

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 177**

FINAL READING

Introduced by Bostelman, 23.

Read first time January 10, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-308,  
2 66-1401, 66-1403, 66-1411, and 75-385, Reissue Revised Statutes of  
3 Nebraska, and sections 60-3,198 and 66-712, Revised Statutes  
4 Cumulative Supplement, 2016; to redefine apportionable vehicle and  
5 change provisions relating to fleet vehicles under the Motor Vehicle  
6 Registration Act; to change provisions relating to motor fuel tax  
7 collection and enforcement; to change provisions relating to the  
8 International Fuel Tax Agreement Act and the Compressed Fuel Tax  
9 Act; to eliminate the requirement of appointment of the  
10 Administrator of Motor Carrier Services by the Director of Motor  
11 Vehicles; to harmonize provisions; and to repeal the original  
12 sections.

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

1 Section 1. Section 60-308, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 60-308 (1) Apportionable vehicle means any motor vehicle or trailer  
4 used or intended for use in two or more member jurisdictions that  
5 allocate or proportionally register motor vehicles or trailers and used  
6 for the transportation of persons for hire or designed, used, or  
7 maintained primarily for the transportation of property.

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

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

25 Sec. 2. Section 60-3,198, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 60-3,198 (1) Any owner engaged in operating a fleet of apportionable  
28 vehicles in this state in interjurisdiction commerce may, in lieu of  
29 registration of such apportionable vehicles under the general provisions  
30 of the Motor Vehicle Registration Act, register and license such fleet  
31 for operation in this state by filing a statement and the application

1 required by section 60-3,203 with the Division of Motor Carrier Services  
2 of the department. The statement shall be in such form and contain such  
3 information as the division requires, declaring the total mileage  
4 operated by such vehicles in all jurisdictions and in this state during  
5 the preceding year and describing and identifying each such apportionable  
6 vehicle to be operated in this state during the ensuing license year.  
7 Upon receipt of such statement and application, the division shall  
8 determine the total fee payment, which shall be equal to the amount of  
9 fees due pursuant to section 60-3,203 and the amount obtained by applying  
10 the formula provided in section 60-3,204 to a fee of thirty-two dollars  
11 per ton based upon gross vehicle weight of the empty weights of a truck  
12 or truck-tractor and the empty weights of any trailer or combination  
13 thereof with which it is to be operated in combination at any one time  
14 plus the weight of the maximum load to be carried thereon at any one  
15 time, and shall notify the applicant of the amount of payment required to  
16 be made. Mileage operated in noncontracting reciprocity jurisdictions by  
17 apportionable vehicles based in Nebraska shall be applied to the portion  
18 of the formula for determining the Nebraska injurisdiction fleet  
19 distance.

20 Temporary authority which permits the operation of a fleet or an  
21 addition to a fleet in this state while the application is being  
22 processed may be issued upon application to the division if necessary to  
23 complete processing of the application.

24 Upon completion of such processing and receipt of the appropriate  
25 fees, the division shall issue to the applicant a sufficient number of  
26 distinctive registration certificates which provide a list of the  
27 jurisdictions in which the apportionable vehicle has been apportioned,  
28 the weight for which registered, and such other evidence of registration  
29 for display on the apportionable vehicle as the division determines  
30 appropriate for each of the apportionable vehicles of his or her fleet,  
31 identifying it as a part of an interjurisdiction fleet proportionately

1 registered. All fees received as provided in this section shall be  
2 remitted to the State Treasurer for credit to the Motor Carrier Services  
3 Division Distributive Fund.

4 The apportionable vehicles so registered shall be exempt from all  
5 further registration and license fees under the Motor Vehicle  
6 Registration Act for movement or operation in the State of Nebraska  
7 except as provided in section 60-3,203. The proportional registration and  
8 licensing provision of this section shall apply to apportionable vehicles  
9 added to such fleets and operated in this state during the license year  
10 except with regard to permanent license plates issued under section  
11 60-3,203.

