. Section 60-484.05, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-484.05 (1) The department shall only issue an operator's license or a state identification card that is temporary to any applicant who presents documentation under sections 60-484 and 60-484.04 that shows his or her authorized stay in the United States is temporary. An operator's license or a state identification card that is temporary shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(2) An operator's license or state identification card that is temporary shall clearly indicate that it is temporary with a special notation on the front of the license or card and shall state the date on which it expires.

(3) An operator's license or state identification card that is temporary may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the operator's license or state identification card that is temporary has been extended by the United States Department of Homeland Security.

(4) If an individual has an operator's license or a state identification card issued based on approved lawful status granted under section 202(c)(2)(B)(i) through (x)(ix) of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for the approved lawful status is terminated, the individual shall return the operator's license or state identification card to the Department of Motor Vehicles.

Sec. 15. Section 60-4,111.01, Revised Statutes Supplement, 2019, is amended to read:
60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
enforcement agencies may store or compile information acquired from an
operator's license or a state identification card for their statutorily
authorized purposes.

(2) Except as otherwise provided in subsection (3) or (4) of this
section, no person having use of or access to machine-readable
information encoded on an operator's license or a state identification
card shall compile, store, preserve, trade, sell, or share such
information. Any person who trades, sells, or shares such information
shall be guilty of a Class IV felony. Any person who compiles, stores, or
preserves such information except as authorized in subsection (3) or (4)
of this section shall be guilty of a Class IV felony.

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

(b) For purposes of compliance with the provisions of sections
28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
to such sections may scan machine-readable information encoded on an
operator's license or a state identification card presented for the
purpose of such a sale. The seller may store only the following
information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification. The seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The stored information may only be used by law enforcement agencies, regulatory agencies, and the exchange for purposes of enforcement of the restrictions on the sale or purchase of methamphetamine precursors pursuant to sections 28-458 to 28-462 and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section 28-458.

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

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

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

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

(a) Scan, compile, store, or preserve such information in order to provide the information to a check services company subject to and in
compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., as such act existed on January 1, 2020, for the purpose of effecting, administering, or enforcing a transaction requested by the holder of the license or card or preventing fraud or other criminal activity; or

(b) Scan and store such information only as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to resolve a dispute or inquiry by the holder of the license or card.

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

Sec. 16. Section 60-4,132, Revised Statutes Supplement, 2019, is amended to read:

60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137 to 60-4,172 are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations as such acts and regulations existed on January 1, 2020, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 17. Section 60-4,134, Revised Statutes Supplement, 2019, is
amended to read:

60-4,134 In conformance with section 7208 of the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such section and regulation existed on January 1, 2020, no hazardous materials endorsement authorizing the holder of a Class A commercial driver's license to operate a commercial motor vehicle transporting diesel fuel shall be required if such driver is (1) operating within the state and acting within the scope of his or her employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder and (2) operating a service vehicle that is (a) transporting diesel in a quantity of one thousand gallons or less and (b) clearly marked with a flammable or combustible placard, as appropriate.

Sec. 18. Section 60-4,138, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

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

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

(i) Motor vehicles designed to transport sixteen or more passengers,
including the driver; and

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

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

(a) T — Double/triple trailers;
(b) P — Passenger;
(c) N — Tank vehicle;
(d) H — Hazardous materials;
(e) X — Combination tank vehicle and hazardous materials; and
(f) S — School bus.

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

(a) E — No manual transmission equipped commercial motor vehicle;
(b) K — Operation of a commercial motor vehicle only in intrastate
commerce;
(c) L — Operation of only a commercial motor vehicle which is not
equipped with air brakes;
(d) M — Operation of a commercial motor vehicle which is not a Class
A passenger vehicle bus;
(e) N — Operation of a commercial motor vehicle which is not a Class
A or Class B passenger vehicle bus;
(f) O — No tractor-trailer commercial motor vehicle;
(g) V — Operation of a commercial motor vehicle for drivers with
medical variance documentation. The documentation shall be required to be
carried on the driver's person while operating a commercial motor
vehicle; and
Sec. 19. Section 60-4,141, Revised Statutes Cumulative Supplement, 2018, is amended to read:

