

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 989

Introduced by Murante, 49.

Read first time January 14, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 sections 60-168.02, 60-308, 60-3,104.02, 60-3,126, 60-3,222,
3 60-4,105, 60-4,118, 60-4,120.01, 60-4,130.04, 60-4,148, 75-385, and
4 75-386, Reissue Revised Statutes of Nebraska, sections 37-1282,
5 60-164, 60-385, 60-3,104.01, 60-3,113.05, 60-3,120, 60-3,121,
6 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,125, 60-3,128, 60-3,198,
7 60-3,202, 60-4,112, 60-4,120.02, 60-4,131, 60-4,146, 60-4,149, and
8 60-4,150, Revised Statutes Cumulative Supplement, 2014, and sections
9 60-144, 60-396, 60-3,104, 60-3,118, 60-3,122, 60-3,124, 60-3,224,
10 60-462, 60-4,114, and 60-4,124, Revised Statutes Supplement, 2015;
11 to authorize electronic changes to names on certificates of title;
12 to provide for the implementation of a voluntary system for licensed
13 dealers to provide registration and titling services and to collect
14 associated fees and taxes; to redefine apportionable vehicle; to
15 eliminate obsolete provisions relating to cabin trailers,
16 handicapped or disabled parking permits, and trip permits; to change
17 provisions relating to specialty license plates; to change
18 provisions relating to the Motor Vehicle Tax Fund; to change and
19 eliminate provisions relating to motor vehicle taxes and fees; to
20 change provisions relating to unladen-weight registrations; to
21 authorize certain actions and procedures by the Department of Motor
22 Vehicles for invalid financial transactions; to eliminate the Health
23 Advisory Board; to change provisions relating to appeals of denials

1 of operators' licenses; to authorize the electronic transmission of
2 driver test results; to provide procedures for electronic renewal of
3 commercial drivers' licenses and electronic application for
4 replacement commercial drivers' licenses and CLP-commercial
5 learners' permits; to change provisions relating to the
6 administration of the Division of Motor Carrier Services; to
7 harmonize provisions; to repeal the original sections; and to
8 outright repeal sections 60-4,118.01, 60-4,118.02, 60-4,118.03, and
9 60-4,118.04, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 37-1282, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 37-1282 (1) The Department of Motor Vehicles shall implement an
4 electronic title and lien system for motorboats no later than January 1,
5 2011. The Director of Motor Vehicles shall designate the date for the
6 implementation of the system. Beginning on the implementation date, the
7 holder of a security interest, trust receipt, conditional sales contract,
8 or similar instrument regarding a motorboat may file a lien
9 electronically as prescribed by the department. Beginning on the
10 implementation date, upon receipt of an application for a certificate of
11 title for a motorboat, any lien filed electronically shall become part of
12 the electronic certificate of title record created by the county
13 treasurer or department maintained on the electronic title and lien
14 system. Beginning on the implementation date, if an application for a
15 certificate of title indicates that there is a lien or encumbrance on a
16 motorboat or if a lien or notice of lien has been filed electronically,
17 the department shall retain an electronic certificate of title record and
18 shall note and cancel such liens electronically on the system. The
19 department shall provide access to the electronic certificate of title
20 records for motorboat dealers and lienholders who participate in the
21 system by a method determined by the director.

22 (2) The provisions of article 9, Uniform Commercial Code, shall not
23 be construed to apply to or to permit or require the deposit, filing, or
24 other recording record whatsoever of a security agreement, conveyance
25 intended to operate as a mortgage, trust receipt, conditional sales
26 contract, or similar instrument or any copy of the same covering a
27 motorboat. Any mortgage, conveyance intended to operate as a security
28 agreement as provided by article 9, Uniform Commercial Code, trust
29 receipt, conditional sales contract, or other similar instrument covering
30 a motorboat, if such instrument is accompanied by delivery of such
31 manufacturer's or importer's certificate and followed by actual and

1 continued possession of same by the holder of the instrument or, in the
2 case of a certificate of title, if a notation of same has been made
3 electronically as prescribed in subsection (1) of this section or by the
4 county treasurer or the department on the face of the certificate of
5 title or on the electronic certificate of title record, shall be valid as
6 against the creditors of the debtor, whether armed with process or not,
7 and subsequent purchasers, secured parties, and other lienholders or
8 claimants, but otherwise shall not be valid against them, except that
9 during any period in which a motorboat is inventory, as defined in
10 section 9-102, Uniform Commercial Code, held for sale by a person or
11 corporation that is in the business of selling motorboats, the filing
12 provisions of article 9, Uniform Commercial Code, as applied to
13 inventory, shall apply to a security interest in the motorboat created by
14 such person or corporation as debtor without the notation of lien on the
15 instrument of title. A buyer at retail from a dealer of any motorboat in
16 the ordinary course of business shall take the motorboat free of any
17 security interest.

18 (3) All liens, security agreements, and encumbrances noted upon a
19 certificate of title or an electronic certificate of title record and all
20 liens noted electronically as prescribed in subsection (1) of this
21 section shall take priority according to the order of time in which the
22 same are noted on the certificate of title by the county treasurer or the
23 department. Exposure for sale of any motorboat by the owner thereof with
24 the knowledge or with the knowledge and consent of the holder of any
25 lien, security agreement, or encumbrance on the motorboat shall not
26 render the same void or ineffective as against the creditors of the owner
27 or holder of subsequent liens, security agreements, or encumbrances upon
28 the motorboat.

29 (4) Upon presentation of a security agreement, trust receipt,
30 conditional sales contract, or similar instrument to the county treasurer
31 or department together with the certificate of title and the fee

1 prescribed by section 37-1287, the holder of such instrument may have a
2 notation of the lien made on the face of the certificate of title. The
3 owner of a motorboat may present a valid out-of-state certificate of
4 title issued to such owner for such motorboat with a notation of lien on
5 such certificate of title and the prescribed fee to the county treasurer
6 or department and have the notation of lien made on the new certificate
7 of title issued pursuant to section 37-1278 without presenting a copy of
8 the lien instrument. The county treasurer or the department shall enter
9 the notation and the date thereof over the signature of the person making
10 the notation and the seal of office. If noted by a county treasurer, he
11 or she shall on that day notify the department which shall note the lien
12 on its records. The county treasurer or the department shall also
13 indicate by appropriate notation and on such instrument itself the fact
14 that the lien has been noted on the certificate of title.

15 (5) The county treasurer or the department, upon receipt of a lien
16 instrument duly signed by the owner in the manner prescribed by law
17 governing such lien instruments together with the fee prescribed for
18 notation of lien, shall notify the first lienholder to deliver to the
19 county treasurer or the department, within fifteen days from the date of
20 notice, the certificate of title to permit notation of such other lien
21 and, after notation of such other lien, the county treasurer or the
22 department shall deliver the certificate of title to the first
23 lienholder. The holder of a certificate of title who refuses to deliver a
24 certificate of title to the county treasurer or the department for the
25 purpose of showing such other lien on the certificate of title within
26 fifteen days from the date when notified to do so shall be liable for
27 damages to such other lienholder for the amount of damages such other
28 lienholder suffered by reason of the holder of the certificate of title
29 refusing to permit the showing of such lien on the certificate of title.

30 (6) Beginning on the implementation date of the electronic title and
31 lien system, upon receipt of a subsequent lien instrument duly signed by

1 the owner in the manner prescribed by law governing such lien instruments
2 or a notice of lien filed electronically, together with an application
3 for notation of the subsequent lien, the fee prescribed in section
4 37-1287, and, if a printed certificate of title exists, the presentation
5 of the certificate of title, the county treasurer or department shall
6 make notation of such other lien. If the certificate of title is not an
7 electronic certificate of title record, the county treasurer or
8 department, upon receipt of a lien instrument duly signed by the owner in
9 the manner prescribed by law governing such lien instruments together
10 with the fee prescribed for notation of lien, shall notify the first
11 lienholder to deliver to the county treasurer or department, within
12 fifteen days after the date of notice, the certificate of title to permit
13 notation of such other lien. After such notation of lien, the lien shall
14 become part of the electronic certificate of title record created by the
15 county treasurer or department which is maintained on the electronic
16 title and lien system. The holder of a certificate of title who refuses
17 to deliver a certificate of title to the county treasurer or department
18 for the purpose of noting such other lien on such certificate of title
19 within fifteen days after the date when notified to do so shall be liable
20 for damages to such other lienholder for the amount of damages such other
21 lienholder suffered by reason of the holder of the certificate of title
22 refusing to permit the noting of such lien on the certificate of title.

23 (7) When the lien is discharged, the holder shall, within fifteen
24 days after payment is received, note a cancellation of the lien on the
25 face of the certificate of title over his, her, or its signature and
26 deliver the certificate of title to the county treasurer or the
27 department which shall note the cancellation of the lien on the face of
28 the certificate of title and on the records of the office. If delivered
29 to a county treasurer, he or she shall on that day notify the department
30 which shall note the cancellation on its records. The county treasurer or
31 the department shall then return the certificate of title to the owner or

1 as otherwise directed by the owner. The cancellation of the lien shall be
2 noted on the certificate of title without charge. For an electronic
3 certificate of title record, the lienholder shall, within fifteen days
4 after payment is received when such lien is discharged, notify the
5 department electronically or provide written notice of such lien release,
6 in a manner prescribed by the department, to the county treasurer or
7 department. The department shall note the cancellation of lien and, if no
8 other liens exist, issue the certificate of title to the owner or as
9 otherwise directed by the owner or lienholder. If the holder of the
10 certificate of title cannot locate a lienholder, a lien may be discharged
11 ten years after the date of filing by presenting proof that thirty days
12 have passed since the mailing of a written notice by certified mail,
13 return receipt requested, to the last-known address of the lienholder.

14 (8) This subsection applies beginning on an implementation date
15 designated by the Director of Motor Vehicles. The director shall
16 designate an implementation date which is on or before January 1, 2020.
17 If the certificate of title is an electronic certificate of title record,
18 then upon application by an owner or lienholder and payment of the
19 appropriate certificate of title fee, the following changes may be made
20 to a certificate of title electronically and without printing a
21 certificate of title:

22 (a) Changing the name of an owner or lienholder to reflect the legal
23 change of name of such owner or lienholder;

24 (b) Removing the name of an owner or lienholder, with the consent of
25 all owners and lienholders; or

26 (c) Adding as an owner the immediate family member of an owner.

27 Sec. 2. Section 60-144, Revised Statutes Supplement, 2015, is
28 amended to read:

29 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
30 (d) of this subsection, the county treasurer shall be responsible for
31 issuing and filing certificates of title for vehicles, and each county

1 shall issue and file such certificates of title using the vehicle titling
2 and registration computer system prescribed by the department.
3 Application for a certificate of title shall be made upon a form
4 prescribed by the department. All applications shall be accompanied by
5 the appropriate fee or fees.

6 (ii) This subdivision applies beginning on an implementation date
7 designated by the director. The director shall designate an
8 implementation date which is on or before January 1, 2020. In addition to
9 the information required under subdivision (1)(a)(i) of this section, the
10 application for a certificate of title shall contain (A) the full legal
11 name as defined in section 60-468.01 of each owner and (B)(I) the motor
12 vehicle operator's license number or state identification card number of
13 each owner, if applicable, and one or more of the identification elements
14 as listed in section 60-484 of each owner, if applicable, and (II) if any
15 owner is a business entity, a nonprofit organization, an estate, a trust,
16 or a church-controlled organization, its tax identification number.

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

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

25 (d) The department shall issue certificates of title pursuant to
26 section 60-142.06. Application for a certificate of title shall be made
27 upon a form prescribed by the department. All applications shall be
28 accompanied by the appropriate fee or fees.

29 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
30 or a minibike resides in Nebraska, the application shall be filed with
31 the county treasurer of the county in which the owner resides.

1 (3)(a) Except as otherwise provided in subdivision (b) of this
2 subsection, if a vehicle, other than an all-terrain vehicle, a utility-
3 type vehicle, or a minibike, has situs in Nebraska, the application shall
4 be filed with the county treasurer of the county in which the vehicle has
5 situs.

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

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

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

13 (6)(a) The department shall implement an electronic dealer services
14 system no later than January 1, 2020. The director shall designate the
15 date for the implementation of the system. Beginning on the
16 implementation date, a motor vehicle dealer, motorcycle dealer, or
17 trailer dealer licensed under the Motor Vehicle Industry Regulation Act
18 may voluntarily enroll in the system and provide titling and registration
19 services as provided in this subsection (6). A dealer which chooses to
20 participate shall collect from a purchaser of a motor vehicle,
21 motorcycle, or trailer all appropriate certificate of title fees, lien
22 fees, registration fees, motor vehicle fees and taxes, and sales taxes.
23 All such fees and taxes collected shall be remitted and credited as if
24 collected by the department or county treasurer as provided in the Motor
25 Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and
26 the Nebraska Revenue Act of 1967.

27 (b) The department shall provide a participating dealer with access
28 to the electronic dealer services system by a method determined by the
29 director. A dealer which chooses to participate shall use the system to
30 electronically submit title and registration information to the vehicle
31 titling and registration computer system maintained by the department.

1 The delivery of license plates, registration certificates, and
2 certificates of title shall be as provided for in the Motor Vehicle
3 Certificate of Title Act and the Motor Vehicle Registration Act.

4 (c) The director may revoke a dealer's authority to participate in
5 the electronic dealer services system for any violation of the Motor
6 Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation
7 Act, the Motor Vehicle Registration Act, or the Nebraska Revenue Act of
8 1967, for failure to timely remit fees and taxes collected under this
9 subsection (6), or for any other conduct that the director determines
10 will adversely affect the public, such dealer's customers, or the
11 department.

12 (d) The department may adopt and promulgate rules and regulations
13 governing the eligibility of dealers to participate in the electronic
14 dealer services system, setting forth the practices, procedures, and
15 requirements necessary to implement such system, and setting forth
16 requirements and practices for dealers participating in such system.

17 (7 6) All applicants registering a vehicle pursuant to section
18 60-3,198 shall file the application for a certificate of title with the
19 Division of Motor Carrier Services of the department. The division shall
20 deliver the certificate to the applicant if there are no liens on the
21 vehicle. If there are one or more liens on the vehicle, the certificate
22 of title shall be handled as provided in section 60-164. All certificates
23 of title issued by the division shall be issued in the manner prescribed
24 for the county treasurer in section 60-152.

25 Sec. 3. Section 60-164, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 60-164 (1) The department shall implement an electronic title and
28 lien system for vehicles no later than January 1, 2011. The director
29 shall designate the date for the implementation of the system. Beginning
30 on the implementation date, the holder of a security interest, trust
31 receipt, conditional sales contract, or similar instrument regarding a

1 vehicle may file a lien electronically as prescribed by the department.
2 Beginning on the implementation date, upon receipt of an application for
3 a certificate of title for a vehicle, any lien filed electronically shall
4 become part of the electronic certificate of title record created by the
5 county treasurer or department maintained on the electronic title and
6 lien system. Beginning on the implementation date, if an application for
7 a certificate of title indicates that there is a lien or encumbrance on a
8 vehicle or if a lien or notice of lien has been filed electronically, the
9 department shall retain an electronic certificate of title record and
10 shall note and cancel such liens electronically on the system. The
11 department shall provide access to the electronic certificate of title
12 records for motor vehicle dealers and lienholders who participate in the
13 system by a method determined by the director.