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

15 When a nonresident fleet owner has registered his or her  
16 apportionable vehicles, his or her apportionable vehicles shall be  
17 considered as fully registered for both interjurisdiction and  
18 intrajurisdiction commerce when the jurisdiction of base registration for  
19 such fleet accords the same consideration for fleets with a base  
20 registration in Nebraska. Each apportionable vehicle of a fleet  
21 registered by a resident of Nebraska shall be considered as fully  
22 registered for both interjurisdiction and intrajurisdiction commerce.

23 (2) Mileage proportions for interjurisdiction fleets not operated in  
24 this state during the preceding year shall be determined by the division  
25 upon the application of the applicant on forms to be supplied by the  
26 division which shall show the operations of the preceding year in other  
27 jurisdictions and estimated operations in Nebraska or, if no operations  
28 were conducted the previous year, a full statement of the proposed method  
29 of operation.

30 (3) Any owner complying with and being granted proportional  
31 registration shall preserve the records on which the application is made

1 for a period of three years following the current registration year. Upon  
2 request of the division, the owner shall make such records available to  
3 the division at its office for audit as to accuracy of computation and  
4 payments or pay the costs of an audit at the home office of the owner by  
5 a duly appointed representative of the division if the office where the  
6 records are maintained is not within the State of Nebraska. The division  
7 may enter into agreements with agencies of other jurisdictions  
8 administering motor vehicle registration laws for joint audits of any  
9 such owner. All payments received to cover the costs of an audit shall be  
10 remitted by the division to the State Treasurer for credit to the Motor  
11 Carrier Division Cash Fund. No deficiency shall be assessed and no claim  
12 for credit shall be allowed for any license registration year for which  
13 records on which the application was made are no longer required to be  
14 maintained.

15 (4) If the division claims that a greater amount of fee is due under  
16 this section than was paid, the division shall notify the owner of the  
17 additional amount claimed to be due. The owner may accept such claim and  
18 pay the amount due, or he or she may dispute the claim and submit to the  
19 division any information which he or she may have in support of his or  
20 her position. If the dispute cannot otherwise be resolved within the  
21 division, the owner may petition for an appeal of the matter. The  
22 director shall appoint a hearing officer who shall hear the dispute and  
23 issue a written decision. Any appeal shall be in accordance with the  
24 Administrative Procedure Act. Upon expiration of the time for perfecting  
25 an appeal if no appeal is taken or upon final judicial determination if  
26 an appeal is taken, the division shall deny the owner the right to  
27 further registration for a fleet license until the amount finally  
28 determined to be due, together with any costs assessed against the owner,  
29 has been paid.

30 (5) Every applicant who licenses any apportionable vehicles under  
31 this section and section 60-3,203 shall have his or her registration

1 certificates issued only after all fees under such sections are paid and,  
2 if applicable, proof has been furnished of payment, in the form  
3 prescribed by the director as directed by the United States Secretary of  
4 the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C.  
5 4481 of the Internal Revenue Code as defined in section 49-801.01.

6 (6)(a) In the event of the transfer of ownership of any registered  
7 apportionable vehicle, (b) in the case of loss of possession because of  
8 fire, theft, or wrecking, junking, or dismantling of any registered  
9 apportionable vehicle, (c) when a salvage branded certificate of title is  
10 issued for any registered apportionable vehicle, (d) whenever a type or  
11 class of registered apportioned vehicle is subsequently declared by  
12 legislative act or court decision to be illegal or ineligible to be  
13 operated or towed on the public roads and no longer subject to  
14 registration fees and taxes, (e) upon trade-in or surrender of a  
15 registered apportionable vehicle under a lease, or (f) in case of a  
16 change in the situs of a registered apportionable vehicle to a location  
17 outside of this state, its registration shall expire, except that if the  
18 registered owner or lessee applies to the division after such transfer or  
19 loss of possession and accompanies the application with a fee of one  
20 dollar and fifty cents, he or she may have any remaining credit of  
21 vehicle fees and taxes from the previously registered apportionable  
22 vehicle applied toward payment of any vehicle fees and taxes due and  
23 owing on another registered apportionable vehicle. If such registered  
24 apportionable vehicle has a greater gross vehicle weight than that of the  
25 previously registered apportionable vehicle, the registered owner or  
26 lessee of the registered apportionable vehicle shall additionally pay  
27 only the registration fee for the increased gross vehicle weight for the  
28 remaining months of the registration year based on the factors determined  
29 by the division in the original fleet application.