60-4,141 (1) Except as provided in subsections (2), (3), and (4) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle being operated, except that (a) any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

(2)(a) Any person holding a CLP-commercial learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle. Any person holding a CLP-commercial learner's permit may operate a commercial motor vehicle upon the highways of this state for purposes of taking a driving skills examination if accompanied by licensing staff who is designated by the director under section 60-4,149 or an examiner employed by a third-party tester certified pursuant to section 60-4,158 and who occupies the seat.
beside the person for the purpose of giving the examination. A person holding a CLP-commercial learner's permit shall not operate a commercial motor vehicle transporting hazardous materials. A holder of a commercial learner's permit may operate a Class A combination vehicle, Class B heavy straight vehicle, or Class C small vehicle, as appropriate.

(b) A CLP-commercial learner's permit shall only be allowed to bear any of the following endorsements: (i) P — Passenger; (ii) S — School bus; and (iii) N — Tank vehicle.

(c) A CLP-commercial learner's permit shall only be allowed to bear any of the following restrictions: (i) K — Operation of a commercial motor vehicle only in intrastate commerce; (ii) L — Operation of only a commercial motor vehicle which is not equipped with air brakes; (iii) V — Operation of a commercial motor vehicle for drivers with medical variance documentation; (iv) P — No passengers in commercial motor vehicle bus; and (v) X — No cargo in commercial motor vehicle tank vehicle; (vi) M — Operation of a commercial motor vehicle that is not a Class A passenger vehicle; and (vii) N — Operation of a commercial motor vehicle that is not a Class A or Class B passenger vehicle.

(3) Except for nonresident individuals who are enrolled and taking training in a driver training school in this state, any holder of a nonresident commercial learner's permit or nonresident commercial driver's license who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued CLP-commercial learner's permit or commercial driver's license and shall surrender to the department any operator's license issued to such nonresident by any other state.

(4) Except for individuals who are enrolled and taking training in a driver training school in this state, any holder of a nondomiciled commercial learner's permit or nondomiciled commercial driver's license issued by another state who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued CLP-commercial
learner's permit or commercial driver's license and shall surrender to
the department any operator's license issued to such individual by any
other state.

(5) An operator's license surrendered pursuant to this section may
be returned to the driver after the license has been perforated with the
word "VOID".

(6) Any person who operates a commercial motor vehicle upon the
highways of this state in violation of this section shall, upon
conviction, be guilty of a Class III misdemeanor.

Sec. 20. Section 60-4,147.02, Revised Statutes Supplement, 2019, is
amended to read:

60-4,147.02 No endorsement authorizing the driver to operate a
commercial motor vehicle transporting hazardous materials shall be
issued, renewed, or transferred by the Department of Motor Vehicles
unless the endorsement is issued, renewed, or transferred in conformance
with the requirements of section 1012 of the federal Uniting and
Strengthening America by Providing Appropriate Tools Required to
Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
5103a, including all amendments and federal regulations adopted pursuant
thereto as of January 1, 2020, for the issuance of licenses to
operate commercial motor vehicles transporting hazardous materials.

Sec. 21. Section 60-4,168, Revised Statutes Cumulative Supplement,
2018, is amended to read:

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

(a) Operating a commercial motor vehicle in violation of section
60-6,196 or 60-6,197 or under the influence of a controlled substance or,
beginning September 30, 2005, operating any motor vehicle in violation of
section 60-6,196 or 60-6,197 or under the influence of a controlled
(b) Operating a commercial motor vehicle in violation of section 60-4,163 or 60-4,164;

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

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

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

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

(2) Except as provided in subsection (3) of this section, if any of the offenses described in subsection (1) of this section occurred while a person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from operating a commercial motor vehicle for three years.

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

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

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

(c) Used a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11), as such section existed on January 1, 2020.

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

(b) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a motor vehicle other than a commercial motor vehicle if the convictions have resulted in the revocation, cancellation, or suspension of the person's operator's license or driving privileges.