14 (2) Except as provided in section 60-165, the provisions of article
15 9, Uniform Commercial Code, shall never be construed to apply to or to
16 permit or require the deposit, filing, or other recording record
17 whatsoever of a security agreement, conveyance intended to operate as a
18 mortgage, trust receipt, conditional sales contract, or similar
19 instrument or any copy of the same covering a vehicle. Any mortgage,
20 conveyance intended to operate as a security agreement as provided by
21 article 9, Uniform Commercial Code, trust receipt, conditional sales
22 contract, or other similar instrument covering a vehicle, if such
23 instrument is accompanied by delivery of such manufacturer's or
24 importer's certificate and followed by actual and continued possession of
25 the same by the holder of such instrument or, in the case of a
26 certificate of title, if a notation of the same has been made
27 electronically as prescribed in subsection (1) of this section or by the
28 county treasurer or department on the face of the certificate of title or
29 on the electronic certificate of title record, shall be valid as against
30 the creditors of the debtor, whether armed with process or not, and
31 subsequent purchasers, secured parties, and other lienholders or

1 claimants but otherwise shall not be valid against them, except that
2 during any period in which a vehicle is inventory, as defined in section
3 9-102, Uniform Commercial Code, held for sale by a person or corporation
4 that is required to be licensed as provided in the Motor Vehicle Industry
5 Regulation Act and is in the business of selling such vehicles, the
6 filing provisions of article 9, Uniform Commercial Code, as applied to
7 inventory, shall apply to a security interest in such vehicle created by
8 such person or corporation as debtor without the notation of lien on the
9 certificate of title. A buyer of a vehicle at retail from a dealer
10 required to be licensed as provided in the Motor Vehicle Industry
11 Regulation Act shall take such vehicle free of any security interest. A
12 purchase-money security interest, as defined in section 9-103, Uniform
13 Commercial Code, in a vehicle is perfected against the rights of judicial
14 lien creditors and execution creditors on and after the date the
15 purchase-money security interest attaches.

16 (3) Subject to subsections (1) and (2) of this section, all liens,
17 security agreements, and encumbrances noted upon a certificate of title
18 or an electronic certificate of title record and all liens noted
19 electronically as prescribed in subsection (1) of this section shall take
20 priority according to the order of time in which the same are noted by
21 the county treasurer or department. Exposure for sale of any vehicle by
22 the owner thereof with the knowledge or with the knowledge and consent of
23 the holder of any lien, security agreement, or encumbrance on such
24 vehicle shall not render the same void or ineffective as against the
25 creditors of such owner or holder of subsequent liens, security
26 agreements, or encumbrances upon such vehicle.

27 (4) The holder of a security agreement, trust receipt, conditional
28 sales contract, or similar instrument, upon presentation of such
29 instrument to the department or to any county treasurer, together with
30 the certificate of title and the fee prescribed for notation of lien, may
31 have a notation of such lien made on the face of such certificate of

1 title. The owner of a vehicle may present a valid out-of-state
2 certificate of title issued to such owner for such vehicle with a
3 notation of lien on such certificate of title and the prescribed fee to
4 the county treasurer or department and have the notation of lien made on
5 the new certificate of title issued pursuant to section 60-144 without
6 presenting a copy of the lien instrument. The county treasurer or the
7 department shall enter the notation and the date thereof over the
8 signature of the person making the notation and the seal of the office.
9 If noted by a county treasurer, he or she shall on that day notify the
10 department which shall note the lien on its records. The county treasurer
11 or the department shall also indicate by appropriate notation and on such
12 instrument itself the fact that such lien has been noted on the
13 certificate of title.

14 (5) A transaction does not create a sale or a security interest in a
15 vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a
16 minibike, merely because it provides that the rental price is permitted
17 or required to be adjusted under the agreement either upward or downward
18 by reference to the amount realized upon sale or other disposition of the
19 vehicle.

20 (6) The county treasurer or the department, upon receipt of a lien
21 instrument duly signed by the owner in the manner prescribed by law
22 governing such lien instruments together with the fee prescribed for
23 notation of lien, shall notify the first lienholder to deliver to the
24 county treasurer or the department, within fifteen days after the date of
25 notice, the certificate of title to permit notation of such other lien
26 and, after notation of such other lien, the county treasurer or the
27 department shall deliver the certificate of title to the first
28 lienholder. The holder of a certificate of title who refuses to deliver a
29 certificate of title to the county treasurer or the department for the
30 purpose of showing such other lien on such certificate of title within
31 fifteen days after the date of notice shall be liable for damages to such

1 other lienholder for the amount of damages such other lienholder suffered
2 by reason of the holder of the certificate of title refusing to permit
3 the showing of such lien on the certificate of title.

4 (7) Beginning on the implementation date of the electronic title and
5 lien system, upon receipt of a subsequent lien instrument duly signed by
6 the owner in the manner prescribed by law governing such lien instruments
7 or a notice of lien filed electronically, together with an application
8 for notation of the subsequent lien, the fee prescribed in section
9 60-154, and, if a printed certificate of title exists, the presentation
10 of the certificate of title, the county treasurer or department shall
11 make notation of such other lien. If the certificate of title is not an
12 electronic certificate of title record, the county treasurer or
13 department, upon receipt of a lien instrument duly signed by the owner in
14 the manner prescribed by law governing such lien instruments together
15 with the fee prescribed for notation of lien, shall notify the first
16 lienholder to deliver to the county treasurer or department, within
17 fifteen days after the date of notice, the certificate of title to permit
18 notation of such other lien. After such notation of lien, the lien shall
19 become part of the electronic certificate of title record created by the
20 county treasurer or department which is maintained on the electronic
21 title and lien system. The holder of a certificate of title who refuses
22 to deliver a certificate of title to the county treasurer or department
23 for the purpose of noting such other lien on such certificate of title
24 within fifteen days after the date when notified to do so shall be liable
25 for damages to such other lienholder for the amount of damages such other
26 lienholder suffered by reason of the holder of the certificate of title
27 refusing to permit the noting of such lien on the certificate of title.

28 (8) When a lien is discharged, the holder shall, within fifteen days
29 after payment is received, note a cancellation of the lien on the
30 certificate of title over his, her, or its signature and deliver the
31 certificate of title to the county treasurer or the department, which

1 shall note the cancellation of the lien on the face of the certificate of
2 title and on the records of such office. If delivered to a county
3 treasurer, he or she shall on that day notify the department which shall
4 note the cancellation on its records. The county treasurer or the
5 department shall then return the certificate of title to the owner or as
6 otherwise directed by the owner. The cancellation of lien shall be noted
7 on the certificate of title without charge. For an electronic certificate
8 of title record, the lienholder shall, within fifteen days after payment
9 is received when such lien is discharged, notify the department
10 electronically or provide written notice of such lien release, in a
11 manner prescribed by the department, to the county treasurer or
12 department. The department shall note the cancellation of lien and, if no
13 other liens exist, issue the certificate of title to the owner or as
14 otherwise directed by the owner or lienholder. If the holder of the title
15 cannot locate a lienholder, a lien may be discharged ten years after the
16 date of filing by presenting proof that thirty days have passed since the
17 mailing of a written notice by certified mail, return receipt requested,
18 to the last-known address of the lienholder.

19 (9) This subsection applies beginning on an implementation date
20 designated by the director. The director shall designate an
21 implementation date which is on or before January 1, 2020. If the
22 certificate of title is an electronic certificate of title record, then
23 upon application by an owner or lienholder and payment of the appropriate
24 certificate of title fee, the following changes may be made to a
25 certificate of title electronically and without printing a certificate of
26 title:

27 (a) Changing the name of an owner or lienholder to reflect the legal
28 change of name of such owner or lienholder;

29 (b) Removing the name of an owner or lienholder, with the consent of
30 all owners and lienholders; or

31 (c) Adding as an owner the immediate family member of an owner.

1 Sec. 4. Section 60-168.02, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-168.02 (1) When a motor vehicle, ~~commercial~~ trailer, or
4 ~~semitrailer, or cabin trailer~~ is purchased by a motor vehicle dealer or
5 trailer dealer and the original assigned certificate of title has been
6 lost or mutilated, the dealer selling such motor vehicle or trailer may
7 apply for an original certificate of title in the dealer's name. The
8 following documentation and fees shall be submitted by the dealer:

9 (a) An application for a certificate of title in the name of such
10 dealer;

11 (b) A photocopy from the dealer's records of the front and back of
12 the lost or mutilated original certificate of title assigned to a dealer;

13 (c) A notarized affidavit from the purchaser of such motor vehicle
14 or trailer for which the original assigned certificate of title was lost
15 or mutilated stating that the original assigned certificate of title was
16 lost or mutilated; and

17 (d) The appropriate certificate of title fee.

18 (2) The application and affidavit shall be on forms prescribed by
19 the department. When the motor vehicle dealer or trailer dealer receives
20 the new certificate of title in such dealer's name and assigns it to the
21 purchaser, the dealer shall record the original sale date and provide the
22 purchaser with a copy of the front and back of the original lost or
23 mutilated certificate of title as evidence as to why the purchase date of
24 the motor vehicle or trailer is prior to the issue date of the new
25 certificate of title.

26 Sec. 5. Section 60-308, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-308 (1) Apportionable vehicle means any motor vehicle or trailer
29 used or intended for use in two or more member jurisdictions that
30 allocate or proportionally register motor vehicles or trailers and used
31 for the transportation of persons for hire or designed, used, or

1 maintained primarily for the transportation of property.

2 (2) Apportionable vehicle does not include any recreational vehicle,
3 motor vehicle displaying restricted plates, city pickup and delivery
4 vehicle, ~~bus used in the transportation of chartered parties,~~ or
5 government-owned motor vehicle.

6 (3) An apportionable vehicle that is a power unit shall (a) have two
7 axles and a gross vehicle weight or registered gross vehicle weight in
8 excess of twenty-six thousand pounds or eleven thousand seven hundred
9 ninety-three and four hundred one thousandths kilograms, (b) have three
10 or more axles, regardless of weight, or (c) be used in combination when
11 the weight of such combination exceeds twenty-six thousand pounds or
12 eleven thousand seven hundred ninety-three and four hundred one
13 thousandths kilograms gross vehicle weight. Vehicles or combinations of
14 vehicles having a gross vehicle weight of twenty-six thousand pounds or
15 eleven thousand seven hundred ninety-three and four hundred one
16 thousandths kilograms or less and two-axle vehicles ~~and buses used in the~~
17 ~~transportation of chartered parties may be proportionally registered at~~
18 ~~the option of the registrant.~~

19 Sec. 6. Section 60-385, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 60-385 (1) Every owner of a motor vehicle or trailer required to be
22 registered shall make application for registration to the county
23 treasurer of the county in which the motor vehicle or trailer has situs.
24 The application shall be by any means designated by the department. A
25 salvage branded certificate of title and a nontransferable certificate of
26 title provided for in section 60-170 shall not be valid for registration
27 purposes.

28 (2)(a) The department shall implement an electronic dealer services
29 system no later than January 1, 2020. The director shall designate the
30 date for the implementation of the system. Beginning on the
31 implementation date, a motor vehicle dealer, motorcycle dealer, or

1 trailer dealer licensed under the Motor Vehicle Industry Regulation Act
2 may voluntarily enroll in the system and provide titling and registration
3 services as provided in this subsection (2). A dealer which chooses to
4 participate shall collect from a purchaser of a motor vehicle,
5 motorcycle, or trailer all appropriate certificate of title fees, lien
6 fees, registration fees, motor vehicle fees and taxes, and sales taxes.
7 All such fees and taxes collected shall be remitted and credited as if
8 collected by the department or county treasurer as provided in the Motor
9 Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and
10 the Nebraska Revenue Act of 1967.

11 (b) The department shall provide a participating dealer with access
12 to the electronic dealer services system by a method determined by the
13 director. A dealer which chooses to participate shall use the system to
14 electronically submit title and registration information to the vehicle
15 titling and registration computer system maintained by the department.
16 The delivery of license plates, registration certificates, and
17 certificates of title shall be as provided for in the Motor Vehicle
18 Certificate of Title Act and the Motor Vehicle Registration Act.

19 (c) The director may revoke a dealer's authority to participate in
20 the electronic dealer services system for any violation of the Motor
21 Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation
22 Act, the Motor Vehicle Registration Act, or the Nebraska Revenue Act of
23 1967, for failure to timely remit fees and taxes collected under this
24 subsection (2), or for any other conduct that the director determines
25 will adversely affect the public, such dealer's customers, or the
26 department.

27 (d) The department may adopt and promulgate rules and regulations
28 governing the eligibility of dealers to participate in the electronic
29 dealer services system, setting forth the practices, procedures, and
30 requirements necessary to implement such system, and setting forth
31 requirements and practices for dealers participating in such system.

1 Sec. 7. Section 60-396, Revised Statutes Supplement, 2015, is
2 amended to read:

3 60-396 (1) Whenever the registered owner submits files an
4 application with the county treasurer showing that a motor vehicle or
5 trailer is disabled and has been removed from service and showing that
6 the registered owner has obtained a replacement motor vehicle or trailer,
7 the registered owner may, by returning the registration certificate, the
8 license plates, and, when appropriate, the validation decals ~~or, in the~~
9 ~~case of the unavailability of such registration certificate or~~
10 ~~certificates, license plates, or validation decals, then by making an~~
11 ~~affidavit to the county treasurer of such disablement and removal from~~
12 ~~service,~~ receive a credit for a portion of the registration fee and the
13 motor vehicle tax and fee pursuant to subsection (2) of this section. If
14 such registration certificate or certificates, license plates, or
15 validation decals are unavailable, the registered owner shall certify, by
16 a method designated by the department, that such motor vehicle or trailer
17 is disabled and has been removed from service and that the certificate,
18 plate, or decal is unavailable, as applicable.

19 (2) A registered owner who satisfies the requirements of subsection
20 (1) of this section shall receive a credit for a portion of the
21 registration fee from the fee deposited with the State Treasurer at the
22 time of registration based upon the number of unexpired months remaining
23 in the registration year except as otherwise provided in sections
24 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, and 60-3,224. Such The
25 owner shall also receive a credit for the unused portion of the motor
26 vehicle tax and fee based upon the number of unexpired months remaining
27 in the registration year. Such credits ~~When the owner registers a~~
28 ~~replacement motor vehicle or trailer at the time of filing such~~
29 ~~affidavit, the credit may be immediately applied against the registration~~
30 ~~fee and the motor vehicle tax and fee for the replacement motor vehicle~~
31 ~~or trailer. When no such replacement motor vehicle or trailer is so~~

1 ~~registered, the county treasurer shall forward the application and~~
2 ~~affidavit, if any, to the State Treasurer who shall determine the amount,~~
3 ~~if any, of the allowable credit for the registration fee and issue a~~
4 ~~credit certificate to the owner. For the motor vehicle tax and fee, the~~
5 ~~county treasurer shall determine the amount, if any, of the allowable~~
6 ~~credit and issue a credit certificate to the owner. When such motor~~
7 ~~vehicle or trailer is removed from service within the same month in which~~
8 ~~it was registered, no credits shall be allowed for such month. The~~
9 ~~credits may be applied against taxes and fees for new or replacement~~
10 ~~motor vehicles or trailers incurred within one year after cancellation of~~
11 ~~registration of the motor vehicle or trailer for which the credits were~~
12 ~~allowed. When any such motor vehicle or trailer is reregistered within~~
13 ~~the same registration year in which its registration has been canceled,~~
14 ~~the taxes and fees shall be that portion of the registration fee and the~~
15 ~~motor vehicle tax and fee for the remainder of the registration year.~~

16 Sec. 8. Section 60-3,104, Revised Statutes Supplement, 2015, is
17 amended to read:

18 60-3,104 The department shall issue the following types of license
19 plates:

20 (1) Amateur radio station license plates issued pursuant to section
21 60-3,126;

22 (2) Apportionable vehicle license plates issued pursuant to section
23 60-3,203;

24 (3) Autocycle license plates issued pursuant to section 60-3,100;

25 (4) Boat dealer license plates issued pursuant to section 60-379;

26 (5) Bus license plates issued pursuant to section 60-3,144;

27 (6) Commercial motor vehicle license plates issued pursuant to
28 section 60-3,147;

29 (7) Dealer or manufacturer license plates issued pursuant to
30 sections 60-3,114 and 60-3,115;