30 (7) Whenever a Nebraska-based fleet owner files an application with  
31 the division to delete a registered apportionable vehicle from a fleet of

1 registered apportionable vehicles (a) because of a transfer of ownership  
2 of the registered apportionable vehicle, (b) because of loss of  
3 possession due to fire, theft, or wrecking, junking, or dismantling of  
4 the registered apportionable vehicle, (c) because a salvage branded  
5 certificate of title is issued for the registered apportionable vehicle,  
6 (d) because a type or class of registered apportioned vehicle is  
7 subsequently declared by legislative act or court decision to be illegal  
8 or ineligible to be operated or towed on the public roads and no longer  
9 subject to registration fees and taxes, (e) because of a trade-in or  
10 surrender of the registered apportionable vehicle under a lease, or (f)  
11 because of a change in the situs of the registered apportionable vehicle  
12 to a location outside of this state, the registered owner may, by  
13 returning the registration certificate or certificates and such other  
14 evidence of registration used by the division or, if such certificate or  
15 certificates or such other evidence of registration is unavailable, then  
16 by making an affidavit to the division of such transfer or loss, receive  
17 a refund of that portion of the unused registration fee based upon the  
18 number of unexpired months remaining in the registration year from the  
19 date of transfer or loss. No refund shall be allowed for any fees paid  
20 under section 60-3,203. When such apportionable vehicle is transferred or  
21 lost within the same month as acquired, no refund shall be allowed for  
22 such month. Such refund may be in the form of a credit against any  
23 registration fees that have been incurred or are, at the time of the  
24 refund, being incurred by the registered apportionable vehicle owner. The  
25 Nebraska-based fleet owner shall make a claim for a refund under this  
26 subsection within the registration period or shall be deemed to have  
27 forfeited his or her right to the refund.

28 ~~(8) Whenever a Nebraska-based fleet owner files an application with~~  
29 ~~the division to delete a registered apportionable vehicle from a fleet of~~  
30 ~~registered apportionable vehicles because the apportionable vehicle is~~  
31 ~~disabled and has been removed from service, the registered owner may, by~~

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

21 (8) ~~(9)~~ In case of addition to the registered fleet during the  
22 registration year, the owner engaged in operating the fleet shall pay the  
23 proportionate registration fee from the date the vehicle was placed into  
24 service or, if the vehicle was previously registered, the date the prior  
25 registration expired or the date Nebraska became the base jurisdiction  
26 for the fleet, whichever is first, for the remaining balance of the  
27 registration year. The fee for any permanent license plate issued for  
28 such addition pursuant to section 60-3,203 shall be the full fee required  
29 by such section, regardless of the number of months remaining in the  
30 license year.

31 (9) ~~(10)~~ In lieu of registration under subsections (1) through (8)



1 ~~(9)~~ of this section, the title holder of record may apply to the division  
2 for special registration, to be known as an unladen-weight registration,  
3 for any commercial motor vehicle or combination of vehicles which have  
4 been registered to a Nebraska-based fleet owner within the current or  
5 previous registration year. Such registration shall be valid only for a  
6 period of thirty days and shall give no authority to operate the vehicle  
7 except when empty. The fee for such registration shall be twenty dollars  
8 for each vehicle, which fee shall be remitted to the State Treasurer for  
9 credit to the Highway Trust Fund. The issuance of such permits shall be  
10 governed by section 60-3,179.

