

COMMITTEE
ON
TRANSPORTATION & TELECOMMUNICATIONS

One Hundred Third Legislature

First Session – 2013

Members of Committee

- Senator Annette Dubas, Chair.....Fullerton – 34th District
- Senator Jim Smith, Vice Chair.....Papillion – 14th District
- Senator Galen Hadley.....Kearney - 37th District
- Senator Scott PriceBellevue – 3rd District
- Senator Beau McCoy.....Omaha – 39th District
- Senator Dan WatermeierSyracuse – 1st District
- Senator Lydia BraschBancroft – 16th District
- Senator Charlie Janssen.....Fremont – 15th District

Committee Staff

- Committee CounselJoselyn Luedtke
- Committee Clerk.....Anne Hajek

TABLE OF CONTENTS

BILLS REFERRED TO TRANSPORTATION & TELECOMMUNICATIONS COMMITTEE

2013 BILLS	4
SUMMARY OF 2013 LEGISLATION	
APPROVED BY THE GOVERNOR	7
LB 30	7
LB 32	7
LB 35	8
LB 93	8
LB 117	9
LB 154	10
LB 158	10
LB 164	11
LB 165	11
LB 207	12
LB 223	12
LB 250	13
LB 386	13
LB 398	14
LB 500	14
LB 545	15
LB 589	16
LB 595	17
LB 623	18
FINAL READING.....	NONE
SELECT FILE	NONE
GENERAL FILE	19
LB 174	19
LB 249	19
LB 383	20
LB 393	21
LB 399	21
LB 446	22
INDEFINITELY POSTPONED.....	23
LB 85	23
LB 387	23

LB 617	23
LB 624	24
LB 649	24
LB 650	24
HELD IN COMMITTEE	25
LB 10	25
LB 11	25
LB 83	25
LB 84	25
LB 118	25
LB 181	25
LB 189	25
LB 258	25
LB 351	25
LB 358	25
LB 378	25
LB 445	25
LB 453	25
LB 548	25
LB 596	25
LEGISLATIVE RESOLUTIONS	NONE
INTERIM STUDY RESOLUTIONS	26

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

**2013 BILLS REFERRED TO THE
TRANSPORTATION & TELECOMMUNICATIONS
COMMITTEE**

<i>LB</i>	<i>INTRODUCER</i>	<i>ONELINER</i>	<i>STATUS</i>
10	Krist	Change and eliminate provisions relating to occupant protection systems	In Committee
11	Krist	Change provisions relating to surcharges for 911 service	In Committee
30	Hadley	Change distribution of motor vehicle certificate of title fees	Governor Approved
32	Hadley	Change provisions relating to historical vehicle license plates	Governor Approved
35	Hadley	Adopt and update references to certain federal provisions related to motor vehicles	Governor Approved
83	Schumacher	Change requirements for use of turn signals	In Committee
84	Schumacher	Change provisions relating to the operation of utility-type vehicles	In Committee
85	Schumacher	Authorize vehicular traffic weighing less than one thousand pounds to proceed through a traffic light after stopping	Indefinitely Postponed
93	Dubas (T&T Priority)	Provide for notation of veteran status on drivers' licenses and state identification cards and provide for a registry of veterans	Governor Approved
117	Harms	Change provisions relating to permits for overweight vehicles	Governor Approved
118	Harms	Change texting enforcement provisions	In Committee
154	Dubas	Redefine road assistance vehicle relating to drivers' duties to move over	Governor Approved
158	Seiler (T&T Priority)	Change provisions relating to eligibility for and use of ignition interlock devices	Governor Approved
164	Dubas	Change motor vehicle auction provisions	Governor Approved
165	Dubas	Change provisions relating to motor vehicle dealer warranty service	Governor Approved
174	Mello	Change provisions relating to vehicle load contents and spillage	General File
181	Avery	Prohibit motorcycle passengers less than eight years old	In Committee
189	Harms	Change provisions and penalties relating to occupant protection systems	In Committee
207	McCoy	Change motor vehicle registration provisions	Governor Approved
223	Janssen	Redefine utility-type vehicles	Governor Approved
249	Dubas	Change motor vehicle provisions relating to farm vehicles and drivers transporting agricultural commodities or farm supplies	General File

250	Dubas	Change motor vehicle provisions relating to issuance of trip permits	Governor Approved
258	Sullivan	Prohibit use of certain wireless devices by school bus drivers as prescribed	In Committee
351	Harms	Require cognitive tests for persons eighty years of age or older obtaining motor vehicle operator's licenses	In Committee
358	Dubas	Redefine excavation for purposes of the One-Call Notification System Act	In Committee
378	Smith	Eliminate fees for the issuance of certain license plates	In Committee
383	Janssen	Provide for Nebraska Armed Forces Pride Plates	General File
386	Christensen	Require notice of road maintenance by counties as prescribed	Governor Approved
387	Christensen	Eliminate provisions relating to constructing drainage facilities and taking other control measures on public roads	Indefinitely Postponed
393	Bloomfield (Bloomfield priority)	Change helmet and eye protection provisions regarding motorcycles	General File
398	Brasch	Change provisions and penalties relating to certain excessively loaded vehicles	Governor Approved
399	Lautenbaugh	Permit members of certain organizations to use flashing amber lights on motor vehicles	General File
445	Karpisek	Provide funding to the Department of Motor Vehicles to purchase a vehicle titling and registration computer system	In Committee
446	Avery	Define the term flood damage for purposes of the Motor Vehicle Certificate of Title Act	General File
453	Karpisek	Change provisions relating to motor vehicle headlights	In Committee
500	Brasch	Change school bus operation provisions	Governor Approved
545	Dubas	Change Public Service Commission appeal procedures	Governor Approved
548	Schilz	Change a length exception for semitrailers transporting baled livestock forage	In Committee
589	Watermeier	Change provisions of the One-Call Notification System Act	Governor Approved
595	Price (Price priority)	Provide for a Public Service Commission study of next-generation 911	Governor Approved
596	Price	Change provisions relating to specialty license plates and Purple Heart license plates	In Committee
617	Schumacher	Change provisions of the Nebraska Telecommunications Universal Service Fund Act	Indefinitely Postponed
623	Price	Change provisions relating to bridge construction and road improvements	Governor Approved
624	Pirsch	Provide for fees for copies of motor vehicle accident reports	Indefinitely Postponed