31 (8) Disabled veteran license plates issued pursuant to section

- 1 60-3,124;
- 2 (9) Farm trailer license plates issued pursuant to section 60-3,151;
- 3 (10) Farm truck license plates issued pursuant to section 60-3,146;
- 4 (11) Farm trucks with a gross weight of over sixteen tons license
- 5 plates issued pursuant to section 60-3,146;
- 6 (12) Fertilizer trailer license plates issued pursuant to section
- 7 60-3,151;
- 8 (13) Gold Star Family license plates issued pursuant to sections
- 9 60-3,122.01 and 60-3,122.02;
- 10 (14) Handicapped or disabled person license plates issued pursuant
- 11 to section 60-3,113;
- 12 (15) Historical vehicle license plates issued pursuant to sections
- 13 60-3,130 to 60-3,134;
- 14 (16) Local truck license plates issued pursuant to section 60-3,145;
- 15 (17) Military Honor Plates issued pursuant to sections 60-3,122.03
- 16 and 60-3,122.04;
- 17 (18) Minitruck license plates issued pursuant to section 60-3,100;
- 18 (19) Motor vehicle license plates for motor vehicles owned or
- 19 operated by the state, counties, municipalities, or school districts
- 20 issued pursuant to section 60-3,105;
- 21 (20) Motor vehicles exempt pursuant to section 60-3,107;
- 22 (21) Motorcycle license plates issued pursuant to section 60-3,100;
- 23 (22) Nebraska Cornhusker Spirit Plates issued pursuant to sections
- 24 60-3,127 to 60-3,129;
- 25 (23) Nebraska 150 Sesquicentennial Plates issued pursuant to
- 26 sections 60-3,223 to 60-3,225;
- 27 (24) Nonresident owner thirty-day license plates issued pursuant to
- 28 section 60-382;
- 29 (25) Passenger car having a seating capacity of ten persons or less
- 30 and not used for hire issued pursuant to section 60-3,143 other than
- 31 autocycles;

1 (26) Passenger car having a seating capacity of ten persons or less
2 and used for hire issued pursuant to section 60-3,143 other than
3 autocycles;

4 (27) Pearl Harbor license plates issued pursuant to section
5 60-3,122;

6 (28) Personal-use dealer license plates issued pursuant to section
7 60-3,116;

8 (29) Personalized message license plates for motor vehicles and
9 ~~cabin trailers, except commercial motor vehicles registered for over ten~~
10 ~~tons gross weight, issued pursuant to section 60-3,198 sections 60-3,118~~
11 ~~to 60-3,121;~~

12 (30) Prisoner-of-war license plates issued pursuant to section
13 60-3,123;

14 (31) Purple Heart license plates issued pursuant to section
15 60-3,125;

16 (32) Recreational vehicle license plates issued pursuant to section
17 60-3,151;

18 (33) Repossession license plates issued pursuant to section 60-375;

19 (34) Special interest motor vehicle license plates issued pursuant
20 to section 60-3,135.01;

21 (35) Specialty license plates issued pursuant to sections
22 60-3,104.01 and 60-3,104.02;

23 (36) Trailer license plates issued for trailers owned or operated by
24 the state, counties, municipalities, or school districts issued pursuant
25 to section 60-3,106;

26 (37) Trailer license plates issued pursuant to section 60-3,100;

27 (38) Trailers exempt pursuant to section 60-3,108;

28 (39) Transporter license plates issued pursuant to section 60-378;

29 (40) Trucks or combinations of trucks, truck-tractors, or trailers
30 which are not for hire and engaged in soil and water conservation work
31 and used for the purpose of transporting pipe and equipment exclusively

1 used by such contractors for soil and water conservation construction
2 license plates issued pursuant to section 60-3,149;

3 (41) Utility trailer license plates issued pursuant to section
4 60-3,151; and

5 (42) Well-boring apparatus and well-servicing equipment license
6 plates issued pursuant to section 60-3,109.

7 Sec. 9. Section 60-3,104.01, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 60-3,104.01 (1) A person may apply for specialty license plates in
10 lieu of regular license plates on an application prescribed and provided
11 by the department pursuant to section 60-3,104.02 for any motor vehicle,
12 trailer, or semitrailer, ~~or cabin trailer~~, except for motor vehicles or
13 trailers registered under section 60-3,198. An applicant receiving a
14 specialty license plate for a farm truck with a gross weight of over
15 sixteen tons or for a commercial motor vehicle registered for a gross
16 weight of five tons or over shall affix the appropriate tonnage decal to
17 the plate. The department shall make forms available for such
18 applications. Each application for initial issuance or renewal of
19 specialty license plates shall be accompanied by a fee of seventy
20 dollars. Fees collected pursuant to this subsection shall be remitted to
21 the State Treasurer. The State Treasurer shall credit fifteen percent of
22 the fee for initial issuance and renewal of specialty license plates to
23 the Department of Motor Vehicles Cash Fund and eighty-five percent of the
24 fee to the Highway Trust Fund.

25 (2) When the department receives an application for specialty
26 license plates, it shall deliver the plates to the county treasurer of
27 the county in which the motor vehicle, trailer, or semitrailer, ~~or cabin~~
28 ~~trailer~~ is registered. The county treasurer shall issue specialty license
29 plates in lieu of regular license plates when the applicant complies with
30 the other provisions of law for registration of the motor vehicle,
31 trailer, or semitrailer, ~~or cabin trailer~~. If specialty license plates

1 are lost, stolen, or mutilated, the licensee shall be issued replacement
2 license plates pursuant to section 60-3,157.

3 (3)(a) The owner of a motor vehicle, trailer, or semitrailer, ~~or~~
4 ~~cabin trailer~~ bearing specialty license plates may make application to
5 the county treasurer to have such specialty license plates transferred to
6 a motor vehicle, trailer, or semitrailer, ~~or~~ ~~cabin trailer~~ other than the
7 motor vehicle, trailer, or semitrailer, ~~or~~ ~~cabin trailer~~ for which such
8 plates were originally purchased if such motor vehicle, trailer, or
9 semitrailer, ~~or~~ ~~cabin trailer~~ is owned by the owner of the specialty
10 license plates.

11 (b) The owner may have the unused portion of the specialty license
12 plate fee credited to the other motor vehicle, trailer, or semitrailer,
13 ~~or~~ ~~cabin trailer~~ which will bear the specialty license plates at the rate
14 of eight and one-third percent per month for each full month left in the
15 registration period.

16 (c) Application for such transfer shall be accompanied by a fee of
17 three dollars. Fees collected pursuant to this subsection shall be
18 remitted to the State Treasurer for credit to the Department of Motor
19 Vehicles Cash Fund.

20 Sec. 10. Section 60-3,104.02, Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 60-3,104.02 (1) ~~The On or before January 1, 2011,~~ the department
23 shall issue ~~begin issuing~~ specialty license plates for any organization
24 which certifies that it meets the requirements of this section. The
25 department shall work with the organization to design the plates.

26 (2) The department shall make applications available pursuant to
27 section 60-3,104.01 for each type of specialty license plate when it is
28 designed. The department shall not manufacture specialty license plates
29 for an organization until the department has received two ~~five~~ hundred
30 fifty ~~prepaid~~ applications for specialty license plates designed for that
31 organization. The department may revoke the approval for an

1 organization's specialty license plate if the total number of registered
2 vehicles that obtained such plate is less than two five hundred fifty
3 within three years after receiving approval.

4 (3) In order to have specialty license plates designed and
5 manufactured, an organization shall furnish the department with the
6 following:

7 (a) A copy of its articles of incorporation and, if the organization
8 consists of a group of nonprofit corporations, a copy for each
9 organization;

10 (b) A copy of its charter or bylaws and, if the organization
11 consists of a group of nonprofit corporations, a copy for each
12 organization;

13 (c) Any Internal Revenue Service rulings of the organization's
14 nonprofit tax-exempt status and, if the organization consists of a group
15 of nonprofit corporations, a copy for each organization;

16 (d) A copy of a certificate of existence on file with the Secretary
17 of State under the Nebraska Nonprofit Corporation Act;

18 (e) Two Five hundred fifty prepaid applications for the speciality
19 license plates; and

20 (f) A completed application for the issuance of the plates on a form
21 provided by the department certifying that the organization meets the
22 following requirements:

23 (i) The organization is a nonprofit corporation or a group of
24 nonprofit corporations with a common purpose;

25 (ii) The primary activity or purpose of the organization serves the
26 community, contributes to the welfare of others, and is not offensive or
27 discriminatory in its purpose, nature, activity, or name;

28 (iii) The name and purpose of the organization does not promote any
29 specific product or brand name that is on a product provided for sale;

30 (iv) The organization is authorized to use any name, logo, or
31 graphic design suggested for the design of the plates;

1 (v) No infringement or violation of any property right will result
2 from such use of such name, logo, or graphic design; and

3 (vi) The organization will hold harmless the State of Nebraska and
4 its employees and agents for any liability which may result from any
5 infringement or violation of a property right based on the use of such
6 name, logo, or graphic design.

7 (4) The department may adopt and promulgate rules and regulations to
8 carry out this section.

9 Sec. 11. Section 60-3,113.05, Revised Statutes Cumulative
10 Supplement, 2014, is amended to read:

11 60-3,113.05 (1) ~~Permanently issued handicapped or disabled parking~~
12 ~~permits issued prior to October 1, 2011, shall be valid for a period~~
13 ~~ending on the last day of the month of the applicant's birthday in the~~
14 ~~third year after issuance and shall expire on that day.~~ Permanently
15 issued handicapped or disabled parking permits ~~issued on or after October~~
16 ~~1, 2011,~~ shall be valid for a period ending on the last day of the month
17 of the applicant's birthday in the sixth year after issuance and shall
18 expire on that day.

19 (2) All handicapped or disabled parking permits for temporarily
20 handicapped or disabled persons shall be issued for a period ending
21 either three months after the date of issuance or six months after the
22 date of issuance, with such period to be based on the estimated date of
23 recovery, but such permit may be renewed one time for a similar three-
24 month or six-month period. For the renewal period, there shall be
25 submitted an additional application with proof of a handicap or
26 disability.

27 Sec. 12. Section 60-3,118, Revised Statutes Supplement, 2015, is
28 amended to read:

29 60-3,118 (1) In lieu of the license plates provided for by section
30 60-3,100, the department shall issue personalized message license plates
31 for motor vehicles, trailers, or semitrailers, ~~or cabin trailers,~~ except

1 for motor vehicles and trailers registered under section 60-3,198, to all
2 applicants who meet the requirements of sections 60-3,119 to 60-3,121.
3 Personalized message license plates shall be the same size and of the
4 same basic design as regular license plates issued pursuant to section
5 60-3,100. The characters used shall consist only of letters and numerals
6 of the same size and design and shall comply with the requirements of
7 subdivision (1)(a) of section 60-3,100. A maximum of seven characters may
8 be used, except that for an autocycle or a motorcycle, a maximum of six
9 characters may be used.

10 (2) The following conditions apply to all personalized message
11 license plates:

12 (a) County prefixes shall not be allowed except in counties using
13 the alphanumeric system for motor vehicle registration. The numerals in
14 the county prefix shall be the numerals assigned to the county, pursuant
15 to subsection (2) of section 60-370, in which the motor vehicle or ~~cabin~~
16 trailer is registered. Renewal of a personalized message license plate
17 containing a county prefix shall be conditioned upon the motor vehicle or
18 ~~cabin~~ trailer being registered in such county. The numerals in the county
19 prefix, including the hyphen or any other unique design for an existing
20 license plate style, count against the maximum number of characters
21 allowed under this section;

22 (b) The characters in the order used shall not conflict with or
23 duplicate any number used or to be used on the regular license plates or
24 any number or license plate already approved pursuant to sections
25 60-3,118 to 60-3,121;

26 (c) The characters in the order used shall not express, connote, or
27 imply any obscene or objectionable words or abbreviations; and

28 (d) An applicant receiving a personalized message license plate for
29 a farm truck with a gross weight of over sixteen tons or a commercial
30 truck or truck-tractor with a gross weight of five tons or over shall
31 affix the appropriate tonnage decal to such license plate.

1 (3) The department shall have sole authority to determine if the
2 conditions prescribed in subsection (2) of this section have been met.

3 Sec. 13. Section 60-3,120, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-3,120 When the department approves an application for
6 personalized message license plates, it shall notify the applicant and
7 deliver the license plates to the county treasurer of the county in which
8 the motor vehicle or ~~cabin~~ trailer is to be registered. The county
9 treasurer shall deliver such plates to the applicant, in lieu of regular
10 license plates, when the applicant complies with the other provisions of
11 law for registration of the motor vehicle or ~~cabin~~ trailer.

12 Sec. 14. Section 60-3,121, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 60-3,121 (1) The owner of a motor vehicle or ~~cabin~~ trailer bearing
15 personalized message license plates may make application to the county
16 treasurer to have such license plates transferred to a motor vehicle or
17 ~~cabin~~ trailer other than the motor vehicle or ~~cabin~~ trailer for which
18 such license plates were originally purchased if such motor vehicle or
19 ~~cabin~~ trailer is owned by the owner of the license plates.

20 (2) The owner may have the unused portion of the message plate fee
21 credited to the other motor vehicle or ~~cabin~~ trailer which will bear the
22 license plate at the rate of eight and one-third percent per month for
23 each full month left in the registration period.

24 (3) Application for such transfer shall be accompanied by a fee of
25 three dollars. The fees shall be remitted to the State Treasurer for
26 credit to the Department of Motor Vehicles Cash Fund.

27 Sec. 15. Section 60-3,122, Revised Statutes Supplement, 2015, is
28 amended to read:

29 60-3,122 (1) Any person may, in addition to the application required
30 by section 60-385, apply to the department for license plates designed by
31 the department to indicate that he or she is a survivor of the Japanese

1 attack on Pearl Harbor if he or she:

2 (a) Was a member of the United States Armed Forces on December 7,
3 1941;

4 (b) Was on station on December 7, 1941, during the hours of 7:55
5 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or
6 offshore at a distance not to exceed three miles;

7 (c) Was discharged or otherwise separated with a characterization of
8 honorable from the United States Armed Forces; and

9 (d) Holds a current membership in a Nebraska Chapter of the Pearl
10 Harbor Survivors Association.

11 (2) The license plates shall be issued upon the applicant paying the
12 regular license fee and furnishing proof satisfactory to the department
13 that the applicant fulfills the requirements provided by subsection (1)
14 of this section. Any number of motor vehicles, trailers, or semitrailers,
15 ~~or cabin trailers~~ owned by the applicant may be so licensed at any one
16 time. Motor vehicles and trailers registered under section 60-3,198 shall
17 not be so licensed.

18 (3) If the license plates issued pursuant to this section are lost,
19 stolen, or mutilated, the recipient of the plates shall be issued
20 replacement license plates upon request and without charge.

21 Sec. 16. Section 60-3,122.02, Revised Statutes Cumulative
22 Supplement, 2014, is amended to read:

23 60-3,122.02 (1) A person may apply to the department for Gold Star
24 Family plates in lieu of regular license plates on an application
25 prescribed and provided by the department for any motor vehicle, trailer,
26 or semitrailer, ~~or cabin trailer~~, except for a motor vehicle or trailer
27 registered under section 60-3,198. An applicant receiving a Gold Star
28 Family plate for a farm truck with a gross weight of over sixteen tons
29 shall affix the appropriate tonnage decal to the plate. The department
30 shall make forms available for such applications through the county
31 treasurers. The license plates shall be issued upon payment of the

1 license fee described in subsection (2) of this section and furnishing
2 proof satisfactory to the department that the applicant is a surviving
3 spouse, whether remarried or not, or an ancestor, including a stepparent,
4 a descendant, including a stepchild, a foster parent or a person in loco
5 parentis, or a sibling of a person who died while in good standing on
6 active duty in the military service of the United States.

7 (2)(a) Each application for initial issuance of consecutively
8 numbered Gold Star Family plates shall be accompanied by a fee of five
9 dollars. An application for renewal of such plates shall be accompanied
10 by a fee of five dollars. County treasurers collecting fees for renewals
11 pursuant to this subdivision shall remit them to the State Treasurer. The
12 State Treasurer shall credit five dollars of the fee for initial issuance
13 and renewal of such plates to the Nebraska Veteran Cemetery System
14 Operation Fund.

15 (b) Each application for initial issuance of personalized message
16 Gold Star Family plates shall be accompanied by a fee of forty dollars.
17 An application for renewal of such plates shall be accompanied by a fee
18 of forty dollars. County treasurers collecting fees for renewals pursuant
19 to this subdivision shall remit them to the State Treasurer. The State
20 Treasurer shall credit twenty-five percent of the fee for initial
21 issuance and renewal of such plates to the Department of Motor Vehicles
22 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran
23 Cemetery System Operation Fund.

24 (3) When the department receives an application for Gold Star Family
25 plates, the department shall deliver the plates to the county treasurer
26 of the county in which the motor vehicle or ~~cabin~~ trailer is registered.
27 The county treasurer shall issue Gold Star Family plates in lieu of
28 regular license plates when the applicant complies with the other
29 provisions of the Motor Vehicle Registration Act for registration of the
30 motor vehicle or ~~cabin~~ trailer. If Gold Star Family plates are lost,
31 stolen, or mutilated, the licensee shall be issued replacement license

1 plates upon request and without charge.