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

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

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

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

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

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

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

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

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

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

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

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

(9) For purposes of this section, conviction means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

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

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

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

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

(d) Following the vehicle ahead too closely as described in section 60-6,140;
(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person;

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

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

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

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

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

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

Sec. 22. Section 60-501, Revised Statutes Supplement, 2019, is amended to read:

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

(1) Department means Department of Motor Vehicles;

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

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

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

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

(6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
whose speed attainable in one mile is more than twenty miles per hour and
not more than twenty-five miles per hour on a paved, level surface, (ii)
whose gross vehicle weight rating is less than three thousand pounds, and
(iii) that complies with 49 C.F.R. part 571, as such part existed on
January 1, 2020, or (b) three-wheeled motor vehicle (i) whose
maximum speed attainable is not more than twenty-five miles per hour on a
paved, level surface, (ii) whose gross vehicle weight rating is less than
three thousand pounds, and (iii) which is equipped with a windshield and
an occupant protection system. A motorcycle with a sidecar attached is
not a low-speed vehicle;

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

(8) Motor vehicle means any self-propelled vehicle which is designed
for use upon a highway, including trailers designed for use with such
vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a
former military vehicle. Motor vehicle does not include (a) mopeds as
defined in section 60-637, (b) traction engines, (c) road rollers, (d)
farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
(h) every vehicle which is propelled by electric power obtained from
overhead wires but not operated upon rails, (i) electric personal
assistive mobility devices as defined in section 60-618.02, (j) off-road
designed vehicles, including, but not limited to, golf car vehicles, go-
carts, riding lawnmowers, garden tractors, all-terrain vehicles and
utility-type vehicles as defined in section 60-6,355, minibikes as
defined in section 60-636, and snowmobiles as defined in section 60-663,
and (k) bicycles as defined in section 60-611;

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

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

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

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

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

(14) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

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

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

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

Sec. 23. Section 60-628.01, Revised Statutes Supplement, 2019, is amended to read:

60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
(a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface,
(b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2019, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 24. Section 60-6,265, Revised Statutes Supplement, 2019, is amended to read:

60-6,265 For purposes of sections 60-6,266 to 60-6,273:
(1) Occupant protection system means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (a) restrains drivers and passengers and (b) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 571.210, as such standards existed on January 1, 2019, or, as a minimum standard, to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year; and
(2) Three-point safety belt system means a system utilizing a combination of a lap belt and a shoulder belt installed in a motor vehicle which restrains drivers and passengers.

Sec. 25. Section 60-2705, Revised Statutes Supplement, 2019, is amended to read:

60-2705 The Director of Motor Vehicles shall adopt standards for an informal dispute settlement procedure which substantially comply with the provisions of 16 C.F.R. part 703, as such part existed on January 1, 2019.

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

Sec. 26. Section 60-2909.01, Revised Statutes Supplement, 2019, is
amended to read:

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

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

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

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

(4) For use by an employer or the employer's agent or insurer to
obtain or verify information relating to a holder of a commercial
driver's license or CLP-commercial learner's permit that is required
seq., as such act existed on January 1, 2020 2019, or pursuant to
sections 60-4,132 and 60-4,141; and

(5) For use by employers of a holder of a commercial driver's license or CLP-commercial learner's permit and by the Commercial Driver License Information System as provided in section 60-4,144.02 and 49 C.F.R. 383.73, as such regulation existed on January 1, 2020 2019.

Sec. 27. Section 75-362, Reissue Revised Statutes of Nebraska, is amended to read:

75-362 For purposes of sections 75-362 to 75-369.07, unless the context otherwise requires:

(1) Accident means:

(a) Except as provided in subdivision (b) of this subdivision, an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

(i) A fatality;

(ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by a tow truck or other motor vehicle.