644	Davis	Adopt the Contract Carrier Safety Act	Withdrawn
649	Karpisek	Change certain penalties relating to operating a motor vehicle during a revocation period and tampering with an ignition interlock device	Indefinitely Postponed
650	Karpisek	Include asphalt crack filler trailers in the definition of trailer under the Motor Vehicle Registration Act	Indefinitely Postponed

SUMMARY OF 2013 LEGISLATION

APPROVED BY THE GOVERNOR

LB	INTRODUCER	ONELINER
30	HADLEY	Change distribution of motor vehicle certificate of title fees
<p><i>Effective date February 15, 2013</i></p> <p>The bill corrects statutory changes enacted by a major recodification of the Motor Vehicle Certificate of Title Act in 2005, which incorrectly designated the cash funds into which motor vehicle title fees were to be deposited. A cleanup bill in 2012, LB751, inadvertently omitted some sections directing the deposit of motor vehicle title fees into various cash funds.</p> <p>Section 1: Amends section 60-155(2), which allocates fees received by the department for notation of liens, by moving \$4 of each \$7 fee to the Department of Motor Vehicles Cash Fund from the Motor Carrier Division Cash Fund.</p> <p>Section 2: Amends section 60-156(2), which allocates fees collected by the department from issuance of duplicate certificates of title, by moving \$4 of each \$14 fee to the Department of Motor Vehicles Cash Fund from the Motor Carrier Division Cash Fund.</p> <p>Section 3: Repealer.</p> <p>Section 4: Emergency clause.</p>		

LB	INTRODUCER	ONELINER
32	HADLEY	Change provisions relating to historical vehicle license plates
<p><i>Effective date September 6, 2013</i></p> <p>LB32 updates 60-3,130.04(4) of the Motor Vehicle Registration Act, based on the passage of LB216 (2012), which created the special interest license plate. The clarification is requested by the Department of Motor Vehicles to ensure these plates are exempt from use on historical vehicles.</p> <p>Section 1: Amends 60-3,130.04(4) to add “or special interest motor vehicle license plates.” to the list of plates disallowed for use as historic plates.</p> <p>Section 2: Repeals original sections.</p>		

LB	INTRODUCER	ONELINER
35	HADLEY	Adopt and update references to certain federal provisions related to motor vehicles
<p><i>Effective date September 6, 2013</i></p> <p>The bill is an annual updating of dates and titles that reference federal law or interstate agreements in the motor vehicle statutes. These updates are necessary for Nebraska to remain in compliance with federal law.</p> <p>Section 1: Amends 60-3,113.04(2), regarding handicapped or disabled parking permits, to update statutes to comply with newest version of Federal law.</p> <p>Section 2: Amends 60-3,193.01, codifying the International Registration Plan, to update the date to comply with the newest version of Federal law.</p> <p>Section 3: Amends 60-462.01 of the Motor Vehicle Operators' License Act, which adopts Federal regulations, to update the date to comply with the newest version of Federal law.</p> <p>Section 4: Amends 60-479.01(2) & (4), of the Motor Vehicle Operators' License Act, regarding fraud prevention, to update the date to comply with the newest version of Federal law.</p> <p>Section 5: Amends 60-4,147.02, of the Motor Vehicle Operators' License Act, which implements the USA PATRIOT Act requirements, to update the date to comply with the newest version of Federal law.</p> <p>Section 6: Amends 75-363(1), (3)(a) thru (1), (4), (6), (8), (9), & (10), which adopts federal motor carrier safety regulations, to update the titles and dates to comply with the newest version of Federal law.</p> <p>Section 7: Amends 75-364, sections (1) & (2), which adopts federal motor carrier regulations as part of Nebraska law, to update dates and titles to comply with the newest version of Federal law.</p> <p>Section 8: Amends 75-366, which gives Nebraska State Patrol the authority to enforce the federal motor carrier safety regulations, to update dates and titles to comply with the newest version of Federal law.</p> <p>Section 9: Amends 75-393, regarding the Unified Carrier Registration Plan and Agreement, to update dates and titles to comply with the newest version of Federal law.</p> <p>Section 10: Repealer.</p>		

LB	INTRODUCER	ONELINER
93	Dubas	Provide for notation of veteran status on drivers' licenses and state identification cards and provide for a registry of veterans
<p><i>Effective date September 6, 2013 except sections 1, 2, 3, 4, 5, and 8 become operative July 1, 2014</i></p> <p>LB93 allows the Department of Motor Vehicles to design a designation of "Veteran" on the driver's license or state identification card of eligible Veterans wishing to add the designation. The designation enables the public to give thanks to veterans for their service, verifies their</p>		

status for the thousands of retailers who give discounts to veterans, and could help identify former service members with Post Traumatic Stress Disorder or who are in need of Veteran specific services.

Amends the Motor Vehicle Operator's License Act to allow operator's licenses or state ID cards to include the word "veteran" if the applicant meets the requirements set in the bill. Allows the notation to continue at the time of license or card renewal. Allows the notation to be added on a replacement license or card. Allows the Department of Motor Vehicles to designate by rule and regulation the discharge papers for proving veteran status.