2 (4) The owner of a motor vehicle or ~~cabin~~ trailer bearing Gold Star
3 Family plates may apply to the county treasurer to have such plates
4 transferred to a motor vehicle or trailer other than the motor vehicle or
5 trailer for which such plates were originally purchased if such motor
6 vehicle or trailer is owned by the owner of the plates. The owner may
7 have the unused portion of the fee for the plates credited to the other
8 motor vehicle or trailer which will bear the plates at the rate of eight
9 and one-third percent per month for each full month left in the
10 registration period. Application for such transfer shall be accompanied
11 by a fee of three dollars. Fees collected pursuant to this subsection
12 shall be remitted to the State Treasurer for credit to the Department of
13 Motor Vehicles Cash Fund.

14 (5) If the cost of manufacturing Gold Star Family plates at any time
15 exceeds the amount charged for license plates pursuant to section
16 60-3,102, any money to be credited to the Nebraska Veteran Cemetery
17 System Operation Fund shall instead be credited first to the Highway
18 Trust Fund in an amount equal to the difference between the manufacturing
19 costs of Gold Star Family plates and the amount charged pursuant to
20 section 60-3,102 with respect to such plates and the remainder shall be
21 credited to the Nebraska Veteran Cemetery System Operation Fund.

22 Sec. 17. Section 60-3,122.04, Revised Statutes Cumulative
23 Supplement, 2014, is amended to read:

24 60-3,122.04 (1) ~~An Beginning January 2, 2016,~~ an eligible person may
25 apply to the department for Military Honor Plates in lieu of regular
26 license plates on an application prescribed and provided by the
27 department for any motor vehicle, trailer, or semitrailer, ~~or cabin~~
28 ~~trailer~~, except for a motor vehicle or trailer registered under section
29 60-3,198. An applicant receiving a Military Honor Plate for a farm truck
30 with a gross weight of over sixteen tons shall affix the appropriate
31 tonnage decal to the plate. The department shall make forms available for

1 such applications through the county treasurers. The license plates shall
2 be issued upon payment of the license fee described in subsection (2) of
3 this section and verification by the department of an applicant's
4 eligibility using the registry established by the Department of Veterans'
5 Affairs pursuant to section 80-414. To be eligible an applicant shall be
6 (a) active duty armed forces personnel serving in any of the armed forces
7 listed in subsection (1) of section 60-3,122.03 or (b) a veteran of any
8 of such armed forces who was discharged or otherwise separated with a
9 characterization of honorable or general (under honorable conditions).
10 Any person using Military Honor Plates shall surrender the plates to the
11 county treasurer if such person is no longer eligible for the plates.
12 Regular plates shall be issued to any such person upon surrender of the
13 Military Honor Plates for a three-dollar transfer fee and forfeiture of
14 any of the remaining annual fee. The three-dollar transfer fee shall be
15 remitted to the State Treasurer for credit to the Department of Motor
16 Vehicles Cash Fund.

17 (2)(a) In addition to all other fees required for registration under
18 the Motor Vehicle Registration Act, each application for initial issuance
19 or renewal of alphanumeric Military Honor Plates shall be accompanied by
20 a fee of five dollars. County treasurers collecting fees pursuant to this
21 subdivision shall remit them to the State Treasurer. The State Treasurer
22 shall credit five dollars of the fee to the Nebraska Veteran Cemetery
23 System Operation Fund.

24 (b) In addition to all other fees required for registration under
25 the Motor Vehicle Registration Act, each application for initial issuance
26 or renewal of personalized message Military Honor Plates shall be
27 accompanied by a fee of forty dollars. County treasurers collecting fees
28 pursuant to this subdivision shall remit them to the State Treasurer. The
29 State Treasurer shall credit twenty-five percent of the fee for initial
30 issuance and renewal of such plates to the Department of Motor Vehicles
31 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran

1 Cemetery System Operation Fund.

2 (3) When the Department of Motor Vehicles receives an application
3 for Military Honor Plates, the department shall deliver the plates to the
4 county treasurer of the county in which the motor vehicle or ~~cabin~~
5 trailer is registered. The county treasurer shall issue Military Honor
6 Plates in lieu of regular license plates when the applicant complies with
7 the other provisions of the Motor Vehicle Registration Act for
8 registration of the motor vehicle or ~~cabin~~ trailer. If Military Honor
9 Plates are lost, stolen, or mutilated, the licensee shall be issued
10 replacement license plates upon request pursuant to section 60-3,157.

11 (4) The owner of a motor vehicle or ~~cabin~~ trailer bearing Military
12 Honor Plates may apply to the county treasurer to have such plates
13 transferred to a motor vehicle or trailer other than the motor vehicle or
14 trailer for which such plates were originally purchased if such motor
15 vehicle or trailer is owned by the owner of the plates. The owner may
16 have the unused portion of the fee for the plates credited to the other
17 motor vehicle or trailer which will bear the plates at the rate of eight
18 and one-third percent per month for each full month left in the
19 registration period. Application for such transfer shall be accompanied
20 by a fee of three dollars. Fees collected pursuant to this subsection
21 shall be remitted to the State Treasurer for credit to the Department of
22 Motor Vehicles Cash Fund.

23 (5) If the cost of manufacturing Military Honor Plates at any time
24 exceeds the amount charged for license plates pursuant to section
25 60-3,102, any money to be credited to the Nebraska Veteran Cemetery
26 System Operation Fund shall instead be credited first to the Highway
27 Trust Fund in an amount equal to the difference between the manufacturing
28 costs of Military Honor Plates and the amount charged pursuant to section
29 60-3,102 with respect to such plates and the remainder shall be credited
30 to the Nebraska Veteran Cemetery System Operation Fund.

31 (6) If the director discovers evidence of fraud in an application

1 for Military Honor Plates or that the holder is no longer eligible to
2 have Military Honor Plates, the director may summarily cancel the plates
3 and registration and send notice of the cancellation to the holder of the
4 license plates.

5 Sec. 18. Section 60-3,123, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 60-3,123 (1) Any person who was captured and incarcerated by an
8 enemy of the United States during a period of conflict with such enemy
9 and who was discharged or otherwise separated with a characterization of
10 honorable from or is currently serving in the United States Armed Forces
11 may, in addition to the application required in section 60-385, apply to
12 the department for license plates designed to indicate that he or she is
13 a former prisoner of war.

14 (2) The license plates shall be issued upon the applicant paying the
15 regular license fee and furnishing proof satisfactory to the department
16 that the applicant was formerly a prisoner of war. Any number of motor
17 vehicles, trailers, or semitrailers, ~~or cabin trailers~~ owned by the
18 applicant may be so licensed at any one time. Motor vehicles and trailers
19 registered under section 60-3,198 shall not be so licensed.

20 (3) If the license plates issued under this section are lost,
21 stolen, or mutilated, the recipient of the license plates shall be issued
22 replacement license plates upon request and without charge.

23 Sec. 19. Section 60-3,124, Revised Statutes Supplement, 2015, is
24 amended to read:

25 60-3,124 (1) Any person who is a veteran of the United States Armed
26 Forces, who was discharged or otherwise separated with a characterization
27 of honorable or general (under honorable conditions), and who is
28 classified by the United States Department of Veterans Affairs as one
29 hundred percent service-connected disabled may, in addition to the
30 application required in section 60-385, apply to the Department of Motor
31 Vehicles for license plates designed by the department to indicate that

1 the applicant is a disabled veteran. The inscription on the license
2 plates shall be D.A.V. immediately below the license plate number to
3 indicate that the holder of the license plates is a disabled veteran.

4 (2) The plates shall be issued upon the applicant paying the regular
5 license fee and furnishing proof satisfactory to the department that the
6 applicant is a disabled veteran. Any number of motor vehicles, trailers,
7 ~~or semitrailers, or cabin trailers~~ owned by the applicant may be so
8 licensed at any one time. Motor vehicles and trailers registered under
9 section 60-3,198 shall not be so licensed.

10 (3) If the license plates issued under this section are lost,
11 stolen, or mutilated, the recipient of the plates shall be issued
12 replacement license plates as provided in section 60-3,157.

13 Sec. 20. Section 60-3,125, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 60-3,125 (1) Any person may, in addition to the application required
16 by section 60-385, apply to the department for license plates designed by
17 the department to indicate that the applicant has received from the
18 federal government an award of a Purple Heart. The inscription of the
19 plates shall be designed so as to include a facsimile of the award and
20 beneath any numerical designation upon the plates pursuant to section
21 60-370 the words Purple Heart separately on one line and the words Combat
22 Wounded on the line below.

23 (2) The license plates shall be issued upon payment of the regular
24 license fee and furnishing proof satisfactory to the department that the
25 applicant was awarded the Purple Heart. Any number of motor vehicles,
26 trailers, ~~or semitrailers, or cabin trailers~~ owned by the applicant may
27 be so licensed at any one time. Motor vehicles and trailers registered
28 under section 60-3,198 shall not be so licensed.

29 (3) If license plates issued pursuant to this section are lost,
30 stolen, or mutilated, the recipient of the plates shall be issued
31 replacement license plates upon request and without charge.

1 Sec. 21. Section 60-3,126, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-3,126 (1) Any person who holds an unrevoked and unexpired amateur
4 radio station license issued by the Federal Communications Commission and
5 is the owner of a motor vehicle, trailer, or semitrailer, ~~or cabin~~
6 ~~trailer~~, except for motor vehicles and trailers registered under section
7 60-3,198, may, in addition to the application required by section 60-385,
8 apply to the department for license plates upon which shall be inscribed
9 the official amateur radio call letters of such applicant.

10 (2) Such license plates shall be issued, in lieu of the usual
11 numbers and letters, to such an applicant upon payment of the regular
12 license fee and the payment of an additional fee of five dollars and
13 furnishing proof that the applicant holds such an unrevoked and unexpired
14 amateur radio station license. The additional fee shall be remitted to
15 the State Treasurer for credit to the Highway Trust Fund. Only one such
16 motor vehicle or trailer owned by an applicant shall be so registered at
17 any one time.

18 (3) An applicant applying for renewal of amateur radio station
19 license plates shall again furnish proof that he or she holds an
20 unrevoked and unexpired amateur radio station license issued by the
21 Federal Communications Commission.

22 (4) The department shall prescribe the size and design of the
23 license plates and furnish such plates to the persons applying for and
24 entitled to the same upon the payment of the required fee.

25 Sec. 22. Section 60-3,128, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 60-3,128 (1) A person may apply to the department for Nebraska
28 Cornhusker Spirit Plates in lieu of regular license plates on an
29 application prescribed and provided by the department for any motor
30 vehicle, trailer, or semitrailer, ~~or cabin trailer~~, except for motor
31 vehicles or trailers registered under section 60-3,198. An applicant

1 receiving a spirit plate for a farm truck with a gross weight of over
2 sixteen tons or for a commercial motor vehicle registered for a gross
3 weight of five tons or over shall affix the appropriate tonnage decal to
4 the spirit plate. The department shall make forms available for such
5 applications through the county treasurers. Each application for initial
6 issuance or renewal of spirit plates shall be accompanied by a fee of
7 seventy dollars. Fees collected pursuant to this subsection shall be
8 remitted to the State Treasurer. The State Treasurer shall credit forty-
9 three percent of the fees for initial issuance and renewal of spirit
10 plates to the Department of Motor Vehicles Cash Fund. The State Treasurer
11 shall credit fifty-seven percent of the fees to the Spirit Plate Proceeds
12 Fund until the fund has been credited five million dollars from such fees
13 and thereafter to the Highway Trust Fund.

14 (2) When the department receives an application for spirit plates,
15 it shall deliver the plates to the county treasurer of the county in
16 which the motor vehicle or ~~cabin~~ trailer is registered. The county
17 treasurer shall issue spirit plates in lieu of regular license plates
18 when the applicant complies with the other provisions of law for
19 registration of the motor vehicle or ~~cabin~~ trailer. If spirit plates are
20 lost, stolen, or mutilated, the licensee shall be issued replacement
21 license plates pursuant to section 60-3,157.

22 (3)(a) The owner of a motor vehicle or ~~cabin~~ trailer bearing spirit
23 plates may make application to the county treasurer to have such spirit
24 plates transferred to a motor vehicle or ~~cabin~~ trailer other than the
25 motor vehicle or ~~cabin~~ trailer for which such plates were originally
26 purchased if such motor vehicle or ~~cabin~~ trailer is owned by the owner of
27 the spirit plates.

28 (b) The owner may have the unused portion of the spirit plate fee
29 credited to the other motor vehicle or ~~cabin~~ trailer which will bear the
30 spirit plate at the rate of eight and one-third percent per month for
31 each full month left in the registration period.

1 (c) Application for such transfer shall be accompanied by a fee of
2 three dollars. Fees collected pursuant to this subsection shall be
3 remitted to the State Treasurer for credit to the Department of Motor
4 Vehicles Cash Fund.

5 Sec. 23. Section 60-3,198, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 60-3,198 (1) Any owner engaged in operating a fleet of apportionable
8 vehicles in this state in interjurisdiction commerce may, in lieu of
9 registration of such apportionable vehicles under the general provisions
10 of the Motor Vehicle Registration Act, register and license such fleet
11 for operation in this state by filing a statement and the application
12 required by section 60-3,203 with the Division of Motor Carrier Services
13 of the department. The statement shall be in such form and contain such
14 information as the division requires, declaring the total mileage
15 operated by such vehicles in all jurisdictions and in this state during
16 the preceding year and describing and identifying each such apportionable
17 vehicle to be operated in this state during the ensuing license year.
18 Upon receipt of such statement and application, the division shall
19 determine the total fee payment, which shall be equal to the amount of
20 fees due pursuant to section 60-3,203 and the amount obtained by applying
21 the formula provided in section 60-3,204 to a fee of thirty-two dollars
22 per ton based upon gross vehicle weight of the empty weights of a truck
23 or truck-tractor and the empty weights of any trailer or combination
24 thereof with which it is to be operated in combination at any one time
25 plus the weight of the maximum load to be carried thereon at any one
26 time, and shall notify the applicant of the amount of payment required to
27 be made. Mileage operated in noncontracting reciprocity jurisdictions by
28 apportionable vehicles based in Nebraska shall be applied to the portion
29 of the formula for determining the Nebraska injurisdiction fleet
30 distance.

31 Temporary authority which permits the operation of a fleet or an

1 addition to a fleet in this state while the application is being
2 processed may be issued upon application to the division if necessary to
3 complete processing of the application.

4 Upon completion of such processing and receipt of the appropriate
5 fees, the division shall issue to the applicant a sufficient number of
6 distinctive registration certificates which provide a list of the
7 jurisdictions in which the apportionable vehicle has been apportioned,
8 the weight for which registered, and such other evidence of registration
9 for display on the apportionable vehicle as the division determines
10 appropriate for each of the apportionable vehicles of his or her fleet,
11 identifying it as a part of an interjurisdiction fleet proportionately
12 registered. All fees received as provided in this section shall be
13 remitted to the State Treasurer for credit to the Motor Carrier Services
14 Division Distributive Fund.

15 The apportionable vehicles so registered shall be exempt from all
16 further registration and license fees under the Motor Vehicle
17 Registration Act for movement or operation in the State of Nebraska
18 except as provided in section 60-3,203. The proportional registration and
19 licensing provision of this section shall apply to apportionable vehicles
20 added to such fleets and operated in this state during the license year
21 except with regard to permanent license plates issued under section
22 60-3,203.

23 The right of applicants to proportional registration under this
24 section shall be subject to the terms and conditions of any reciprocity
25 agreement, contract, or consent made by the division.

26 When a nonresident fleet owner has registered his or her
27 apportionable vehicles, his or her apportionable vehicles shall be
28 considered as fully registered for both interjurisdiction and
29 intrajurisdiction commerce when the jurisdiction of base registration for
30 such fleet accords the same consideration for fleets with a base
31 registration in Nebraska. Each apportionable vehicle of a fleet

1 registered by a resident of Nebraska shall be considered as fully
2 registered for both interjurisdiction and intrajurisdiction commerce.