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

23 Sec. 3. Section 66-712, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 66-712 For purposes of the Compressed Fuel Tax Act, ~~the~~  
26 ~~International Fuel Tax Agreement Act~~, and sections 66-482 to 66-4,149,  
27 66-501 to 66-531, and 66-712 to 66-736:

28 (1) Department means the Motor Fuel Tax Enforcement and Collection  
29 Division of the Department of Revenue, ~~except that for purposes of~~  
30 ~~enforcement of the International Fuel Tax Agreement Act~~, ~~department means~~  
31 ~~the Division of Motor Carrier Services of the Department of Motor~~

1 Vehicles;

2 (2) Motor fuel means any fuel defined as motor vehicle fuel in  
3 section 66-482, any fuel defined as diesel fuel in section 66-482, and  
4 any fuel defined as compressed fuel in section 66-6,100;

5 (3) Motor fuel laws means the Compressed Fuel Tax Act and sections  
6 66-482 to 66-4,149, 66-501 to 66-531, and 66-712 to 66-736, ~~except that~~  
7 ~~for purposes of enforcement of the International Fuel Tax Agreement Act,~~  
8 ~~motor fuel laws means the provisions of the International Fuel Tax~~  
9 ~~Agreement Act and sections 66-712 to 66-736; and~~

10 (4) Person means any individual, firm, partnership, limited  
11 liability company, company, agency, association, corporation, state,  
12 county, municipality, or other political subdivision. Whenever a fine,  
13 imprisonment, or both are prescribed or imposed in sections 66-712 to  
14 66-736, the word person as applied to a partnership, a limited liability  
15 company, or an association means the partners or members thereof.

16 Sec. 4. Section 66-1401, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 66-1401 Sections 66-1401 to 66-1419 and sections 6, 7, 8, 9, 10, 11,  
19 12, and 13 of this act shall be known and may be cited as the  
20 International Fuel Tax Agreement Act.

21 Sec. 5. Section 66-1403, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 66-1403 For purposes of the International Fuel Tax Agreement Act,  
24 unless the context otherwise requires:

25 (1) Agreement means a cooperative fuel tax agreement entered into  
26 under section 66-1404 and, specifically, the International Fuel Tax  
27 Agreement;

28 (2) Base state means the state where (a) the motor vehicles are  
29 based for vehicle registration purposes, (b) the operational control and  
30 operational records of the licensee's motor vehicles are maintained or  
31 can be made available, and (c) some mileage is accrued by motor vehicles

1 within the fleet;

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

4 (4) {3} Director means the Director of Motor Vehicles or his or her  
5 designee and includes the Division of Motor Carrier Services of the  
6 Department of Motor Vehicles;—and

7 (5) {4} Licensee means a person licensed pursuant to the methods  
8 established in subdivision (2) of section 66-1406; —

9 (6) Motor fuel means any fuel defined as motor vehicle fuel in  
10 section 66-482, any fuel defined as diesel fuel in section 66-482, and  
11 any fuel defined as compressed fuel in section 66-6,100; and

12 (7) Person means any individual, firm, partnership, limited  
13 liability company, company, agency, association, or corporation or state,  
14 county, city, town, village, or other political subdivision.

15 Sec. 6. (1) The department may require information as it deems  
16 necessary on any report, return, or other statement under the agreement.

17 (2) The department may require any of the reports, returns, or other  
18 filings due from any licensees to be filed electronically.

19 (3) The department shall prescribe the formats and procedures for  
20 electronic filing. The department shall adopt formats and procedures that  
21 are reasonably consistent with the formats and procedures of other states  
22 requiring electronic reporting of motor fuel information.

23 (4) Any person who does not file electronically when required or who  
24 fails to use the prescribed formats and procedures shall be considered to  
25 have not filed the return, report, or other filing.

26 Sec. 7. (1)(a) No penalty shall be imposed upon any person who  
27 voluntarily reports an underpayment of tax by filing an amended return if  
28 the original return is filed on time.

29 (b) Except as provided in subsection (3) of this section, interest  
30 shall not be waived on any additional tax due as reported on any amended  
31 return, and such interest shall be computed from the date such tax was

1 due.