Section 1: Amends 60-462 of the Motor Vehicle Operator's License Act to add section 4.

Section 2: Amends 60-479 of the Motor Vehicle Operator's License Act to add section 4.

Section 3: Amends 60-484(1)(c)(v), which applies prior to January 1, 2014, adds an optional question to an applicant for an operator's license or state ID card asking if they wish to have the word "veteran" displayed on their license. Adds subsection (g) to require those who wish to have the word "veteran" displayed on the front of their license to comply with section 4. Amends 60-484(2)(c)(iv), which applies after January 1, 2014, adds an optional question to an applicant for an operator's license or state ID card asking if they wish to have the word "veteran" displayed on their license. Adds subsection (g) to require those who wish to have the word "veteran" displayed on the front of their license to comply with section 4.

Section 4: Subsection (1) Allows operator's licenses or state id cards to include the word "veteran" if the applicant meets the requirements set in the bill. (2) Allows the notation to continue at the time of license or card renewal. (3) Allows the notation to be added on a replacement license or card. (4) Allows the Department of Motor Vehicles to designate by rule and regulation the discharge papers for proving veteran status.

LB	INTRODUCER	ONELINER
117	HARMS	Change provisions relating to permits for overweight vehicles

Effective date September 6, 2013

LB117 amends 60-6,298(7)(b), the size, weight, and load provisions in the Nebraska Rules of the Road, to extend the amount of time, from 120 to 150 days, drivers can obtain overweight permits when carrying grain or seasonally harvested products from the field or stockpile to market when failure to move would cause an economic loss. The industry most affected by the date limitations are sugar beet farmers. An extension to 210 days was attempted in 2011, but put Nebraska out of compliance with Federal law. Since then, the Department of Roads has worked with the Federal Highway Administration to come to a compromise of 150 days. The bill changes the number of times a permit can be renewed from three to four times, and extends the total days a permit is valid from 120 to 150 days.

Section 1: amends 60-6,298(7)(b) to extend the number of times an overweight permit may be issued from three to four times, and the number of days from 120 to 150 days per calendar year.

Section 2: repeals the original section.

LB	INTRODUCER	ONELINER
154	DUBAS	Redefine road assistance vehicle relating to drivers' duties to move over
<p><i>Effective date September 6, 2013</i></p> <p>Adds "utility vehicles" to the definition of roadside assistance vehicle for purposes of exercising due care and caution and yielding the right of way when approaching certain vehicles with flashing lights.</p> <p>Section 1: Amends 60-6,378(5) of the Rules of the Road regarding emergency vehicle or road assistance vehicles to add utility service vehicles to the definition of road assistance vehicle.</p> <p>Section 2: Repeals original sections.</p>		

LB	INTRODUCER	ONELINER
158	SEILER	Change provisions relating to eligibility for and use of ignition interlock devices
<p><i>Effective date July 1, 2013</i></p> <p>LB158 was requested by the Department of Roads to ensure Nebraska is in compliance with the new Federal Highway law, MAP-21. Under provisions of MAP-21 state's second offense driving under the influence (DUI) laws must require either a 1 year revocation of the driver's license or at least one year of ignition interlock. Under current statute, Nebraska law requires a 45-day no drive period and ignition interlock for the remainder of one year. States whose DUI laws do not meet this criteria will have 2.5% (\$6.2 million in Nebraska) of National Highway Performance Program and Surface Transportation Program funds redirected to mandatory safety programs.</p> <p>Section by Section description of AM 470 to LB 158:</p> <p>Section 1: amends section 60-6,197.01(1)(b), alcohol and drug violation provisions of the Nebraska Rules of the Road for first time and subsequent offenses of DUI violations. Strikes "the remainder of" a one year period to ensure ignition interlock devices are ordered for at least one year, as required under Federal law. Adds language to ensure a license will not be reinstated prior to the period of ignition interlock.</p> <p>Section 2: amends 60-6,197.03(3) alcohol and drug violation provisions of the Nebraska Rules of the Road for second offenses of DUI violations, to increase the license revocation period to 18 months, strikes "the remainder of" a one year period to ensure ignition interlock devices are ordered for at least one year, as required under Federal law. Adds language to ensure a license will not be reinstated prior to the period of ignition interlock. Adds the same language to the probation section of the statute. Amends 60-6,197.03(5) to add the similar language for second offense, for aggravated cases, or for refusal to submit to a test and for the probation section of the statute.</p>		

Section 3: creates an operative date of July 1, 2013.

Section 4: repeals original sections.

Section 5: adds an emergency clause.

LB	INTRODUCER	ONELINER
164	DUBAS	Change motor vehicle auction provisions
<p><i>Effective date September 6, 2013</i></p> <p>Clarifies statutes to bring current practices of auto dealers into statute. Dealers with a strong online presence hold private dealer auctions once per month to dispose of excess inventory, but current Nebraska law, 60-1401.04, limits them to 2 auctions per year without obtaining a motor vehicle auction dealer's license. This change would allow licensed dealers to offer used vehicles to other licensed dealers at an auction, as needed throughout the year, in accordance with the statute.</p> <p>Section 1: amends section 60-1403.01 of the Motor Vehicle Industry Licensing Act to clarify that registration is not necessary for the type of auction outlined in the bill.</p> <p>Section 2: amends 60-1417.02 to create an exemption to the auction dealer registration requirement for licensed motor vehicle dealers to hold an auction of excess inventory if the auction conforms to these requirements: the auction must be held on the premises of the dealer, only used cars, trailers or manufactured homes may be auctioned, only motor vehicle dealers licensed in Nebraska may buy at the auction, no vehicles may be sold on consignment, and no vehicles may be sold to the public.</p> <p>Section 3: repeals original sections.</p>		