3 (2) Mileage proportions for interjurisdiction fleets not operated in
4 this state during the preceding year shall be determined by the division
5 upon the application of the applicant on forms to be supplied by the
6 division which shall show the operations of the preceding year in other
7 jurisdictions and estimated operations in Nebraska or, if no operations
8 were conducted the previous year, a full statement of the proposed method
9 of operation.

10 (3) Any owner complying with and being granted proportional
11 registration shall preserve the records on which the application is made
12 for a period of three years following the current registration year. Upon
13 request of the division, the owner shall make such records available to
14 the division at its office for audit as to accuracy of computation and
15 payments or pay the costs of an audit at the home office of the owner by
16 a duly appointed representative of the division if the office where the
17 records are maintained is not within the State of Nebraska. The division
18 may enter into agreements with agencies of other jurisdictions
19 administering motor vehicle registration laws for joint audits of any
20 such owner. All payments received to cover the costs of an audit shall be
21 remitted by the division to the State Treasurer for credit to the Motor
22 Carrier Division Cash Fund. No deficiency shall be assessed and no claim
23 for credit shall be allowed for any license registration year for which
24 records on which the application was made are no longer required to be
25 maintained.

26 (4) If the division claims that a greater amount of fee is due under
27 this section than was paid, the division shall notify the owner of the
28 additional amount claimed to be due. The owner may accept such claim and
29 pay the amount due, or he or she may dispute the claim and submit to the
30 division any information which he or she may have in support of his or
31 her position. If the dispute cannot otherwise be resolved within the

1 division, the owner may petition for an appeal of the matter. The
2 director shall appoint a hearing officer who shall hear the dispute and
3 issue a written decision. Any appeal shall be in accordance with the
4 Administrative Procedure Act. Upon expiration of the time for perfecting
5 an appeal if no appeal is taken or upon final judicial determination if
6 an appeal is taken, the division shall deny the owner the right to
7 further registration for a fleet license until the amount finally
8 determined to be due, together with any costs assessed against the owner,
9 has been paid.

10 (5) Every applicant who licenses any apportionable vehicles under
11 this section and section 60-3,203 shall have his or her registration
12 certificates issued only after all fees under such sections are paid and,
13 if applicable, proof has been furnished of payment, in the form
14 prescribed by the director as directed by the United States Secretary of
15 the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C.
16 4481 of the Internal Revenue Code as defined in section 49-801.01.

17 (6)(a) In the event of the transfer of ownership of any registered
18 apportionable vehicle, (b) in the case of loss of possession because of
19 fire, theft, or wrecking, junking, or dismantling of any registered
20 apportionable vehicle, (c) when a salvage branded certificate of title is
21 issued for any registered apportionable vehicle, (d) whenever a type or
22 class of registered apportioned vehicle is subsequently declared by
23 legislative act or court decision to be illegal or ineligible to be
24 operated or towed on the public roads and no longer subject to
25 registration fees and taxes, (e) upon trade-in or surrender of a
26 registered apportionable vehicle under a lease, or (f) in case of a
27 change in the situs of a registered apportionable vehicle to a location
28 outside of this state, its registration shall expire, except that if the
29 registered owner or lessee applies to the division after such transfer or
30 loss of possession and accompanies the application with a fee of one
31 dollar and fifty cents, he or she may have any remaining credit of

1 vehicle fees and taxes from the previously registered apportionable
2 vehicle applied toward payment of any vehicle fees and taxes due and
3 owing on another registered apportionable vehicle. If such registered
4 apportionable vehicle has a greater gross vehicle weight than that of the
5 previously registered apportionable vehicle, the registered owner or
6 lessee of the registered apportionable vehicle shall additionally pay
7 only the registration fee for the increased gross vehicle weight for the
8 remaining months of the registration year based on the factors determined
9 by the division in the original fleet application.

10 (7) Whenever a Nebraska-based fleet owner files an application with
11 the division to delete a registered apportionable vehicle from a fleet of
12 registered apportionable vehicles (a) because of a transfer of ownership
13 of the registered apportionable vehicle, (b) because of loss of
14 possession due to fire, theft, or wrecking, junking, or dismantling of
15 the registered apportionable vehicle, (c) because a salvage branded
16 certificate of title is issued for the registered apportionable vehicle,
17 (d) because a type or class of registered apportioned vehicle is
18 subsequently declared by legislative act or court decision to be illegal
19 or ineligible to be operated or towed on the public roads and no longer
20 subject to registration fees and taxes, (e) because of a trade-in or
21 surrender of the registered apportionable vehicle under a lease, or (f)
22 because of a change in the situs of the registered apportionable vehicle
23 to a location outside of this state, the registered owner may, by
24 returning the registration certificate or certificates and such other
25 evidence of registration used by the division or, if such certificate or
26 certificates or such other evidence of registration is unavailable, then
27 by making an affidavit to the division of such transfer or loss, receive
28 a refund of that portion of the unused registration fee based upon the
29 number of unexpired months remaining in the registration year from the
30 date of transfer or loss. No refund shall be allowed for any fees paid
31 under section 60-3,203. When such apportionable vehicle is transferred or

1 lost within the same month as acquired, no refund shall be allowed for
2 such month. Such refund may be in the form of a credit against any
3 registration fees that have been incurred or are, at the time of the
4 refund, being incurred by the registered apportionable vehicle owner. The
5 Nebraska-based fleet owner shall make a claim for a refund under this
6 subsection within the registration period or shall be deemed to have
7 forfeited his or her right to the refund.

8 ~~(8) Whenever a Nebraska-based fleet owner files an application with~~
9 ~~the division to delete a registered apportionable vehicle from a fleet of~~
10 ~~registered apportionable vehicles because the apportionable vehicle is~~
11 ~~disabled and has been removed from service, the registered owner may, by~~
12 ~~returning the registration certificate or certificates and such other~~
13 ~~evidence of registration used by the division or, in the case of the~~
14 ~~unavailability of such certificate or certificates or such other evidence~~
15 ~~of registration, then by making an affidavit to the division of such~~
16 ~~disablement and removal from service, receive a credit for that portion~~
17 ~~of the unused registration fee deposited in the Highway Trust Fund based~~
18 ~~upon the number of unexpired months remaining in the registration year.~~
19 ~~No credit shall be allowed for any fees paid under section 60-3,203. When~~
20 ~~such apportionable vehicle is removed from service within the same month~~
21 ~~in which it was registered, no credit shall be allowed for such month.~~
22 ~~Such credit may be applied against registration fees for new or~~
23 ~~replacement vehicles incurred within one year after cancellation of~~
24 ~~registration of the apportionable vehicle for which the credit was~~
25 ~~allowed. When any such apportionable vehicle is reregistered within the~~
26 ~~same registration year in which its registration has been canceled, the~~
27 ~~fee shall be that portion of the registration fee provided to be~~
28 ~~deposited in the Highway Trust Fund for the remainder of the registration~~
29 ~~year. The Nebraska-based fleet owner shall make a claim for a credit~~
30 ~~under this subsection within the registration period or shall be deemed~~
31 ~~to have forfeited his or her right to the credit.~~

1 (8 9) In case of addition to the registered fleet during the
2 registration year, the owner engaged in operating the fleet shall pay the
3 proportionate registration fee from the date the vehicle was placed into
4 service or, if the vehicle was previously registered, the date the prior
5 registration expired or the date Nebraska became the base jurisdiction
6 for the fleet, whichever is first, for the remaining balance of the
7 registration year. The fee for any permanent license plate issued for
8 such addition pursuant to section 60-3,203 shall be the full fee required
9 by such section, regardless of the number of months remaining in the
10 license year.

11 (9 10) In lieu of registration under subsections (1) through (8 9)
12 of this section, the title holder of record may apply to the division for
13 special registration, to be known as an unladen-weight registration, for
14 any commercial motor vehicle or combination of vehicles which have been
15 registered to a Nebraska-based fleet owner within the current or previous
16 registration year. Such registration shall be valid only for a period of
17 thirty days and shall give no authority to operate the vehicle except
18 when empty. The fee for such registration shall be twenty dollars for
19 each vehicle, which fee shall be remitted to the State Treasurer for
20 credit to the Highway Trust Fund. The issuance of such permits shall be
21 governed by section 60-3,179.

22 ~~(11)(a) This subdivision applies until the implementation date~~
23 ~~designated by the director pursuant to subdivision (b) of this~~
24 ~~subsection. Any person may, in lieu of registration under subsections (1)~~
25 ~~through (9) of this section or for other jurisdictions as approved by the~~
26 ~~director, purchase a trip permit for any nonresident truck, truck-~~
27 ~~tractor, bus, or truck or truck-tractor combination. Such permit shall be~~
28 ~~valid for a period of seventy-two hours. The fee for such permit shall be~~
29 ~~twenty-five dollars for each truck, truck-tractor, bus, or truck or~~
30 ~~truck-tractor combination. Such permit shall be available at weighing~~
31 ~~stations operated by the carrier enforcement division and at various~~

~~1 vendor stations as determined appropriate by the carrier enforcement
2 division. The carrier enforcement division shall act as an agent for the
3 Division of Motor Carrier Services in collecting such fees and shall
4 remit all such fees collected to the State Treasurer for credit to the
5 Highway Cash Fund. Trip permits shall be obtained at the first available
6 location whether that is a weighing station or a vendor station. The
7 vendor stations shall be entitled to collect and retain an additional fee
8 of ten percent of the fee collected pursuant to this subsection as
9 reimbursement for the clerical work of issuing the permits.~~

~~10 (10) (b) This subdivision applies beginning on an implementation
11 date designated by the director. The director shall designate an
12 implementation date which is on or before January 1, 2015. Any person
13 may, in lieu of registration under subsections (1) through (8 9) of this
14 section or for other jurisdictions as approved by the director, purchase
15 a trip permit for any nonresident truck, truck-tractor, bus, or truck or
16 truck-tractor combination. A trip permit shall be issued before any
17 person required to obtain a trip permit enters this state with such
18 vehicle. The trip permit shall be issued by the director through Internet
19 sales from the department's web site. The trip permit shall be valid for
20 a period of seventy-two hours. The fee for the trip permit shall be
21 twenty-five dollars for each truck, truck-tractor, bus, or truck or
22 truck-tractor combination. The fee collected by the director shall be
23 remitted to the State Treasurer for credit to the Highway Cash Fund.~~

24 Sec. 24. Section 60-3,202, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 60-3,202 (1) As registration fees are received by the Division of
27 Motor Carrier Services of the department pursuant to section 60-3,198,
28 the division shall remit the fees to the State Treasurer, less a
29 collection fee of three percent of thirty percent of the registration
30 fees collected. The collection fee shall be credited to the Department of
31 Revenue Property Assessment Division Cash Fund. The State Treasurer shall

1 credit the remainder of the thirty percent of the fees collected to the
2 Motor Vehicle Tax Fund and the remaining seventy percent of the fees
3 collected to the Highway Trust Fund.

4 (2) On or before the last day of each quarter of the calendar year,
5 the State Treasurer shall distribute all funds in the Motor Vehicle Tax
6 Fund to the county treasurer of each county in the same proportion as the
7 number of original motor ~~apportionable~~ vehicle registrations in each
8 county bears to the total of all original registrations within the state
9 in the registration year immediately preceding.

10 (3) Upon receipt of motor vehicle tax funds from the State
11 Treasurer, the county treasurer shall distribute such funds to taxing
12 agencies within the county in the same proportion that the levy of each
13 such taxing agency bears to the total of such levies of all taxing
14 agencies in the county.

15 (4) In the event any taxing district has been annexed, merged,
16 dissolved, or in any way absorbed into another taxing district, any
17 apportionment of motor vehicle tax funds to which such taxing district
18 would have been entitled shall be apportioned to the successor taxing
19 district which has assumed the functions of the annexed, merged,
20 dissolved, or absorbed taxing district.

21 (5) On or before March 1 of each year, the department shall furnish
22 to the State Treasurer a tabulation showing the total number of original
23 motor ~~apportionable~~ vehicle registrations in each county for the
24 immediately preceding calendar year, which shall be the basis for
25 computing the distribution of motor vehicle tax funds as provided in
26 subsection (2) of this section.

27 (6) The Motor Vehicle Tax Fund is created. Any money in the fund
28 available for investment shall be invested by the state investment
29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
30 State Funds Investment Act.

31 Sec. 25. Section 60-3,222, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-3,222 (1) If a fee required under the Motor Vehicle Registration
3 Act or a tax required to be paid on any motor vehicle or trailer has been
4 paid by check, draft, or other financial transaction, including an
5 electronic financial transaction, and the check, draft, or financial
6 transaction has been returned or not honored because of insufficient
7 funds, no account, a stop-payment order, or any other reason, a county
8 treasurer or the department may cancel or refuse to issue or renew
9 registration under the act.

10 (2) The county treasurer or the department may take the action
11 described in subsection (1) of this section no sooner than seven days
12 after the notice required in subsection (3) of this section has been
13 mailed.

14 (3) Prior to taking action described in subsection (1) of this
15 section, the county treasurer or the department shall notify the
16 applicant or registrant of the proposed action and the reasons for such
17 action in writing, by first-class, registered, or certified mail, mailed
18 to the applicant's or registrant's last-known address as shown on the
19 application for registration or renewal.

20 (4) If the county treasurer or the department takes action pursuant
21 to this section, the county treasurer or the department shall reinstate
22 the registration without delay upon the payment of certified funds by the
23 applicant or registrant for any fees and taxes due and reasonable
24 administrative costs, not to exceed twenty-five dollars, incurred in
25 taking such action.

26 (5) Any person who is sent a notice ~~from the county treasurer~~
27 pursuant to ~~subsection (1) of~~ this section shall, within ten business
28 days after mailing of the notice, return to the county treasurer or the
29 department the motor vehicle registration and license plates of the
30 vehicle or trailer regarding which the action has been taken. If the
31 person fails to return the registration and license plates to the county

1 treasurer or the department, the county treasurer or the department shall
2 notify the sheriff of the county in which the person resides that the
3 person is in violation of this section. The sheriff may recover the
4 registration and license plates and return them to the county treasurer
5 or the department.

6 Sec. 26. Section 60-3,224, Revised Statutes Supplement, 2015, is
7 amended to read:

8 60-3,224 (1) Beginning October 1, 2015, and ending December 31,
9 2022, a person may apply to the department for Nebraska 150
10 Sesquicentennial Plates in lieu of regular license plates on an
11 application prescribed and provided by the department for any motor
12 vehicle, trailer, or semitrailer, ~~or cabin trailer~~, except for a motor
13 vehicle or trailer registered under section 60-3,198. An applicant
14 receiving a plate under this section for a farm truck with a gross weight
15 of over sixteen tons shall affix the appropriate tonnage decal to the
16 plate. The department shall make forms available for such applications
17 through the county treasurers.

18 (2) Each application for initial issuance or renewal of Nebraska 150
19 Sesquicentennial Plates shall be accompanied by a fee of seventy dollars.
20 Fees collected pursuant to this section shall be remitted to the State
21 Treasurer. The State Treasurer shall credit fifteen percent of the fee
22 for initial issuance and renewal of plates under subsection (3) of
23 section 60-3,223 to the Department of Motor Vehicles Cash Fund and
24 eighty-five percent of such fee to the Nebraska 150 Sesquicentennial
25 Plate Proceeds Fund. The State Treasurer shall credit forty-three percent
26 of the fee for initial issuance and renewal of plates under subsection
27 (4) of section 60-3,223 to the Department of Motor Vehicles Cash Fund and
28 fifty-seven percent of such fee to the Nebraska 150 Sesquicentennial
29 Plate Proceeds Fund.

30 (3) When the department receives an application for Nebraska 150
31 Sesquicentennial Plates, the department shall deliver the plates to the

1 county treasurer of the county in which the motor vehicle or ~~cabin~~
2 trailer is registered. The county treasurer shall issue plates under this
3 section in lieu of regular license plates when the applicant complies
4 with the other provisions of the Motor Vehicle Registration Act for
5 registration of the motor vehicle or ~~cabin~~ trailer. If plates are lost,
6 stolen, or mutilated, the licensee shall be issued replacement license
7 plates pursuant to section 60-3,157.