(b) The term accident does not include:

(i) An occurrence involving only boarding and alighting from a stationary motor vehicle; or

(ii) An occurrence involving only the loading or unloading of cargo;

(2) Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment. A large packaging in which hazardous materials are loaded with an intermediate form of containment, such as one or more articles or inner packagings, is also a bulk packaging. Additionally, a bulk packaging and
which has:

(a) A maximum capacity greater than one hundred nineteen gallons as a receptacle for a liquid;

(b) A maximum net mass greater than eight hundred eighty-two pounds and a maximum capacity greater than one hundred nineteen gallons as a receptacle for a solid; or

(c) A water capacity greater than one thousand pounds as a receptacle for a gas as defined in 49 C.F.R. 173.115;

(3) Cargo tank means a bulk packaging that:

(a) Is a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings, and closures;

(b) Is permanently attached to or forms a part of a motor vehicle or is not permanently attached to a motor vehicle but which, by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle; and

(c) Is not fabricated under a specification for cylinders, intermediate bulk containers, multi-unit tank-car tanks, portable tanks, or tank cars;

(4) Cargo tank motor vehicle means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle;

(5) Commercial enterprise means any business activity relating to or based upon the production, distribution, or consumption of goods or services;

(6) Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce or intrastate commerce to transport passengers or property when the vehicle:

(a) Has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of ten thousand one pounds or more, whichever is greater;

(b) Is designed or used to transport more than eight passengers,
including the driver, for compensation;

(c) Is designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation; or

(d) Is used in transporting material found to be hazardous and such material is transported in a quantity requiring placarding pursuant to section 75-364;

(7) Compliance review means an onsite examination of motor carrier operations, such as drivers' hours of service, maintenance and inspection, driver qualification, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action with penalties;

(8)(a) Covered farm vehicle means a motor vehicle, including an articulated motor vehicle:

(i) That:

(A) Is traveling in the state in which the vehicle is registered or another state;

(B) Is operated by:

(I) A farm owner or operator;

(II) A ranch owner or operator; or

(III) An employee or family member of an individual specified in subdivision (8)(a)(i)(B)(I) or (8)(a)(i)(B)(II) of this section;

(C) Is transporting to or from a farm or ranch:

(I) Agricultural commodities;

(II) Livestock; or
(III) Machinery or supplies;

(D) Except as provided in subdivision (8)(b) of this section, is not used in the operations of a for-hire motor carrier; and

(E) Is equipped with a special license plate or other designation by the state in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(ii) That has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is:

(A) Less than twenty-six thousand one pounds; or

(B) Twenty-six thousand one pounds or more and is traveling within the state or within one hundred fifty air miles of the farm or ranch with respect to which the vehicle is being operated.

(b) Covered farm vehicle includes a motor vehicle that meets the requirements of subdivision (8)(a) of this section, except for subdivision (8)(a)(i)(D) of this section, and:

(i) Is operated pursuant to a crop share farm lease agreement;

(ii) Is owned by a tenant with respect to that agreement; and

(iii) Is transporting the landlord's portion of the crops under that agreement.

(c) Covered farm vehicle does not include:

(i) A combination of truck-tractor and semitrailer which is operated by a person under eighteen years of age; or

(ii) A combination of truck-tractor and semitrailer which is used in the transportation of materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and which require the combination to be placarded under 49 C.F.R. part 172, subpart F;

(9) Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(a) Inclusions: Damage to motor vehicles that could have been driven but would have been further damaged if so driven.
(b) Exclusions:

(i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts;

(ii) Tire disablement without other damage even if no spare tire is available;

(iii) Headlight or taillight damage; and

(iv) Damage to turn信号s, horn, or windshield wipers which makes them inoperative;

(10) Driver means any person who operates any commercial motor vehicle;

(11) Elevated temperature material means a material which, when offered for transportation or transported in a bulk packaging:

(a) Is in a liquid phase and at a temperature at or above two hundred twelve degrees Fahrenheit;

(b) Is in a liquid phase with a flash point at or above one hundred degrees Fahrenheit that is intentionally heated and offered for transportation or transported at or above its flash point; or

(c) Is in a solid phase and at a temperature at or above four hundred sixty-four degrees Fahrenheit;

(12) Employee means any individual, other than an employer, who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety. Such term includes a driver of a commercial motor vehicle, including an independent contractor while in the course of operating a commercial motor vehicle, a mechanic, and a freight handler. Such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment;