LB	INTRODUCER	ONELINER
165	DUBAS	Change provisions relating to motor vehicle dealer warranty service
<p><i>Effective date September 6, 2013</i></p> <p>LB165 amends 60-1438(2)(a) of the Motor Vehicle Industry Licensing Act, which sets the schedule of compensation for new motor vehicle dealers for warranty service required by manufacturers. Currently the statute lays out a formula to determine compensation, including diagnostic work, repair service, parts, labor, and the prevailing wage rates being paid by dealers in the community, but excludes routine maintenance, such as oil and fluid changes. Some motor vehicle manufacturers are requiring their dealers to include tire replacement in the calculation of compensation for warranty work, which in effect lowers the compensation dealers receive for warranty work. The bill adds "tire repair or replacement" to the list of routine maintenance examples.</p> <p>Section 1: adds "tire repair or replacement" to 60-1438(2)(a).</p>		

Section 2: repeals the original section.

LB	INTRODUCER	ONELINER
207	MCCOY	Change motor vehicle registration provisions
<p><i>Effective date October 1, 2013</i></p> <p>LB207 proposes to centralize motor vehicle registration renewal notices within the Department of Motor Vehicles. The purpose of the bill is to avoid increasing costs to the DMV and counties in providing renewal notices to the public. The fee allocation to the counties is reduced by \$0.50 and the allocation to the DMV Cash Fund is increased by \$0.50 to account for the shift in staff time and resources. In delivering license plates, registration certificates, or validation decals by mail, counties may not charge more than necessary to cover the cost of postage and handling. Allows the DMV to access the National Change of Address database to ensure mailings reach the intended recipient.</p> <p>Section 1: amends 60-386, strikes language allowing the DMV to prescribe a form for counties to use for renewals, adds language requiring the DMV to give notice.</p> <p>Section 2: amends 60-3,141(2) to decrease the county portion of the registration fee by .50 cents. Adds section 60-3,141(4) to limit the shipping and handling charged by the county treasurer for mailing license plates, registration certificates, or validation decals to not more than necessary to recover the costs of postage and handling.</p> <p>Section 3: amends 60-3,156 to increase the DMV Cash Fund portion of the registration fee by .50 cents.</p> <p>Section 4: amends 60-3,186 to require the DMV, instead of the county treasurer, to determine the motor vehicle tax and deliver notice to each registrant. Allows the DMV to access the National Change of Address program and to deliver notice by email.</p> <p>Section 5: amends 60-3,190(2) to require the DMV, instead of the county treasurer, to determine the motor vehicle fee and deliver notice to each registrant.</p> <p>Section 6: amends 60-1515(2)(b) stating Legislative intent to fund the centralization of motor vehicle registration renewal notices.</p> <p>Section 7: creates an operative date of October 1, 2013.</p> <p>Section 8: repeals original sections.</p>		

LB	INTRODUCER	ONELINER
223	JANSSEN	Redefine utility-type vehicles
<p><i>Effective date September 6, 2013</i></p> <p>Redefines "utility-type vehicle" to accommodate new 4 passenger models being manufactured that are slightly longer than what was produced when the law was originally passed in 2010. Increases the length of vehicles allowable under the definition of "utility-type" from 135 inches to 180 inches.</p>		

Section 1: amends 60-135.01 of the Motor Vehicle Certificate of Title Act, changing the definition of "utility-type vehicle" to a length of 180 inches from 135 inches.
Section 2: amends 60-358.01 of the Motor Vehicle Registration Act, changing the definition of "utility-type vehicle" to a length of 180 inches from 135 inches.
Section 3: amends 60-6,355(1)(b)(i) of the Nebraska Rules of the Road, changing the definition of "utility-type vehicle" to a length of 180 inches from 135 inches.
Section 4: repeals original sections.

LB	INTRODUCER	ONELINER
250	DUBAS	Change motor vehicle provisions relating to issuance of trip permits
<p><i>Effective date September 6, 2013</i></p> <p>LB 250 allows the Department of Motor Vehicles (DMV) to begin creating an online process for issuing trip permits, which will reduce accounting time and errors, reduce fraud, improve veracity of audits, and be accessible roadside to Nebraska State Patrol (NSP) Carrier Enforcement. Currently the NSP acts as an agent of the DMV in issuing and managing a paper-based system. The bill requires drivers to purchase their trip permits prior to entering the state.</p> <p>Section 1: amends 60-3,198, of the Motor Vehicle Registration Act that allows fleet operators to purchase trip permits rather than be a member of the International Registration Plan (IRP), requires trip permits to be purchased online prior to entering the state, after a date designated by the Director of the DMV. Permits are valid for 72 hours. Sets the fee collected by the DMV to be \$25, and remitted to the Highway Cash Fund. Section 2: amends 66-1418, of the International Fuel Tax Agreement Act (IFTA), and requires motor carriers who are not members of IFTA to purchase trip permits online prior to entering the state, after a date designated by the Director of the DMV. Permits are valid for 72 hours. Sets the fee collected by the DMV to be \$20, and remitted to the Highway Cash Fund. Section 3: Repeals original sections.</p>		

LB	INTRODUCER	ONELINER
386	CHRISTENSEN	Require notice of road maintenance by counties as prescribed
<p><i>Effective date September 6, 2013</i></p> <p>LB386 adds a notice provision to 39-1802 and clarifies the process counties use to construct, maintain, and improve drainage facilities on public roads to protect private property owners' interests.</p>		

AM275 adds an exemption to the notice requirement in case of emergency or threat to public health, safety, or welfare.