2 (2) The department may in its discretion waive all or any portion of  
3 the penalties incurred upon sufficient showing by the taxpayer that the  
4 failure to file or pay is not due to negligence, intentional disregard of  
5 the law, rules, or regulations, intentional evasion of the tax, or fraud  
6 committed with intent to evade the tax or that such penalties should  
7 otherwise be waived.

8 (3) The department may in its discretion waive any and all interest  
9 incurred upon sufficient showing by the taxpayer that such interest  
10 should be waived.

11 (4) All penalties collected by the department under this section  
12 shall be remitted to the State Treasurer for credit to the Highway Trust  
13 Fund.

14 Sec. 8. (1) Any license or permit issued by the department under  
15 the motor fuel laws may be suspended for the following reasons:

16 (a) Cancellation of security;

17 (b) Failure to provide additional security as required;

18 (c) Failure to file any report or return, filing an incomplete  
19 report or return, or not filing electronically, within the time provided;

20 (d) Failure to pay taxes due within the time provided;

21 (e) Filing of any false report, return, statement, or affidavit,  
22 knowing it to be false;

23 (f) Using or placing dyed diesel fuel in a motor vehicle except as  
24 authorized under section 66-495.01;

25 (g) A licensee no longer being eligible to obtain a license or  
26 permit; or

27 (h) Any other violation by a licensee of the agreement or the rules  
28 and regulations.

29 (2) The department shall mail notice of suspension of any license or  
30 permit.

31 (3) The licensee or permitholder may, within thirty days after the

1 mailing of the notice of such suspension, petition the department in  
2 writing for a hearing and reconsideration of such suspension. If a  
3 petition is filed, the department shall, within twenty days of receipt of  
4 the petition, set a hearing date at which the licensee or permitholder  
5 may show cause why his or her suspended license or permit should not be  
6 canceled. The department shall give the licensee or permitholder  
7 reasonable notice of the time and place of such hearing. Within a  
8 reasonable time after the conclusion of the hearing, the department shall  
9 issue an order either reinstating or revoking such license or permit.

10 (4) If a petition is not filed within the thirty-day period, the  
11 suspended license or permit shall be revoked by the department at the  
12 expiration of the period.

13 (5) Any reissuance of a permit or license to the same person within  
14 three years from the date of revocation shall require a reinstatement fee  
15 of one hundred dollars to be submitted to the department. The department  
16 shall remit the fee to the State Treasurer for credit to the Highway Cash  
17 Fund.

18 (6) Suspension or revocation of a license or permit issued by the  
19 department shall not relieve any person from making or filing the reports  
20 or returns required by the motor fuel laws in the manner or within the  
21 time required.

22 (7) The licensee or permitholder may request in writing that the  
23 department consider reinstating a revoked license. The department shall  
24 make a final determination to reinstate or not reinstate and communicate  
25 its decision in writing to the licensee or permitholder within thirty  
26 days of receipt of the request.

27 Sec. 9. All notices by the department required by the motor fuel  
28 laws shall be mailed or electronically transmitted to the address of the  
29 licensee or permitholder as shown on the records of the department.

30 Sec. 10. (1) As soon as practical after a return is filed, the  
31 department shall examine it to determine the correct amount of tax. If

1 the department finds that the amount of tax shown on the return is less  
2 than the correct amount, it shall notify the taxpayer of the amount of  
3 the deficiency determined.

4 (2) If any person fails to file a return or has improperly purchased  
5 motor fuel without the payment of tax, the department shall estimate the  
6 person's liability from any available information and notify the person  
7 of the amount of the deficiency determined.

8 (3) The amount of the deficiency determined shall constitute a final  
9 assessment together with interest and penalties thirty days after the  
10 date on which notice was mailed to the taxpayer at his or her last-known  
11 address unless a written protest is filed with the department within such  
12 thirty-day period.

13 (4) The final assessment provisions of this section shall constitute  
14 a final decision of the agency for purposes of the Administrative  
15 Procedure Act.