8 (4) The owner of a motor vehicle or ~~cabin~~ trailer bearing Nebraska
9 150 Sesquicentennial Plates may apply to the county treasurer to have
10 such plates transferred to a motor vehicle or ~~cabin~~ trailer other than
11 the motor vehicle or trailer for which such plates were originally
12 purchased if such motor vehicle or trailer is owned by the owner of the
13 plates. The owner may have the unused portion of the fee for the plates
14 credited to the other motor vehicle or trailer which will bear the plates
15 at the rate of eight and one-third percent per month for each full month
16 left in the registration period. Application for such transfer shall be
17 accompanied by a fee of three dollars. The State Treasurer shall credit
18 fees collected pursuant to this subsection to the Department of Motor
19 Vehicles Cash Fund.

20 (5) Nebraska 150 Sesquicentennial Plates shall not be issued or
21 renewed beginning on January 1, 2023.

22 Sec. 27. Section 60-462, Revised Statutes Supplement, 2015, is
23 amended to read:

24 60-462 Sections 60-462 to 60-4,189 and section 37 of this act shall
25 be known and may be cited as the Motor Vehicle Operator's License Act.

26 Sec. 28. Section 60-4,105, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-4,105 (1) Unless otherwise provided by statute, any person
29 aggrieved by a final decision or order of the director or the department
30 ~~Department of Motor Vehicles~~ to cancel, suspend, revoke, or refuse to
31 issue or renew any operator's license, ~~any decision of the director made~~

1 ~~after consideration of advice from the Health Advisory Board,~~ or by a
2 suspension of an operator's license under the License Suspension Act may
3 appeal to either the district court of the county in which the person
4 originally applied for the license or the district court of the county in
5 which such person resides or, in the case of a nonresident, to the
6 district court of Lancaster County within thirty days after the date of
7 the final decision or order.

8 (2) Summons shall be served on the department within thirty days
9 after the filing of the petition in the manner provided for service of a
10 summons in section 25-510.02. Within thirty days after service of the
11 petition and summons, the department shall prepare and transmit to the
12 petitioner a certified copy of the official record of the proceedings
13 before the department. The department shall require payment of a five-
14 dollar fee prior to the transmittal of the official record. The
15 petitioner shall file the transcript with the court within fourteen days
16 after receiving the transcript from the department.

17 (3) The district court shall hear the appeal as in equity without a
18 jury and determine anew all questions raised before the director. Either
19 party may appeal from the decision of the district court to the Court of
20 Appeals.

21 (4) The appeal procedures described in the Administrative Procedure
22 Act shall not apply to this section.

23 Sec. 29. Section 60-4,112, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 60-4,112 Sections 60-4,114.01 and 60-4,118.05 ~~60-4,118.01~~ to
26 60-4,130.05 shall apply to the operation of any motor vehicle except a
27 commercial motor vehicle.

28 Sec. 30. Section 60-4,114, Revised Statutes Supplement, 2015, is
29 amended to read:

30 60-4,114 (1) The county treasurer may employ such additional
31 clerical help as may be necessary to assist him or her in the performance

1 of the ministerial duties required of him or her under the Motor Vehicle
2 Operator's License Act and, for such additional expense, shall be
3 reimbursed as set out in section 60-4,115.

4 (2) The director may, in his or her discretion, appoint department
5 personnel to examine all applicants who apply for an initial license or
6 whose licenses have been revoked or canceled to ascertain such person's
7 ability to operate a motor vehicle properly and safely.

8 (3) Except as otherwise provided in section 60-4,122, the
9 application process, in addition to the other requisites of the act,
10 shall include the following:

11 (a) An inquiry into the medical condition and visual ability of the
12 applicant to operate a motor vehicle;

13 (b) An inquiry into the applicant's ability to drive and maneuver a
14 motor vehicle, except that no driving skills test shall be conducted
15 using an autocyycle; and

16 (c) An inquiry touching upon the applicant's knowledge of the motor
17 vehicle laws of this state, which shall include sufficient questions to
18 indicate familiarity with the provisions thereof.

19 ~~(4)(a) (4) If an applicant is denied or refused a certificate for~~
20 ~~license, such applicant shall have the right to an immediate appeal to~~
21 ~~the director from the decision. It shall be the duty of the director to~~
22 ~~review the appeal and issue a final order. The final order shall be in~~
23 ~~writing, shall be accompanied by findings of fact and conclusions of law,~~
24 ~~and shall be sent by regular United States mail to the applicant's last-~~
25 ~~known address. The order may be appealed as provided in section 60-4,105.~~
26 ~~Such order shall, to be made not later than ten days after the receipt~~
27 ~~of the appeal by the director, except as provided in subdivision (4)(b)~~
28 ~~of this section that if the director requests the advice of the Health~~
29 ~~Advisory Board on the matter, the director shall have up to forty five~~
30 ~~days after the day a medical or vision problem is referred to him or her~~
31 ~~to consult with members of the board to obtain the medical opinion~~

1 ~~necessary to make a decision and shall issue a final order not later than~~
2 ~~ten days following receipt of the medical opinion. After consideration of~~
3 ~~the advice of the board, the director shall make a determination of the~~
4 ~~applicant's physical or mental ability to operate a motor vehicle and~~
5 ~~shall issue a final order. The order shall be in writing, shall be~~
6 ~~accompanied by findings of fact and conclusions of law, and shall be sent~~
7 ~~by regular United States mail to the applicant's last-known address. The~~
8 ~~order may be appealed as provided in section 60-4,105.~~

9 (b) If a medical or vision problem is referred to the director, he
10 or she shall have ten days after the receipt of the appeal to obtain a
11 medical opinion if the director deems one necessary. An applicant may
12 also request additional time to submit a written medical opinion from a
13 medical professional of such applicant's choice or other documentation to
14 the director. The director shall grant the applicant a reasonable time to
15 make such submission. The director shall make a determination of the
16 applicant's physical or mental ability to operate a motor vehicle and
17 shall issue a final order not later than ten days following receipt of
18 any medical opinion requested by the director, or if the director decides
19 not to seek a medical opinion, ten days following receipt of the appeal,
20 or ten days following the deadline set by the director for submission of
21 the written opinion or other documentation submitted by the applicant,
22 whichever is later.

23 Sec. 31. Section 60-4,118, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-4,118 (1) The Legislature finds and declares that:

26 (a) The operation of a motor vehicle on the highways of the state is
27 a privilege and that no person should operate a motor vehicle on the
28 highways of this state if not physically or mentally capable of safely
29 doing so;

30 (b) The approval or denial of an application for an operator's
31 license or the revocation of an operator's license may provide or prevent

1 an opportunity for the applicant or licensee to obtain or maintain
2 gainful employment; and

3 (c) Under certain circumstances, careful medical review and
4 evaluation of an applicant for an operator's license or of a licensee is
5 necessary to protect the interest of the applicant or licensee and the
6 health, safety, and welfare of the public.

7 (2 1) No operator's license shall be granted to any applicant until
8 such applicant satisfies the licensing staff of the department examiner
9 that he or she possesses sufficient powers of eyesight to enable him or
10 her to obtain a Class 0 license and to operate a motor vehicle on the
11 highways of this state with a reasonable degree of safety. The department
12 Department of Motor Vehicles, with the advice of the Health Advisory
13 Board, shall adopt and promulgate rules and regulations:

14 (a) Requiring a minimum acuity level of vision. Such level may be
15 obtained through the use of standard eyeglasses, contact lenses, or
16 bioptic or telescopic lenses which are specially constructed vision
17 correction devices which include a lens system attached to or used in
18 conjunction with a carrier lens; and

19 (b) Requiring a minimum field of vision. Such field of vision may be
20 obtained through standard eyeglasses, contact lenses, or the carrier lens
21 of the bioptic or telescopic lenses.

22 (3 2) If a vision aid is used by the applicant to meet the vision
23 requirements of this section, the operator's license of the applicant
24 shall be restricted to the use of such vision aid when operating the
25 motor vehicle. If the applicant fails to meet the vision requirements,
26 the licensing staff examiner shall require the applicant to present an
27 optometrist's or ophthalmologist's statement certifying the vision
28 reading obtained in a test of when testing the applicant conducted within
29 ninety days of the applicant's license examination. If the vision reading
30 meets the vision requirements prescribed by the department, the vision
31 requirements of this section shall have been met. If the vision reading

1 demonstrates that the applicant is required to use bioptic or telescopic
2 lenses to operate a motor vehicle, the statement from the optometrist or
3 ophthalmologist shall also indicate when the applicant needs to be
4 reexamined for purposes of meeting the vision requirements for an
5 operator's license as prescribed by the department. If such time period
6 is two years or more after the date of the application, the license shall
7 be valid for two years. If such time period is less than two years, the
8 license shall be valid for such time period.

9 (4 3) If the applicant for an operator's license discloses that he
10 or she has any other physical impairment which may affect the safety of
11 operation of a motor vehicle by such applicant ~~of a motor vehicle~~, the
12 licensing staff examiner shall require the applicant to show cause why
13 such license should be granted and, through such personal examination and
14 demonstration as may be prescribed by the director ~~with the advice of the~~
15 ~~Health Advisory Board~~, to show the necessary ability to safely operate a
16 motor vehicle on the highways. ~~The director may also require the person~~
17 ~~to appear before the board or a designee of the board.~~ If the examiner,
18 ~~board, or designee is then satisfied that~~ such applicant satisfactorily
19 demonstrates that he or she has the ability to safely operate a motor
20 vehicle, an operator's license may be issued to the applicant subject, at
21 the discretion of the director, to a limitation to operate only such
22 motor vehicles at such time, for such purpose, and within such area as
23 the license shall designate.

24 (5)(a) ~~(4)(a)~~ The director may, when requested by a law enforcement
25 officer, when the director has reason to believe that a person may be
26 physically or mentally incompetent to operate a motor vehicle, or when a
27 person's driving record appears to the department to justify an
28 examination, ~~request the advice of the Health Advisory Board and may give~~
29 notice to the person to appear before the licensing staff an examiner,
30 ~~the board,~~ or a designee of the director for examination concerning the
31 person's ability to safely operate a motor vehicle ~~safely~~. Any such

1 request by a law enforcement officer shall be accompanied by written
2 justification for such request and shall be approved by a supervisory law
3 enforcement officer, police chief, or county sheriff.

4 (b) A refusal to appear before the licensing staff ~~an examiner, the~~
5 ~~board,~~ or a designee of the director for an examination after notice to
6 do so shall be unlawful and shall result in the immediate cancellation of
7 the person's operator's license by the director.

8 (c) If the person cannot qualify at the examination by the licensing
9 staff ~~an examiner,~~ his or her operator's license shall be immediately
10 surrendered to the licensing staff ~~examiner~~ and forwarded to the director
11 who shall cancel the person's operator's license.

12 (d) No person examining any applicant or licensee shall be liable in
13 tort or otherwise for any opinion, recommendation, or report presented to
14 the director if such action was taken in good faith and without malice ~~If~~
15 ~~in the opinion of the board the person cannot qualify at the examination~~
16 ~~by the board, the board shall advise the director. If the director~~
17 ~~determines after consideration of the advice of the board that the person~~
18 ~~lacks the physical or mental ability to operate a motor vehicle, the~~
19 ~~director shall notify the person in writing of the decision. Upon receipt~~
20 ~~of the notice, the person shall immediately surrender his or her~~
21 ~~operator's license to the director who shall cancel the person's~~
22 ~~operator's license.~~

23 (e) Refusal to surrender an operator's license on demand shall be
24 unlawful, and any person failing to surrender his or her operator's
25 license as required by this subsection shall be guilty of a Class III
26 misdemeanor.

27 Sec. 32. Section 60-4,120.01, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 60-4,120.01 (1)(a) Any person who is at least sixteen years of age
30 but less than eighteen years of age may be issued a provisional
31 operator's permit by the department ~~Department of Motor Vehicles.~~ The

1 provisional operator's permit shall expire on the applicant's eighteenth
2 birthday.

3 (b) No provisional operator's permit shall be issued to any person
4 unless such person:

5 (i) Has possessed a valid LPD-learner's permit, LPE-learner's
6 permit, or SCP-school permit for at least a six-month period beginning on
7 the date of issuance of such person's LPD-learner's permit, LPE-learner's
8 permit, or SCP-school permit; and

9 (ii) Has not accumulated three or more points pursuant to section
10 60-4,182 during the six-month period immediately preceding the date of
11 the application for the provisional operator's permit.

12 (c) The requirements for the provisional operator's permit
13 prescribed in subdivisions (2)(a) and (b) of this section may be
14 completed prior to the applicant's sixteenth birthday. A person may apply
15 for a provisional operator's permit and take the driving test and the
16 written examination, if required, at any time within sixty days prior to
17 his or her sixteenth birthday upon proof of age in the manner provided in
18 section 60-484.

19 (2) In order to obtain a provisional operator's permit, the
20 applicant shall ~~present~~ (a)(i) successfully complete ~~proof of successful~~
21 ~~completion~~ of a department-approved driver safety course which includes
22 behind-the-wheel driving specifically emphasizing (A) the effects of the
23 consumption of alcohol on a person operating a motor vehicle, (B)
24 occupant protection systems, (C) risk assessment, and (D) railroad
25 crossing safety and (ii) successfully complete ~~proof of successful~~
26 ~~completion~~ of a written examination and driving test administered by a
27 driver safety course instructor or (b) submit a certificate in a form
28 prescribed by the department, signed by a parent, guardian, or licensed
29 driver at least twenty-one years of age, verifying that the applicant has
30 completed fifty hours of lawful motor vehicle operation including at
31 least ten hours of motor vehicle operation between sunset and sunrise,

1 under conditions that reflect department-approved driver safety course
2 curriculum, with a parent, guardian, or adult at least twenty-one years
3 of age, who has a current Nebraska operator's license or who is licensed
4 in another state.

5 (3) An instructor providing a department-approved driver safety
6 course who meets the eligibility requirements of section 60-4,130.04
7 shall electronically submit written examination and driving test results
8 and proof of successful completion of such driver safety course, and the
9 department may accept the same as proof that an applicant has satisfied
10 the requirements of subdivision (2)(a) of this section. Upon receipt of
11 such proof of successful completion, the department may waive its written
12 examination and driving test.

13 (4)(a) If the applicant submits the presents such a certificate
14 described in subdivision (2)(b) of this section, the applicant shall be
15 required to successfully complete a written examination and a driving
16 test administered by the department unless waived pursuant to subdivision
17 (4)(b) or (c) of this section.

18 (b) The department may waive its written examination shall be waived
19 if the applicant has been issued a Nebraska LPD-learner's permit or has
20 been issued a Nebraska LPE-learner's permit and such permit is valid or
21 has been expired for no more than one year. However, except that the
22 department shall not waive the written examination if the provisional
23 operator's permit being applied for contains a class or endorsement which
24 is different from the class or endorsement of the LPD-learner's or LPE-
25 learner's permit. Upon presentation by the applicant of a form prescribed
26 by the department showing successful completion of the driver safety
27 course, the written examination and driving test may be waived. Upon
28 presentation of the certificate, the written examination but not the
29 driving test may be waived.

30 (c) The department may waive its examiner shall waive the written
31 examination and the driving test if the applicant has been issued a

1 school permit and such permit is valid or has expired no more than one
2 year prior to application, except that the ~~—~~The written examination
3 shall not be waived if the provisional operator's permit being applied
4 for contains a class or endorsement which is different from the class or
5 endorsement of the school permit.

6 (5)(a) ~~(3)(a)~~ The holder of a provisional operator's permit shall
7 only operate a motor vehicle on the highways of this state during the
8 period beginning at 6 a.m. and ending at 12 midnight except when he or
9 she is en route to or from his or her residence to his or her place of
10 employment or a school activity. The holder of a provisional operator's
11 permit may operate a motor vehicle on the highways of this state at any
12 hour of the day or night if accompanied by a parent, guardian, or adult
13 at least twenty-one years of age, who has a current Nebraska operator's
14 license or who is licensed in another state.

15 (b) The holder of a provisional operator's permit shall only operate
16 a motor vehicle on the highways of this state during the first six months
17 of holding the permit with no more than one passenger who is not an
18 immediate family member and who is under nineteen years of age.

19 (c) The holder of a provisional operator's permit shall not use any
20 type of interactive wireless communication device while operating a motor
21 vehicle on the highways of this state.

22 (d) Enforcement of subdivisions (a), (b), and (c) of this subsection
23 shall be accomplished only as a secondary action when the holder of the
24 provisional operator's permit has been cited or charged with a violation
25 of some other law.