Section 1: amends 39-1802, which deals with County Roads and Maintenance of Highways and Bridges. Replaces "any person acting in the county board's behalf" with "road overseer". Adds requirement for the county board or road overseer to make a record of the condition of the premises at the time of entry upon the premises or a record of any claimed encroachment of the road right-of-way that can be used in the event of damages to private property. Clarifies the county board pays damages to the record owner. Adds requirement for the county board or road overseer to give notice of its intention to enter upon private property. Upon notice the record owner shall have 5 days to respond.

Section 2: repeals original section.

LB	INTRODUCER	ONELINER
398	BRASCH	Change provisions and penalties relating to certain excessively loaded vehicles

Effective date September 6, 2013

LB398 amends 60-6,300, the gross vehicle weight registration provisions of the Rules of the Road statutes. The Nebraska State Patrol requested the change in response to a Nebraska Supreme Court ruling, *State v. Halverstadt*, 282 Neb. 736 (2011), which interpreted the statute to allow citations only to the owner of the vehicle. The State Patrol had been issuing citations to drivers acting as an agent of the owner. Since the ruling the State Patrol's enforcement ability of the gross vehicle weight registration law has been significantly diminished.

In practice, the owner of the vehicle is not always the operator and the operator is not always responsible for the gross vehicle weight registration of the vehicle.

The bill changes language from "any owner" of such vehicle to "any person operating" and allows a civil penalty to the owner of the vehicle in lieu of a citation to the driver.

Section 1: amends 60-6,300 to clarify when 60-6,298 applies, and strikes "owner of" language and inserts "any person operating" a qualifying overweight vehicle. Adds subsection (b) to allow the State Patrol to either issue a citation to the driver or assess a civil penalty on the owner of the overweight vehicle.

Section 2: repeals original statute.

LB	INTRODUCER	ONELINER
500	BRASCH	Change school bus operation provisions

Effective date September 6, 2013

Amends 60-6,175(3) dealing with special stops under the Rules of the Road, to restrict the requirement for a school bus to stop to pick up children only if they have 400 feet of clear

vision in each direction of travel, unless there is a posted sign, to school buses stopped outside the city or village limits or on the state highway within a city or village.

Section 1: Amends 60-6,175(3) dealing with special stops under the Rules of the Road, to restrict the requirement for a school bus to stop to pick up children only if they have 400 feet of clear vision in each direction of travel, unless there is a posted sign, to school buses stopped outside the city or village limits or on the state highway within a city or village.

Section 2: Repeals original section.

LB	INTRODUCER	ONELINER
545	DUBAS	Change Public Service Commission appeal procedures
<p><i>Effective date September 6, 2013</i></p> <p>LB545 changes the process for appeals to final orders of the Public Service Commission. Under the bill appeals are filed in the Court of Appeals instead of the District Court as currently required under the Administrative Procedures Act. The change is made to save time and money for both the Commission and the participants in the proceedings. The Court of Appeals will review the Commission's decision for arbitrary and capriciousness, whereas the District Court conducted a de novo review, which was costly and time consuming considering the often highly technical subject matter.</p> <p>The amendment becomes the bill. AM422 takes into consideration issues the natural gas industry raised during negotiations, and corrects dates and titles from last year's draft.</p> <p>Section by Section description of AM422 to LB545</p> <p>Section 1: amends 57-1409 of the Major Oil Pipeline Siting Act to strike "Administrative Procedures Act" and add "section 75-136".</p> <p>Section 2: amends 71-1567 of the Nebraska Uniform Standards for Modular Housing Units Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.</p> <p>Section 3: amends 71-4609 of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles to strike the requirements that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.</p> <p>Section 4: amends 75-134(2) of the Public Service Commission statutes to allow the commission to make orders effective at an "alternate" date rather than a "later" date. Strikes language referencing orders under 84-917, adds reference to orders by the commission or the Court of Appeals. Creates a new subsection (4) to automatically stay rate orders under the State Natural Gas Regulation Act pending resolution of the appeal.</p> <p>Section 5: amends 75-136 of the Public Service Commission statutes to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be taken in the same manner as appeals from the District Court. Adds process to perfect a filing. Adds language to advance rate order appeals.</p> <p>Section 6: amends 75-139 of the Public Service Commission statutes to exempt Natural Gas Regulation Act rate orders from the standard effective dates.</p>		

Section 7: adds new section. Orders of the commission, except Natural Gas Regulation Act rate orders, may be reconsidered within 10 business days after the effective date of the order. Adds language to suspend the time for filing a notice of intention to appeal pending resolution of a motion to reconsider. The Commission has sixty days to dispose of such a motion or the motion is deemed denied.

Creates a new process for Natural Gas Regulation Act rate orders, allowing parties to file a motion for reconsideration within 30 days and may file an appeal 30 days after the order. The motion for reconsideration stays the order until the earlier of the date the commission enters an order resolving the motion, or 120 days from the date of the original order.

Section 8: amends 75-156(6), the penalties section of the Public Service Commission statutes, to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 9: amends 75-722, the transmission lines section of the Public Service Commission statutes, requiring appeals be made in accordance 75-136.

Section 10: amends 86-123 of the Nebraska Telecommunications Regulation Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 11: amends 86-158 of the Nebraska Telecommunications Regulation Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 12: amends 86-209 of the Telephone Consumer Slamming Prevention Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 13: amends 86-255 of the Automatic Dialing-Announcing Devices Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 14: amends 86-269(4) of the Intrastate Pay-Per-Call Regulation Act to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 15: amends 86-578, regarding dark fiber, to strike the requirement that appeals be made in accordance with the Administrative Procedures Act, and add language for appeals to be done under section 75-136.

Section 16: clarifies that section 7 will be assigned to Chapter 75, article 1.

Section 17: repeals original sections.