(13) Employer means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with
that business or assigns employees to operate it. Such term does not
include the United States, any state, any political subdivision of a
state, or an agency established under a compact between states approved
by the Congress of the United States;

(14) Exempt motor carrier means a person engaged in transportation
exempt from economic regulation under 49 U.S.C. 13506. An exempt motor
carrier is subject to the safety regulations adopted in sections 75-362
to 75-369.07;

(15) Farm vehicle driver means a person who drives only a commercial
motor vehicle that is controlled and operated by a farmer as a private
motor carrier of property;

(16) Farmer means any person who operates a farm or is directly
involved in the cultivation of land, crops, or livestock which:

(a) Are owned by that person; or

(b) Are under the direct control of that person;

(17) Fatality means any injury which results in the death of a
person at the time of the motor vehicle accident or within thirty days
after the accident;

(18) Fertilizer and agricultural chemical application and
distribution equipment means:

(a) Self-propelled or towed equipment, designed and used exclusively
to apply commercial fertilizer, as that term is defined in section
81-2,162.02, chemicals, or related products to agricultural soil and
crops; or

(b) Towed equipment designed and used exclusively to carry
commercial fertilizer, as that term is defined in section 81-2,162.02,
chemicals, or related products for use on agricultural soil and crops,
which are equipped with implement or floatation tires;

(19) For-hire motor carrier means a person engaged in the
transportation of goods or passengers for compensation;

(20) Gross combination weight means the sum of the empty weight of a
motor vehicle plus the total weight of any load carried thereon and the empty weight of the towed unit or units plus the total weight of any load carried on such towed unit or units;

(21) Gross combination weight rating means the greater of (a) a value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard certification label required by the National Highway Traffic Safety Administration, or (b) the sum of the gross vehicle weight ratings or the gross vehicle weights of the power unit and the towed unit or units, or any combination thereof, that produces the highest value. Gross combination weight rating does not apply to a commercial motor vehicle if the power unit is not towing another vehicle;

(22) Gross vehicle weight means the sum of the empty weight of a motor vehicle plus the total weight of any load carried thereon;

(23) Gross vehicle weight rating means the value specified by the manufacturer as the loaded weight of a single motor vehicle. In the absence of such value specified by the manufacturer or the absence of any marking of such value on the vehicle, the gross vehicle weight rating shall be determined from the sum of the axle weight ratings of the vehicle or the sum of the tire weight ratings as marked on the sidewall of the tires, whichever is greater. In the absence of any tire sidewall marking, the tire weight ratings shall be determined for the specified tires from any of the publications of any of the organizations listed in 49 C.F.R. 571.119;

(24) Hazardous material means a substance or material that the Secretary of the United States Department of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce and has designated as hazardous under 49 U.S.C. 5103. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table, 49 C.F.R.
172.101, and materials that meet the defining criteria for hazard classes and divisions in 49 C.F.R. part 173;

(25) Hazardous substance means a material, including its mixtures and solutions, that is listed in 49 C.F.R. 172.101, Appendix A, List Of Hazardous Substances and Reportable Quantities, and is in a quantity, in one package, which equals or exceeds the reportable quantity listed in 49 C.F.R. 172.101, Appendix A. This definition does not apply to petroleum products that are lubricants or fuels or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in 49 C.F.R. 171.8 under the definition of hazardous substance based on the reportable quantity specified for the materials listed in 49 C.F.R. 172.101, Appendix A;

(26) Hazardous waste means any material that is subject to the hazardous waste manifest requirements of the United States Environmental Protection Agency specified in 40 C.F.R. 262;

(27) Highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(28) Interstate commerce means trade, traffic, or transportation provided in the furtherance of a commercial enterprise in the United States:

(a) Between a place in a state and a place outside of such state, including a place outside of the United States;

(b) Between two places in a state through another state or a place outside of the United States; or

(c) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States;

(29) Intrastate commerce means any trade, traffic, or transportation provided in the furtherance of a commercial enterprise between any place
in the State of Nebraska and any other place in Nebraska and not through
any other state;

(30) Large packaging means a packaging that:

(a) Consists of an outer packaging that contains articles or inner
packagings;

(b) Is designated for mechanical handling;

(c) Exceeds a net mass of 400 kilograms or 450 liters (119 gallons)
capacity;

(d) Has a volume of not more than three cubic meters; and

(e) Conforms to the requirements for the construction, testing, and
marking of large packagings as specified in subparts P and Q of 49 C.F.R.
178.