26 (6 4) The county treasurer shall collect the fee and surcharge
27 prescribed in section 60-4,115 for the issuance of each provisional
28 operator's permit.

29 Sec. 33. Section 60-4,120.02, Revised Statutes Cumulative
30 Supplement, 2014, is amended to read:

31 60-4,120.02 (1) Any person convicted of violating a provisional

1 operator's permit issued pursuant to section 60-4,120.01 by operating a
2 motor vehicle in violation of subsection (5 3) of such section shall be
3 guilty of an infraction and may have his or her provisional operator's
4 permit revoked by the court pursuant to section 60-496 for a time period
5 specified by the court. Before such person applies for another
6 provisional operator's permit, he or she shall pay a reinstatement fee as
7 provided in section 60-499.01 after the period of revocation has expired.

8 (2) A copy of an abstract of the court's conviction, including an
9 adjudication, shall be transmitted to the director pursuant to sections
10 60-497.01 to 60-497.04.

11 (3) Any person who holds a provisional operator's permit and has
12 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
13 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
14 60-6,197.06 shall not be eligible for an ignition interlock permit.

15 (4) For purposes of this section, conviction includes any
16 adjudication of a juvenile.

17 Sec. 34. Section 60-4,124, Revised Statutes Supplement, 2015, is
18 amended to read:

19 60-4,124 (1) A person who is younger than sixteen years and three
20 months of age but is older than fourteen years and two months of age may
21 be issued a school permit if such person lives a distance of one and one-
22 half miles or more from the school he or she attends and either resides
23 outside a city of the metropolitan, primary, or first class or attends a
24 school which is outside a city of the metropolitan, primary, or first
25 class and if such person has held an LPE-learner's permit for two months.
26 A school permit shall not be issued until such person has demonstrated
27 that he or she is capable of successfully operating a motor vehicle,
28 moped, or motorcycle and has in his or her possession an issuance
29 certificate authorizing the county treasurer to issue a school permit.

30 (2) In order to obtain an issuance certificate, the applicant shall
31 present (a) successfully complete proof of successful completion of a

1 department-approved driver safety course which includes behind-the-wheel
2 driving specifically emphasizing (i) the effects of the consumption of
3 alcohol on a person operating a motor vehicle, (ii) occupant protection
4 systems, (iii) risk assessment, and (iv) railroad crossing safety and (b)
5 (i) ~~successfully complete proof of successful completion of~~ a written
6 examination and driving test administered by a driver safety course
7 instructor or (ii) submit a certificate in a form prescribed by the
8 department, signed by a parent, guardian, or licensed driver at least
9 twenty-one years of age, verifying that the applicant has completed fifty
10 hours of lawful motor vehicle operation, under conditions that reflect
11 department-approved driver safety course curriculum, with a parent,
12 guardian, or adult at least twenty-one years of age, who has a current
13 Nebraska operator's license or who is licensed in another state. An
14 instructor providing a department-approved driver safety course who meets
15 the eligibility requirements of section 60-4,130.04 shall electronically
16 submit written examination and driving test results and proof of
17 successful completion of such driver safety course, and the department
18 may accept the same as proof that an applicant has satisfied the
19 requirements of subdivisions (2)(a) and (b)(i) of this section. The
20 department may waive its ~~the~~ written examination if the applicant has
21 been issued an LPE-learner's permit or LPD-learner's permit and if such
22 permit is valid or has expired no more than one year prior to
23 application, except that the ~~the~~ written examination shall not be
24 waived if the permit being applied for contains a class or endorsement
25 which is different from the class or endorsement of the LPE-learner's
26 permit.

27 (3 2) A person holding a school permit may operate a motor vehicle,
28 moped, or motorcycle or an autocycle:

29 (a) To and from where he or she attends school and between schools
30 of enrollment over the most direct and accessible route by the nearest
31 highway from his or her place of residence to transport such person or

1 any family member who resides with such person to attend duly scheduled
2 courses of instruction and extracurricular or school-related activities
3 at the school he or she attends; or

4 (b) Under the personal supervision of a licensed operator. Such
5 licensed operator shall be at least twenty-one years of age and licensed
6 by this state or another state and shall (i) for all motor vehicles other
7 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
8 the permitholder, (ii) in the case of an autocycle, actually occupy the
9 seat beside or behind the permitholder, or (iii) in the case of a
10 motorcycle or moped, if the permitholder is within visual contact of and
11 under the supervision of, in the case of a motorcycle, a licensed
12 motorcycle operator or, in the case of a moped, a licensed motor vehicle
13 operator.

14 (4 3) The holder of a school permit shall not use any type of
15 interactive wireless communication device while operating a motor vehicle
16 on the highways of this state. Enforcement of this subsection shall be
17 accomplished only as a secondary action when the holder of the school
18 permit has been cited or charged with a violation of some other law.

19 (5 4) A person who is younger than sixteen years of age but is over
20 fourteen years of age may be issued an LPE-learner's permit, which permit
21 shall be valid for a period of three months. An LPE-learner's permit
22 shall not be issued until such person successfully completes a written
23 examination prescribed by the department and demonstrates that he or she
24 has sufficient powers of eyesight to safely operate a motor vehicle,
25 moped, or motorcycle or an autocycle.

26 (6)(a) ~~(5)(a)~~ While holding the LPE-learner's permit, the person may
27 operate a motor vehicle on the highways of this state if (i) for all
28 motor vehicles other than autocycles, motorcycles, or mopeds, he or she
29 has seated next to him or her a person who is a licensed operator, (ii)
30 in the case of an autocycle, he or she has seated next to or behind him
31 or her a person who is a licensed operator, or (iii) in the case of a

1 motorcycle or moped, he or she is within visual contact of and is under
2 the supervision of a person who, in the case of a motorcycle, is a
3 licensed motorcycle operator or, in the case of a moped, is a licensed
4 motor vehicle operator. Such licensed motor vehicle or motorcycle
5 operator shall be at least twenty-one years of age and licensed by this
6 state or another state.

7 (b) The holder of an LPE-learner's permit shall not use any type of
8 interactive wireless communication device while operating a motor vehicle
9 on the highways of this state. Enforcement of this subdivision shall be
10 accomplished only as a secondary action when the holder of the LPE-
11 learner's permit has been cited or charged with a violation of some other
12 law.

13 (7 ~~6~~) The county treasurer shall collect the fee and surcharge
14 prescribed in section 60-4,115 from each successful applicant for a
15 school or LPE-learner's permit. All school permits shall be subject to
16 impoundment or revocation under the terms of section 60-496. Any person
17 who violates the terms of a school permit shall be guilty of an
18 infraction and shall not be eligible for another school, farm, LPD-
19 learner's, or LPE-learner's permit until he or she has attained the age
20 of sixteen years.

21 (8 ~~7~~) Any person who holds a permit issued under this section and
22 has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)
23 (b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
24 60-6,197.06 shall not be eligible for an ignition interlock permit.

25 Sec. 35. Section 60-4,130.04, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 60-4,130.04 (1) Driver ~~Commercial driver~~ safety course instructors
28 shall possess competence as outlined in rules and regulations adopted and
29 promulgated by the department ~~Department of Motor Vehicles~~. Instructors
30 who teach the department-approved driver safety course in a public school
31 or institution shall ~~and~~ possess competence as outlined in a driver's

1 education endorsement.

2 (2) Instructors who possess such competence shall be eligible to
3 electronically sign and submit a form prescribed by the department, in a
4 manner prescribed by the department, showing successful completion of the
5 driver safety course and the results of a written examination or driving
6 test.

7 (3) Each public school or institution offering a department-approved
8 driver safety course shall be required to obtain a certificate and pay
9 the fee pursuant to section 60-4,130.05.

10 (4) The Nebraska Safety Center shall offer a department-approved
11 driver safety course at least once each year in any county where no
12 approved course is offered.

13 Sec. 36. Section 60-4,131, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 60-4,131 ~~(1)(a) This subsection applies until July 8, 2015.~~
16 ~~Sections 60-462.01 and 60-4,132 to 60-4,172 shall apply to the operation~~
17 ~~of any commercial motor vehicle.~~

18 ~~(b) For purposes of such sections:~~

19 ~~(i) Disqualification means:~~

20 ~~(A) The suspension, revocation, cancellation, or any other~~
21 ~~withdrawal by a state of a person's privilege to operate a commercial~~
22 ~~motor vehicle;~~

23 ~~(B) A determination by the Federal Motor Carrier Safety~~
24 ~~Administration, under the rules of practice for motor carrier safety~~
25 ~~contained in 49 C.F.R. part 386, that a person is no longer qualified to~~
26 ~~operate a commercial motor vehicle under 49 C.F.R. part 391; or~~

27 ~~(C) The loss of qualification which automatically follows conviction~~
28 ~~of an offense listed in 49 C.F.R. 383.51;~~

29 ~~(ii) Downgrade means the state:~~

30 ~~(A) Allows the driver of a commercial motor vehicle to change his or~~
31 ~~her self-certification to interstate, but operating exclusively in~~

1 ~~transportation or operation excepted from 49 C.F.R. part 391, as provided~~
2 ~~in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;~~

3 ~~(B) Allows the driver of a commercial motor vehicle to change his or~~
4 ~~her self-certification to intrastate only, if the driver qualifies under~~
5 ~~a state's physical qualification requirements for intrastate only;~~

6 ~~(C) Allows the driver of a commercial motor vehicle to change his or~~
7 ~~her certification to intrastate, but operating exclusively in~~
8 ~~transportation or operations excepted from all or part of a state driver~~
9 ~~qualification requirement; or~~

10 ~~(D) Removes the commercial driver's license privilege from the~~
11 ~~operator's license;~~

12 ~~(iii) Employee means any operator of a commercial motor vehicle,~~
13 ~~including full time, regularly employed drivers; casual, intermittent, or~~
14 ~~occasional drivers; and leased drivers and independent, owner operator~~
15 ~~contractors, while in the course of operating a commercial motor vehicle,~~
16 ~~who are either directly employed by or under lease to an employer;~~

17 ~~(iv) Employer means any person, including the United States, a~~
18 ~~state, the District of Columbia, or a political subdivision of a state,~~
19 ~~that owns or leases a commercial motor vehicle or assigns employees to~~
20 ~~operate a commercial motor vehicle;~~

21 ~~(v) Endorsement means an authorization to an individual's commercial~~
22 ~~driver's license required to permit the individual to operate certain~~
23 ~~types of commercial motor vehicles;~~

24 ~~(vi) Medical examiner means for medical examinations conducted on~~
25 ~~and after May 21, 2014, an individual certified by the Federal Motor~~
26 ~~Carrier Safety Administration and listed on the National Registry of~~
27 ~~Certified Medical Examiners in accordance with 49 C.F.R. part 390,~~
28 ~~subpart D;~~

29 ~~(vii) Medical examiner's certificate means a form meeting the~~
30 ~~requirements of 49 C.F.R. 391.43 issued by a medical examiner in~~
31 ~~compliance with such regulation;~~

1 ~~(viii) Medical variance means the Federal Motor Carrier Safety~~
2 ~~Administration has provided a driver with either an exemption letter~~
3 ~~permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.~~
4 ~~381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation~~
5 ~~Certificate permitting operation of a commercial motor vehicle pursuant~~
6 ~~to 49 C.F.R. 391.49;~~

7 ~~(ix) Representative vehicle means a motor vehicle which represents~~
8 ~~the type of motor vehicle that a driver applicant operates or expects to~~
9 ~~operate;~~

10 ~~(x) State means a state of the United States and the District of~~
11 ~~Columbia;~~

12 ~~(xi) State of domicile means that state where a person has his or~~
13 ~~her true, fixed, and permanent home and principal residence and to which~~
14 ~~he or she has the intention of returning whenever he or she is absent;~~

15 ~~(xii) Tank vehicle means any commercial motor vehicle that is~~
16 ~~designed to transport any liquid or gaseous materials within a tank that~~
17 ~~is either permanently or temporarily attached to the vehicle or the~~
18 ~~chassis. Such vehicle includes, but is not limited to, a cargo tank and a~~
19 ~~portable tank, as defined in 49 C.F.R. part 171. However, this definition~~
20 ~~does not include a portable tank that has a rated capacity under one~~
21 ~~thousand gallons;~~

22 ~~(xiii) United States means the fifty states and the District of~~
23 ~~Columbia; and~~

24 ~~(xiv) Vehicle group means a class or type of vehicle with certain~~
25 ~~operating characteristics.~~

26 ~~(1) (2)(a) This subsection applies beginning July 8, 2015. Sections~~
27 ~~60-462.01 and 60-4,132 to 60-4,172 and section 37 of this act shall apply~~
28 ~~to the operation of any commercial motor vehicle.~~

29 ~~(2 b) For purposes of such sections:~~

30 ~~(a i) Disqualification means:~~

31 ~~(i A) The suspension, revocation, cancellation, or any other~~

1 withdrawal by a state of a person's privilege to operate a commercial
2 motor vehicle;

3 (ii B) A determination by the Federal Motor Carrier Safety
4 Administration, under the rules of practice for motor carrier safety
5 contained in 49 C.F.R. part 386, that a person is no longer qualified to
6 operate a commercial motor vehicle under 49 C.F.R. part 391; or

7 (iii C) The loss of qualification which automatically follows
8 conviction of an offense listed in 49 C.F.R. 383.51;

9 (b ii) Downgrade means the state:

10 (i A) Allows the driver of a commercial motor vehicle to change his
11 or her self-certification to interstate, but operating exclusively in
12 transportation or operation excepted from 49 C.F.R. part 391, as provided
13 in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

14 (ii B) Allows the driver of a commercial motor vehicle to change his
15 or her self-certification to intrastate only, if the driver qualifies
16 under a state's physical qualification requirements for intrastate only;

17 (iii C) Allows the driver of a commercial motor vehicle to change
18 his or her certification to intrastate, but operating exclusively in
19 transportation or operations excepted from all or part of a state driver
20 qualification requirement; or

21 (iv D) Removes the commercial driver's license privilege from the
22 operator's license;

23 (c iii) Employee means any operator of a commercial motor vehicle,
24 including full time, regularly employed drivers; casual, intermittent, or
25 occasional drivers; and leased drivers and independent, owner-operator
26 contractors, while in the course of operating a commercial motor vehicle,
27 who are either directly employed by or under lease to an employer;

28 (d iv) Employer means any person, including the United States, a
29 state, the District of Columbia, or a political subdivision of a state,
30 that owns or leases a commercial motor vehicle or assigns employees to
31 operate a commercial motor vehicle;

1 (e ~~v~~) Endorsement means an authorization to an individual's CLP-
2 commercial learner's permit or commercial driver's license required to
3 permit the individual to operate certain types of commercial motor
4 vehicles;

5 (f ~~vi~~) Foreign means outside the fifty United States and the
6 District of Columbia;

7 (g ~~vii~~) Imminent hazard means the existence of a condition relating
8 to hazardous material that presents a substantial likelihood that death,
9 serious illness, severe personal injury, or a substantial endangerment to
10 health, property, or the environment may occur before the reasonably
11 foreseeable completion date of a formal proceeding begun to lessen the
12 risk of that death, illness, injury, or endangerment;

13 (h ~~viii~~) Issue and issuance means initial issuance, transfer,
14 renewal, or upgrade of a CLP-commercial learner's permit, commercial
15 driver's license, nondomiciled CLP-commercial learner's permit, or
16 nondomiciled commercial driver's license, as described in 49 C.F.R.
17 383.73;

18 (i ~~ix~~) Medical examiner means an individual certified by the Federal
19 Motor Carrier Safety Administration and listed on the National Registry
20 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,
21 subpart D;

22 (j ~~x~~) Medical examiner's certificate means a form meeting the
23 requirements of 49 C.F.R. 391.43 issued by a medical examiner in
24 compliance with such regulation;

25 (k ~~xi~~) Medical variance means the Federal Motor Carrier Safety
26 Administration has provided a driver with either an exemption letter
27 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.
28 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation
29 Certificate permitting operation of a commercial motor vehicle pursuant
30 to 49 C.F.R. 391.49;

31 (l ~~xii~~) Nondomiciled CLP-commercial learner's permit or nondomiciled

1 commercial driver's license means a CLP-commercial learner's permit or
2 commercial driver's license, respectively, issued by this state or other
3 jurisdiction under either of the following two conditions:

4 (i A) To an individual domiciled in a foreign country meeting the
5 requirements of 49 C.F.R. 383.23(b)(1); and

6 (ii B) To an individual domiciled in another state meeting the
7 requirements of 49 C.F.R. 383.23(b)(2);

8 (m ~~xiii~~) Representative vehicle means a motor vehicle which
9 represents the type of motor vehicle that a driver applicant operates or
10 expects to operate;

11 (n ~~xiv~~) State means a state of the United States and the District of
12 Columbia;

13 (o ~~xv~~) State of domicile means that state where a person has his or
14 her true, fixed, and permanent home and principal residence and to which
15 he or she has the intention of returning whenever he or she is absent;

16 (p ~~xvi~~) Tank vehicle means any commercial motor vehicle that is
17 designed to transport any liquid or gaseous materials within a tank or
18 tanks that have an individual rated capacity of more than one hundred
19 nineteen gallons and an aggregate rated capacity of one thousand gallons
20 or more and that are either permanently or temporarily attached to the
21 vehicle or the chassis. A commercial motor vehicle transporting an empty
22 storage container tank, not designed for transportation, with a rated
23 capacity of one thousand gallons or more that is temporarily attached to
24 a flatbed trailer is not considered a tank vehicle;

25 (q ~~xvii~~) Third-party skills test examiner means a person employed by
26 a third-party tester who is authorized by this state to administer the
27 commercial driver's license skills tests specified in 49 C.F.R. part 383,
28 subparts G and H;

29 (r ~~xviii~~) Third-party tester means a person, including, but not
30 limited to, another state, a motor carrier, a private driver training
31 facility or other private institution, or a department, agency, or

1 instrumentality of a local government, authorized by this state to employ
2 skills test examiners to administer the commercial driver's license
3 skills tests specified in 49 C.F.R. part 383, subparts G and H;

4 (~~s xix~~) United States means the fifty states and the District of
5 Columbia; and

6 (~~t xx~~) Vehicle group means a class or type of vehicle with certain
7 operating characteristics.