LB	INTRODUCER	ONELINER
589	WATERMEIER	Change provisions of the One-Call Notification System Act
<p><i>Effective date May 8, 2013</i></p> <p>Clarifies notification provisions for natural gas utility operators under the One-Call Notification System Act. Defines bar test survey. Amends 76-2329 to add a new section to exclude bar test surveys from 76-2321, the requirement to give notice to all utilities, and 76-2323, the requirement to mark locations of underground facilities. Adds a new section to</p>		

exclude excavation performed by natural gas operators due to an emergency from the notification requirement.
Exempts the operator from civil liabilities as laid out in 76-2325. Operators will still be strictly liable for damages to other utility lines.

Section 1: Amends 76-2301 of the One-Call Notification System Act to add section 3 of this bill.

Section 2: Amends 76-2303, the definitions of the One-Call Notification System Act to add section 3 of this bill.

Section 3: Adds new language to define a “bar test survey”.

Section 4: Amends 76-2329 to add a new section to exclude bar test surveys from 76-2321, the requirement to give notice to all utilities, and 76-2323, the requirement to mark locations of underground facilities. Adds a new section to exclude excavation due to an emergency performed by natural gas operators from the notification requirement. Exempts the operator from civil liabilities as laid out in 76-2325.

Section 5: Repeals original sections.

Section 6: Emergency clause.

LB	INTRODUCER	ONELINER
595	PRICE	Provide for a Public Service Commission study of next-generation 911

Effective date May 8, 2013

LB595 gives the Public Service Commission authority to study Next-generation 911. The bill amends the Enhanced Wireless 911 Services Act to define Next-generation 911, to add Legislative findings that consideration of upgrades to emergency telephone communications is warranted, to authorize the Commission to conduct a study based on criteria, and to allow the use of the Enhanced Wireless 911 Fund for the study.

Section 1: Amends 86-442 to add new sections to the Enhanced Wireless 911 Services Act.

Section 2: Amends 86-443 to add definitions to the Enhanced Wireless 911 Services Act.

Section 3: Legislative findings.

Section 4: Defines Next-generation 911.

Section 5: Directs the Public Service Commission to use Enhanced Wireless 911 Funds to study statewide implementation of next-generation 911. The study shall include but is not limited to:

- a. Current statutes and regulations
- b. Current system of E-911
- c. Developments at the Federal level
- d. Entities involved in implementation of next-generation 911
- e. Future or ongoing plans for implementation of next-generation 911
- f. What other states are doing
- g. other issues

Section 6: Amends 86-465 to allow the fund to be used for costs associated with the study.

Section 7: Repeals original sections.

AM695 clarifies the authority of the Public Service Commission and criteria for the study.

LB	INTRODUCER	ONELINER
623	PRICE	Change provisions relating to bridge construction and road improvements

Effective date September 6, 2013

Increases dollar limits for county bridge construction and road improvement projects exempt from the formal bidding requirement, from \$60,000 to \$150,000. Increases dollar limits for county bridge construction and road improvement materials exempt from the formal bidding requirement, from \$10,000 to \$20,000.

AM518 to LB623 strikes "fifty" lowering the \$150,000 limit to \$100,000.

GENERAL FILE

LB	INTRODUCER	ONELINER
174	MELLO	Change provisions relating to vehicle load contents and spillage
<p>The bill amends 60-6,304, the size, weight, and load provisions in the Nebraska Rules of the Road, to increase the minimum fine for manure spills within corporate limits of a city of the metropolitan class, from \$100 to \$250.</p> <p>Section 1: amends 60-6,304 to reorganize and add an exception for the new subsection (2). Adds subsection (2) to prohibit any person from spilling manure or urine, from the vehicle that contained livestock, on any highway within the city limits of a metropolitan class city. Penalty is a class IV misdemeanor with a minimum fine of at least \$250.</p> <p>Section 2: repeals original section.</p>		

LB	INTRODUCER	ONELINER
249	DUBAS	Change motor vehicle provisions relating to farm vehicles and drivers transporting agricultural commodities or farm supplies
<p>LB249 updates Nebraska's Motor Vehicle Operator's License Act to comply with the new federal-aid highway reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21) which became effective October 2012.</p> <p>States have up to three years to amend their safety regulations to conform to revised regulations that will be implemented by the Federal Motor Carrier Safety Administration under MAP-21. LB249 implements the covered farm vehicle exemptions to commercial driver's license (CDL) requirements to provide regulatory relief to the state's agricultural industry and ensure ease of travel in interstate commerce. The bill also adds exemptions to hours of service requirements for CDL holders transporting ag commodities and farm supplies to a farm or retail distribution point from a wholesale or retail distribution point or source of commodities, within a 150 air mile radius from the source, during the planting and harvesting season.</p> <p>Section 1: amends 60-462 to add section 4 of the bill to the Motor Vehicle Operator's License Act.</p> <p>Section 2: amends 60-463 to add definitions from section 4 of the bill to the Motor Vehicle Operator's License Act.</p> <p>Section 3: strikes language in 60-465(2) to reflect the new definition of "covered farm vehicle".</p> <p>Section 4: adds a definition of "covered farm vehicle" as per MAP-21.</p> <p>Section 5: amends 75-362, which adopts Federal regulation definitions, to add the definitions of "covered farm vehicle" and "planting and harvesting season".</p> <p>Section 6: amends 75-363, which adopts federal motor carrier safety regulations and provides exceptions, to exempt covered farm vehicles from Controlled Substances and Alcohol Use and</p>		

Testing, Physical Qualifications and Examinations, Hours of Service, and Inspection, Repair, and Maintenance requirements.

Hours of Service of Drivers requirements are amended for those required to hold CDL's, transporting agricultural commodities or farm supplies within a 150 mile radius of the farm or distribution point during planting and harvesting season.