(31) (30) Marine pollutant means a material which is listed in the
Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B, as a marine
pollutant (see 49 C.F.R. 171.4 for applicability to marine pollutants)
and, when in a solution or mixture of one or more marine pollutants, is
packaged in a concentration which equals or exceeds:

(a) Ten percent by weight of the solution or mixture for materials
listed in 49 C.F.R. 172.101, Appendix B; or

(b) One percent by weight of the solution or mixture for materials
that are identified as severe marine pollutants in the Hazardous
Materials Table, 49 C.F.R. 172.101, Appendix B;

(32) (31) Motor carrier means a for-hire motor carrier or a private
motor carrier. The term includes a motor carrier's agents, officers, and
representatives as well as employees responsible for hiring, supervising,
training, assigning, or dispatching of drivers and employees concerned
with the installation, inspection, and maintenance of motor vehicle
equipment or accessories. This definition includes the terms employer and
exempt motor carrier;

(33) (32) Motor vehicle means any vehicle, truck, truck-tractor,
trailer, or semitrailer propelled or drawn by mechanical power except (a)

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farm tractors, (b) vehicles which run only on rails or tracks, and (c)
road and general-purpose construction and maintenance machinery which by
design and function is obviously not intended for use on a public
highway, including, but not limited to, motor scrapers, earthmoving
equipment, backhoes, trenchers, motor graders, compactors, tractors,
bulldozers, bucket loaders, ditchdigging apparatus, asphalt spreaders,
leveling graders, power shovels, and crawler tractors;

(34) (33) Nonbulk packaging means a packaging which has:

(a) A maximum capacity of 450 liters (119 gallons) or less as a receptacle for a liquid;
(b) A maximum net mass of 400 kilograms (882 pounds) or less and a maximum capacity of 450 liters (119
gallons) or less as a receptacle for a solid; or
(c) A water capacity of 454 kilograms (1,000 pounds) or less as a receptacle for a gas as defined in 49 C.F.R. 173.115; or
(d) Regardless of the definition of bulk packaging, a maximum net
mass of 400 kilograms (882 pounds) or less for a bag or box conforming to
the applicable requirements for specification packagings, including the
maximum net mass limitations provided in subpart L of 49 C.F.R. 178;

(35) (34) Out-of-service order means a declaration by an authorized
enforcement officer of a federal, state, Canadian, Mexican, or local
jurisdiction that a driver, a commercial motor vehicle, or a motor
carrier operation is out of service pursuant to 49 C.F.R. 386.72, 392.5,
392.9a, 395.13, or 396.9, or compatible laws or the North American
Uniform Out-of-Service Criteria;

(36) (35) Packaging means a receptacle and any other components or
materials necessary for the receptacle to perform its containment
function in conformance with the minimum packing requirements of Title 49
of the Code of Federal Regulations. For radioactive materials packaging,
Person means any individual, partnership, association, corporation, business trust, or any other organized group of individuals;

Planting and harvesting season means the period beginning on January 1 up to and including December 31 of each calendar year;

Principal place of business means the single location designated by the motor carrier, normally its headquarters, for purposes of identification. The motor carrier must make records required by the regulations referred to in sections 75-362 to 75-369.07 available for inspection at this location within forty-eight hours, Saturdays, Sundays, and state or federal holidays excluded, after a request has been made by an officer of the Nebraska State Patrol;

Private motor carrier means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier;

Safety audit means an examination of a motor carrier's operations to provide educational and technical assistance on drivers' hours of service, maintenance and inspection, driver qualification, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. The purpose of a safety audit is to gather critical safety data needed to make an assessment of the carrier's safety performance and basic safety management controls. Safety audits do not result in safety ratings; and

Tank means a container, consisting of a shell and heads, that forms a pressure-tight vessel having openings designed to accept pressure-tight fittings or closures, but excludes any appurtenances, reinforcements, fittings, or closures.