8 Sec. 37. (1) The department may develop and offer methods for
9 successful applicants to obtain commercial drivers' licenses
10 electronically and for the electronic renewal and replacement of
11 commercial drivers' licenses and CLP-commercial learners' permits.

12 (2)(a) An applicant who has successfully passed the knowledge and
13 skills tests for a commercial driver's license pursuant to section
14 60-4,149 and who has a digital image and digital signature preserved in
15 the digital system that is not more than ten years old may obtain a
16 commercial driver's license using the preserved digital image and digital
17 signature by electronic means in a manner prescribed by the department
18 pursuant to this subsection.

19 (b) To be eligible to obtain a license pursuant to this subsection:

20 (i) There must been no change to the applicant's name since his or
21 her most recent application for a CLP-commercial learner's permit;

22 (ii) The new license must not contain a hazardous materials
23 endorsement;

24 (iii) The applicant must meet the requirements of section 60-4,144
25 and submit the information and documentation and make the certifications
26 required under section 60-4,144; and

27 (iv) The applicant must satisfy any other eligibility criteria that
28 the department may prescribe pursuant to subsection (6) of this section.

29 (c) The successful applicant shall pay the fee and surcharge
30 prescribed in section 60-4,115. Upon receipt of such fee and surcharge
31 and an application it deems satisfactory, the department shall deliver

1 the license by mail.

2 (3)(a) An applicant whose commercial driver's license or CLP-
3 commercial learner's permit expires prior to his or her seventy-second
4 birthday and who has a digital image and digital signature preserved in
5 the digital system may, once every ten years, renew such license or
6 permit using the preserved digital image and digital signature by
7 electronic means in a manner prescribed by the department pursuant to
8 this subsection.

9 (b) To be eligible for renewal under this subsection:

10 (i) The renewal must be prior to or within one year after expiration
11 of such license or permit;

12 (ii) The driving record abstract maintained in the department's
13 computerized records must show that such license or permit is not
14 suspended, revoked, canceled, or disqualified;

15 (iii) There must be no changes to the applicant's name or to the
16 class, endorsements, or restrictions on such license or permit;

17 (iv) The applicant must not hold a hazardous materials endorsement
18 or must relinquish such endorsement;

19 (v) The applicant must meet the requirements of section 60-4,144 and
20 submit the information and documentation and make the certifications
21 required under section 60-4,144; and

22 (vi) The applicant must satisfy any other eligibility criteria that
23 the department may prescribe pursuant to subsection (6) of this section.

24 (c) Every applicant seeking renewal of his or her commercial
25 driver's license or CLP-commercial learner's permit must apply for
26 renewal in person at least once every ten years and have a new digital
27 image and digital signature captured.

28 (d) An applicant seeking renewal under this subsection (3) shall pay
29 the fee and surcharge prescribed in section 60-4,115. Upon receipt of
30 such fee and surcharge and an application it deems satisfactory, the
31 department shall deliver the renewal license or permit by mail.

1 (4)(a) Any person holding a commercial driver's license or CLP-
2 commercial learner's permit who has a digital image and digital signature
3 not more than ten years old preserved in the digital system and who loses
4 his or her license or permit, who requires issuance of a replacement
5 license or permit because of a change of address, or whose license or
6 permit is mutilated or unreadable may obtain a replacement commercial
7 driver's license or CLP-commercial learner's permit using the preserved
8 digital image and digital signature by electronic means in a manner
9 prescribed by the department pursuant to this subsection.

10 (b) To be eligible to obtain a replacement license or permit
11 pursuant to this subsection:

12 (i) There must be no changes to the applicant's name and no changes
13 to the class, endorsements, or restrictions on such license or permit;

14 (ii) The applicant must meet the requirements of section 60-4,144
15 and submit the information and documentation and make the certifications
16 required under section 60-4,144; and

17 (iii) The applicant must satisfy any other eligibility criteria that
18 the department may prescribe pursuant to subsection (6) of this section.

19 (c) An application for a replacement license or permit because of a
20 change of address shall be made within sixty days after the change of
21 address.

22 (d) An applicant seeking replacement under this subsection (4) shall
23 pay the fee and surcharge prescribed in section 60-4,115. Upon receipt of
24 such fee and surcharge and an application it deems satisfactory, the
25 department shall deliver the replacement license or permit by mail. The
26 replacement license or permit shall be subject to the provisions of
27 subsection (4) of section 60-4,150.

28 (5) An application to obtain a commercial driver's license or to
29 renew or replace a commercial driver's license or CLP-commercial
30 learner's permit because of a change of name may not be made
31 electronically pursuant to this section and shall be made in person at a

1 licensing station within sixty days after the change of name.

2 (6) The department may adopt and promulgate rules and regulations
3 governing eligibility for the use of electronic methods for successful
4 applicants to obtain commercial drivers' licenses and for the renewal and
5 replacement of commercial drivers' licenses and CLP-commercial learners'
6 permits, taking into consideration medical and vision requirements,
7 safety concerns, and any other factors consistent with the purposes of
8 the Motor Vehicle Operator's License Act that the director deems
9 relevant.

10 Sec. 38. Section 60-4,146, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 60-4,146 (1) In addition to certifying himself or herself under this
13 section, an applicant shall also certify himself or herself under section
14 60-4,144.01.

15 (2) Upon making application pursuant to section 60-4,144 or section
16 37 of this act, any applicant who operates or expects to operate a
17 commercial motor vehicle in interstate or foreign commerce and who is not
18 subject to 49 C.F.R. part 391 shall certify that he or she is not subject
19 to 49 C.F.R. part 391. Any applicant making certification pursuant to
20 this subsection shall meet the physical and vision requirements
21 established in section 60-4,118 ~~and shall be subject to the provisions of~~
22 ~~such section relating to the Health Advisory Board.~~

23 (3) Upon making application pursuant to section 60-4,144 or section
24 37 of this act, any applicant who operates or expects to operate a
25 commercial motor vehicle solely in intrastate commerce and who is subject
26 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall certify
27 that the applicant meets the qualification requirements of 49 C.F.R. part
28 391.

29 (4) Upon making application for a CLP-commercial learner's permit or
30 commercial driver's license, any applicant who operates or expects to
31 operate a commercial motor vehicle solely in intrastate commerce and who

1 is not subject to 49 C.F.R. part 391 adopted pursuant to section 75-363
2 shall certify that he or she is not subject to 49 C.F.R. part 391. Any
3 applicant making certification pursuant to this subsection shall meet the
4 physical and vision requirements established in section 60-4,118—and
5 shall be subject to the provisions of such section relating to the Health
6 Advisory Board.

7 (5) An applicant who certifies that he or she is not subject to 49
8 C.F.R. part 391 under subsection (2) or (4) of this section shall answer
9 the following questions on the application:

10 (a) Have you within the last three months (e.g. due to diabetes,
11 epilepsy, mental illness, head injury, stroke, heart condition,
12 neurological disease, etc.):

13 (i) lost voluntary control or consciousness ... yes ... no

14 (ii) experienced vertigo or multiple episodes of dizziness or
15 fainting ... yes ... no

16 (iii) experienced disorientation ... yes ... no

17 (iv) experienced seizures ... yes ... no

18 (v) experienced impairment of memory, memory loss ... yes ... no

19 Please explain:

20 (b) Do you experience any condition which affects your ability to
21 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,
22 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...
23 no

24 Please explain:

25 (c) Since the issuance of your last driver's license/permit has your
26 health or medical condition changed or worsened? ... yes ... no

27 Please explain, including how the above affects your ability to
28 drive:

29 Sec. 39. Section 60-4,148, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-4,148 (1) All commercial drivers' licenses shall be issued by the

1 department as provided in section 60-4,149 and section 37 of this act.
2 Successful applicants shall pay the fee and surcharge prescribed in
3 section 60-4,115.

4 (2) Any person making application to add or remove a class of
5 commercial motor vehicle, any endorsement, or any restriction to or from
6 a previously issued and outstanding commercial driver's license shall pay
7 the fee and surcharge prescribed in section 60-4,115. The fee for an
8 original or renewal seasonal permit to revalidate the restricted
9 commercial motor vehicle operating privilege to a previously issued and
10 outstanding restricted commercial driver's license shall be the fee and
11 surcharge prescribed in section 60-4,115.

12 Sec. 40. Section 60-4,149, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 60-4,149 (1) The examination for commercial drivers' licenses by the
15 department shall occur in and for each county of the State of Nebraska.
16 Each county shall furnish office space for the administration of the
17 examinations, except that two or more counties may, with the permission
18 of the director, establish a separate facility to jointly conduct the
19 examinations for such licenses.

20 (2)(a) The segments of the driving skills examination shall be
21 administered and successfully completed in the following order: Pre-trip
22 inspection, basic vehicle control skills, and on-road skills. If an
23 applicant fails one segment of the driving skills examination:

24 (i) The applicant cannot continue to the next segment of the
25 examination; and

26 (ii) Scores for the passed segments of the examination are only
27 valid during initial issuance of a CLP-commercial learner's permit. If a
28 CLP-commercial learner's permit is renewed, all three segments of the
29 skills examination must be retaken.

30 (b) Passing scores for the knowledge and skills tests must meet the
31 standards contained in 49 C.F.R. 383.135.

1 (3) Except as provided for in sections 60-4,157 and 60-4,158, all
2 commercial driver's license examinations shall be conducted by department
3 personnel designated by the director. Each successful applicant shall be
4 issued a certificate entitling the applicant to secure a commercial
5 driver's license. If department personnel refuse to issue such
6 certificate for cause, he or she shall state such cause in writing and
7 deliver the same to the applicant. Department personnel shall not be
8 required to hold a commercial driver's license to administer a driving
9 skills examination and occupy the seat beside an applicant for a
10 commercial driver's license.

11 (4) The successful applicant shall, within ten days after renewal or
12 within twenty-four hours after initial issuance, present his or her
13 issuance certificate and pay the fee and surcharge as provided in section
14 60-4,115. A receipt with driving privileges which is valid for up to
15 thirty days shall be issued. The commercial driver's license shall be
16 delivered to the applicant as provided in section 60-4,113.

17 (5) In lieu of proceeding under subsection (4), the successful
18 applicant may pay the fee and surcharge as provided in section 60-4,115
19 and electronically submit an application prescribed by the department in
20 a manner prescribed by the department, pursuant to section 37 of this
21 act.

22 Sec. 41. Section 60-4,150, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 60-4,150 (1) Any person holding a commercial driver's license or
25 CLP-commercial learner's permit who loses his or her license or permit,
26 who requires issuance of a replacement license or permit because of a
27 change of name or address, or whose license or permit is mutilated or
28 unreadable may obtain a replacement commercial driver's license or CLP-
29 commercial learner's permit by filing an application pursuant to this
30 section and by furnishing proof of identification in accordance with
31 section 60-4,144. Any person seeking a replacement license or permit for

1 such reasons, except because of a change of name, may also obtain a
2 replacement license or permit by submitting an electronic application
3 pursuant to section 37 of this act.

4 (2) ~~An~~ The application for a replacement license or permit because
5 of a change of name or address shall be made within sixty days after the
6 change of name or address.

7 (3) A replacement commercial driver's license or CLP-commercial
8 learner's permit issued pursuant to this section shall be delivered to
9 the applicant as provided in section 60-4,113 after the county treasurer
10 collects the fee and surcharge prescribed in section 60-4,115 and issues
11 the applicant a receipt with driving privileges which is valid for up to
12 thirty days.

13 ~~(4)~~ Replacement commercial drivers' licenses or CLP-commercial learners'
14 permits issued pursuant to this section shall be issued in the manner
15 provided for the issuance of original and renewal commercial drivers'
16 licenses or permits as provided for by section 60-4,149.

17 ~~(4)~~ Upon issuance of any replacement commercial driver's license or
18 permit, the commercial driver's license or CLP-commercial learner's
19 permit for which the replacement license or permit is issued shall be
20 void.

21 ~~(5)~~ Each replacement commercial driver's license shall be issued with the
22 same expiration date as the license for which the replacement is issued.
23 The replacement license shall also state the new issuance date.

24 Sec. 42. Section 75-385, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 75-385 The Division of Motor Carrier Services is established within
27 the Department of Motor Vehicles. ~~The Director of Motor Vehicles shall~~
28 ~~appoint the Administrator of Motor Carrier Services. The administrator~~
29 ~~shall administer the affairs of the division.~~

30 Sec. 43. Section 75-386, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 75-386 The Division of Motor Carrier Services shall:

2 (1) Foster, promote, and preserve the motor carrier industry of the
3 State of Nebraska;

4 (2) Protect and promote the public health and welfare of the
5 citizens of the state by ensuring that the motor carrier industry is
6 operated in an efficient and safe manner;

7 (3) Promote and provide for efficient and uniform governmental
8 oversight of the motor carrier industry;

9 (4) Promote financial responsibility on the part of motor carriers
10 operating in and through the State of Nebraska;

11 (5) Administer all provisions of the International Fuel Tax
12 Agreement Act, the International Registration Plan Act, and the unified
13 carrier registration plan and agreement pursuant to sections 75-392 to
14 75-399;

15 (6) Provide for the issuance of certificates of title to apportioned
16 registered motor vehicles as provided for by subsection (~~7~~ 6) of section
17 60-144; and

18 (7) Carry out such other duties and responsibilities as directed by
19 the Legislature.

20 Sec. 44. Original sections 60-168.02, 60-308, 60-3,104.02,
21 60-3,126, 60-3,222, 60-4,105, 60-4,118, 60-4,120.01, 60-4,130.04,
22 60-4,148, 75-385, and 75-386, Reissue Revised Statutes of Nebraska,
23 sections 37-1282, 60-164, 60-385, 60-3,104.01, 60-3,113.05, 60-3,120,
24 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,125, 60-3,128,
25 60-3,198, 60-3,202, 60-4,112, 60-4,120.02, 60-4,131, 60-4,146, 60-4,149,
26 and 60-4,150, Revised Statutes Cumulative Supplement, 2014, and sections
27 60-144, 60-396, 60-3,104, 60-3,118, 60-3,122, 60-3,124, 60-3,224, 60-462,
28 60-4,114, and 60-4,124, Revised Statutes Supplement, 2015, are repealed.

29 Sec. 45. The following sections are outright repealed: Sections
30 60-4,118.01, 60-4,118.02, 60-4,118.03, and 60-4,118.04, Reissue Revised
31 Statutes of Nebraska.