Section 7: amends 75-364 to update a date to comply with MAP-21.

Section 8: amends 75-366 to update dates to comply with MAP-21.

Section 9: repeals original sections.

Section 10: declares an emergency.

LB	INTRODUCER	ONELINER
383	JANSSEN	Provide for Nebraska Armed Forces Pride Plates
<p>LB383 creates the Armed Forces Pride license plate, a specialty plate available for purchase when registering a vehicle by a current or former member of the military or their spouse.</p> <p>AM1169 creates the Military Honor license plate, allows the Department of Veterans' Affairs to maintain the registry created in LB93 (2013) to assist the Department of Motor Vehicles (DMV) in determining eligibility for the plate, and exempts Prisoner of War and Purple Heart plates from the additional \$5 fee, which goes to the Nebraska Veterans' Cemetery System Operation Fund.</p> <p>In order to use the copyrighted emblems from the different service branches, those branches require verification that only current or former members are using the emblems. To aid the DMV in verifying such status, the Department of Veterans' Affairs will create and maintain a database of eligible members. Current or former service members desiring a Military Honor license plate will be required to first register with the Department of Veterans' Affairs database prior to applying for the specialized license plate.</p> <p>The amendment replaces the bill.</p> <p>Section by Section description:</p> <p>Section 1: amends 60-301 of the Motor Vehicle Registration Act to add sections 9 & 10 of this bill.</p> <p>Section 2: amends 60-393 regarding multiple vehicle registration, to add section 10 of this bill.</p> <p>Section 3: amends 60-395 regarding refunds or credit of fees for registration to add section 10 of this bill.</p> <p>Section 4: amends 60-396 regarding credit of fees for vehicles removed from service to add section 10 of this act.</p> <p>Section 5: amends 60-3,104 to add a type of license plate, Military Honor Plates.</p> <p>Section 6: amends 60-3,123 regarding Prisoner of war plates, to remove the additional \$5 fee.</p> <p>Section 7: amends 60-3,125 regarding Purple Heart plates, to remove the additional \$5 fee.</p> <p>Section 8: amends 60-3,130.04 to add Military Honor Plates to the list of exempted plates for historical vehicles.</p> <p>Section 9: adds new language directing the DMV to design Military Honor license plates to honor persons serving or who have served in the United States Army, Navy, Marine Corps, Coast Guard, Air Force, or National Guard. Allows the DMV to make rules and regulations. Allows for alphanumeric or personalized message plates.</p>		

Section 10: adds new language to allow eligible Nebraskans to apply for Military Honor Plates beginning January 2, 2015. Requires anyone using Military Honor Plates to surrender the plates if they become ineligible (i.e., become dishonorably discharged). Contains the additional fee for alphanumeric plates of \$5 for credit to the Nebraska Veteran Cemetery System Operation Fund. The fee for the personalized plates is \$40 of which 75%, or \$30, is credited to the Veteran Cemetery System Operation Fund and 25%, or \$10, is credited to the DMV Cash Fund. Lost, stolen, or mutilated plates are replaced upon request without charge. Provides that plates are transferable. Allows for transfer of funds from the Nebraska Veteran Cemetery System Operation Fund to the Highway Trust Fund in the event the cost of manufacturing the plates exceeds the amount charged. Allows the Director of the DMV to cancel plates and registration in the event of fraud in application for Military Honor Plates.

Section 11: adds new language to allow the Department of Veterans' Affairs to create and maintain a registry to aid the DMV in verifying eligibility for Military Honor Plates. Allows the DMV to make rules and regulations.

Section 12: repeals original sections.

LB	INTRODUCER	ONELINER
393	BLOOMFIELD	Change helmet and eye protection provisions regarding motorcycles
<p>Amends 60-6,279 of the Helmets section of the Nebraska Rules of the Road, to require eye protection by operators of motorcycles or mopeds on highways, to exempt persons over the age of 21 from the helmet requirement, to define eye protection, and to require the words "helmet not required" be printed on the license of those exempt from the helmet requirement.</p> <p>AM640 becomes the bill.</p> <p>Section 1: amends 60-6,279 of the Helmets section of the Nebraska Rules of the Road to require eye protection by operators of motorcycles or mopeds on highways, to exempt persons over the age of 21 from the helmet requirement, and to define eye protection.</p> <p>Section 2: amends 60-6,307, special rules for motorcycles, to disallow the carrying of passengers under 48 inches tall unless the passenger is 16 years of age or older.</p>		

LB	INTRODUCER	ONELINER
399	LAUTENBAUGH	Permit members of certain organizations to use flashing amber lights on motor vehicles
<p>Allows volunteers of public safety or crime prevention organizations to use rotating or flashing amber lights on any motor vehicle, as authorized by law enforcement.</p> <p>Section 1: amends 60-6,232, the Lighting and Warning Equipment section of the Rules of the Road, to add volunteer members of a public safety or crime prevention organization, as authorized by sheriff, police department or other law enforcement agency, to the list of those allowed to use rotating or flashing amber lights.</p> <p>Section 2: repeals original sections.</p>		

LB	INTRODUCER	ONELINER
446	AVERY	Define the term flood damage for purposes of the Motor Vehicle Certificate of Title Act
<p>The bill is proposed to address a concern that flood damaged vehicles will be brought into Nebraska for sale without buyers knowing of the damage. The bill, as amended, adds "flood damaged" to the salvage branded certificate of title.</p> <p>AM196 strikes the original sections of LB446 and amends 60-171 of the Motor Vehicle Certificate of Title Act, which defines the salvage branded certificate of title. Adds to the definition of "salvage" to include "flood damaged" vehicles. A flood damaged vehicle, as defined in the bill, being titled in Nebraska receives a salvage title.</p>		