Sec. 28. Section 75-363, Revised Statutes Supplement, 2019, is amended to read:
75-363 (1) The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, as modified in this section, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, 2020, are adopted as Nebraska law.

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

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

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

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

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

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

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

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

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

(b) Part 385 - SAFETY FITNESS PROCEDURES;

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

(d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS;
(e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;
(f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS;
(g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;
(h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;
(i) Part 395 - HOURS OF SERVICE OF DRIVERS;
(j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;
(k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES; and
(l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

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

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

(a) All of part 391;
(b) Section 395.8 of part 395; and
(c) Section 396.11 of part 396.

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

(a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
(b) Part 391, subpart E - Physical Qualifications and Examinations;
(c) Part 395 - HOURS OF SERVICE OF DRIVERS; and
(d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.
(7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less.

(8) For purposes of this section, intrastate motor carriers shall not include any motor carrier or driver excepted from 49 C.F.R. chapter III by section 390.3(f) of part 390.

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

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

or

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

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

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

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

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

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

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

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

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

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

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

Sec. 29. Section 75-364, Revised Statutes Supplement, 2019, is
amended to read:

75-364 The parts, subparts, and sections of Title 49 of the Code of
Federal Regulations listed below, or any other parts, subparts, and
sections referred to by such parts, subparts, and sections, in existence
and effective as of January 1, 2020, are adopted as part of Nebraska
law and shall be applicable to all motor carriers whether engaged in
interstate or intrastate commerce, drivers of such motor carriers, and
vehicles of such motor carriers:

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

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

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

(4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
TRAINING REQUIREMENTS, AND SECURITY PLANS;

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

(6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

(7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

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

Sec. 30. Section 75-366, Revised Statutes Supplement, 2019, is
amended to read:

75-366 For the purpose of enforcing Chapter 75, article 3, any
officer of the Nebraska State Patrol may, upon demand, inspect the
accounts, records, and equipment of any motor carrier or shipper. Any
officer of the Nebraska State Patrol shall have the authority to enforce
the federal motor carrier safety regulations, as such regulations existed
on January 1, 2020, and federal hazardous materials regulations, as
such regulations existed on January 1, 2020, and is authorized to
enter upon, inspect, and examine any and all lands, buildings, and
equipment of any motor carrier, any shipper, and any other person subject
to the federal Interstate Commerce Act, the federal Department of
Transportation Act, and other related federal laws and to inspect and
copy any and all accounts, books, records, memoranda, correspondence, and
other documents of a motor carrier, a shipper, and any other person
subject to Chapter 75, article 3, for the purposes of enforcing Chapter
75, article 3. To promote uniformity of enforcement, the carrier
enforcement division of the Nebraska State Patrol shall cooperate and
consult with the Public Service Commission and the Division of Motor
Carrier Services.

Sec. 31. Section 75-392, Revised Statutes Supplement, 2019, is
amended to read:

75-392 For purposes of sections 75-392 to 75-399:

(1) Director means the Director of Motor Vehicles;

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

(3) Unified carrier registration plan and agreement means the plan
    and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
    such section existed on January 1, 2020 2019.

Sec. 32. Section 75-393, Revised Statutes Supplement, 2019, is
amended to read:

75-393 The director may participate in the unified carrier
registration plan and agreement pursuant to the Unified Carrier
Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
1, 2020 2019, and may file on behalf of this state the plan required by
such plan and agreement for enforcement of the act in this state.

Sec. 33. Original sections 38-129 and 75-362, Reissue Revised
Statutes of Nebraska, sections 4-111, 60-192, 60-484.04, 60-484.05,
60-4,138, 60-4,141, and 60-4,168, Revised Statutes Cumulative Supplement,
2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386,
60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132,
60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01,
75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement,
2019, are repealed.