**INDEFINITELY POSTPONED
BY COMMITTEE**

LB	INTRODUCER	ONELINER
85	SCHUMACHER	Authorize vehicular traffic weighing less than one thousand pounds to proceed through a traffic light after stopping
<p>Adds a section to 60-6,123(3) to allow vehicles or a group of vehicles weighing less than 1,100 lbs, without load, to drive through a red light if they have been stopped for at least 2 minutes and no circumstances exist to pose a hazard. Common technologies used in traffic light control include radar, cameras, and induction loops that react to the amount of metal in stopped vehicles, causing a traffic light to change.</p>		

LB	INTRODUCER	ONELINER
387	CHRISTENSEN	Eliminate provisions relating to constructing drainage facilities and taking other control measures on public roads
<p>Outright repeals 39-1802.</p> <p>The bill was introduced as an alternative to LB386 to resolve an issue with counties giving notice to landowners when taking property for drainage maintenance or repair.</p>		

LB	INTRODUCER	ONELINER
617	SCHUMACHER	Change provisions of the Nebraska Telecommunications Universal Service Fund Act
<p>Amends the Nebraska Telecommunications Universal Service Fund Act to make the following changes: to change the purpose of the fund; to change references of "telecommunications" to "broadband"; to define "broadband", "broadband company", and "competitive access"; to add "urban poor" to high cost service areas; to change who may access the fund and requirements for access to the fund; to add reporting requirements for users of the fund; to add language opening the use of the fund to all providers servicing urban poor, high-cost service areas, low income customers, schools, libraries, and rural health care providers; to encourage use of the fund for development of broadband infrastructure and fiber; to allow fiber owned by public power or municipalities to be used for developing such shared networks if no fee is paid to the owner; to require the Public Service Commission to hire an expert, paid out of the fund, to decide how to deploy fiber optic and wireless service; to require the Public Service Commission to adopt statewide broadband network design; to limit use of fund to construction of identifiable wireless towers and real estate; to change the surcharge to 6.95% through December 2018, 5.5% through 2019, 4.4% through 2020, and 3.5% after 2021; to require notice of annual hearing in each county for three weeks; to exempt the state, political subdivisions, and any person receiving support from the fund, from paying the surcharge; to add new language giving the Public Service Commission the right to take cable, towers, and</p>		

associated real estate if abandoned and give it to a municipality or public power district in the area; and starting in 2020, to allow a municipality or public power district in a county without broadband (unless satellite broadband) available to 96% of its population at a cost comparable to Omaha, to provide broadband to the public at a fee.

LB	INTRODUCER	ONELINER
624	PIRSCH	Provide for fees for copies of motor vehicle accident reports
LB624 adds new language to 60-699, the accident reporting section of the Nebraska Rules of the Road, to specifically allow law enforcement to charge a fee of \$15 for accident reports. The bill was brought out of concern that LB363 (Avery) would disallow law enforcement from charging for such reports, as is current practice.		

LB	INTRODUCER	ONELINER
649	KARPISEK	Change certain penalties relating to operating a motor vehicle during a revocation period and tampering with an ignition interlock device
Amends 60-6,197.06 and 60-6,211.11, dealing with alcohol and drug violations of the Rules of the Road, to change the penalty for violators of a DUI license revocation and for tampering with an ignition interlock device installed under a court order, from a Class IV felony to a Class I misdemeanor if blood alcohol concentration is less than .02.		

LB	INTRODUCER	ONELINER
650	KARPISEK	Include asphalt crack filler trailers in the definition of trailer under the Motor Vehicle Registration Act
Amends 60-354 of the Motor Vehicle Registration Act, changes the definition of "trailer" to include "asphalt crack filler" trailers. According to the Department of Motor Vehicles asphalt crack filler trailers do not fall under the definition of trailer and do not require registration because they do not haul personal property, where the asphalt is used on site and not while the trailer is being pulled.		

HELD IN COMMITTEE

LB	INTRODUCER	ONELINER
10	KRIST	Change and eliminate provisions relating to occupant protection systems
11	KRIST	Change provisions relating to surcharges for 911 service
83	SCHUMACHER	Change requirements for use of turn signals
84	SCHUMACHER	Change provisions relating to the operation of utility-type vehicles
118	HARMS	Change texting enforcement provisions
181	AVERY	Prohibit motorcycle passengers less than eight years old
189	HARMS	Change provisions and penalties relating to occupant protection systems
258	SULLIVAN	Prohibit use of certain wireless devices by school bus drivers as prescribed
351	HARMS	Require cognitive tests for persons eighty years of age or older obtaining motor vehicle operator's licenses
358	DUBAS	Redefine excavation for purposes of the One-Call Notification System Act
378	SMITH	Eliminate fees for the issuance of certain license plates
445	KARPISEK	Provide funding to the Department of Motor Vehicles to purchase a vehicle titling and registration computer system
453	KARPISEK	Change provisions relating to motor vehicle headlights
548	SCHILZ	Change a length exception for semitrailers transporting baled livestock forage
596	PRICE	Change provisions relating to specialty license plates and Purple Heart license plates

INTERIM STUDY RESOLUTIONS

LR	SPONSOR	SUBJECT
236	HARMS	To explore methods by which to prevent increases in motor vehicle injuries and fatalities as a result of the increase in the aging population forecasts
267	SMITH	To review the One-Call Notification System Act
276	CHAMBERS	To examine the communications rate structure for persons receiving calls from incarcerated individuals in county and local correctional facilities
299	NORDQUIST	To examine the possibility of the State of Nebraska operating and managing all activities associated with motor vehicle licensing and registration for all counties
343	DUBAS	To examine the policy to supplement federal universal service support mechanisms and ensure all Nebraskans have comparable accessibility to telecommunications at affordable prices