16 (5) An assessment made by the department shall be presumed to be  
17 correct. In any case when the validity of the assessment is questioned,  
18 the burden shall be on the person who challenges the assessment to  
19 establish by a preponderance of the evidence that the assessment is  
20 erroneous or excessive.

21 (6)(a) Except in the case of a fraudulent return or of neglect or  
22 refusal to make a return, the notice of a proposed deficiency  
23 determination shall be mailed within three years after the last day of  
24 the month following the end of the period for which the amount proposed  
25 is to be determined or within three years after the return is filed,  
26 whichever period expires later.

27 (b) The taxpayer and the department may agree, prior to the  
28 expiration of the period in subdivision (a) of this subsection, to extend  
29 the period during which the notice of a deficiency determination can be  
30 mailed. The extension of the period for the mailing of a deficiency  
31 determination shall also extend the period during which a refund can be

1 claimed.

2       Sec. 11. (1) Any corporate officer or employee with the authority  
3 to decide whether the corporation will pay the taxes imposed upon a  
4 corporation by the motor fuel laws, to file any reports or returns  
5 required by the motor fuel laws, or to perform any other act required of  
6 a corporation under the motor fuel laws shall be personally liable for  
7 the payment of the taxes, interest, penalties, or other administrative  
8 penalties in the event of willful failure on his or her part to have the  
9 corporation perform such act. Such taxes shall be collected in the same  
10 manner as provided under the Uniform State Tax Lien Registration and  
11 Enforcement Act.

12       (2) Within thirty days after the day on which the notice and demand  
13 are made for the payment of such taxes, any corporate officer or employee  
14 seeking to challenge the department's determination as to his or her  
15 personal liability for the corporation's unpaid taxes may petition for a  
16 redetermination. The petition may include a request for the  
17 redetermination of the personal liability of the corporate officer or  
18 employee, the redetermination of the amount of the corporation's unpaid  
19 taxes, or both. If a petition for redetermination is not filed within the  
20 thirty-day period, the determination becomes final at the expiration of  
21 the period.

22       (3) If the requirements prescribed in subsection (2) of this section  
23 are satisfied, the department shall abate collection proceedings and  
24 shall grant the corporate officer or employee an oral hearing and give  
25 him or her ten days' notice of the time and place of such hearing. The  
26 department may continue the hearing from time to time as necessary.

27       (4) Any notice required under this section shall be served  
28 personally or by mail in the manner provided in section 66-1406.02.

29       (5) If the department determines that further delay in the  
30 collection of such taxes from the corporate officer or employee will  
31 jeopardize future collection proceedings, nothing in this section shall

1 prevent the immediate collection of such taxes.

2 (6) For purposes of this section:

3 (a) Corporation means any corporation and any other entity that is  
4 taxed as a corporation under the Internal Revenue Code;

5 (b) Taxes means all taxes and additions to taxes including interest  
6 and penalties imposed under the agreement; and

7 (c) Willful failure means that failure which was the result of an  
8 intentional, conscious, and voluntary action.

9 Sec. 12. All deficiencies determined by the department and any tax  
10 paid after the time provided shall accrue interest at the rate specified  
11 in subdivision (7) of section 66-1406, as such rate may from time to time  
12 be adjusted, on such deficiency or late payment from the date such tax  
13 was due to the date of payment.

14 Sec. 13. The department may examine the records of any person  
15 holding a license or permit, required to hold a license or permit, or  
16 purchasing motor fuel without the payment of tax at any time during  
17 regular business hours and make such other investigations as it deems  
18 necessary for the proper and efficient administration and enforcement of  
19 the agreement.

20 Sec. 14. Section 66-1411, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 66-1411 (1) The legal remedies for any person served with an order  
23 or assessment under the International Fuel Tax Agreement Act shall be as  
24 prescribed in such act. Appeals from a final order of the director shall  
25 be taken as prescribed in sections 84-917 to 84-919 Chapter 66, article  
26 7, and the Administrative Procedure Act.

27 (2) The director ~~may~~ shall adopt and promulgate rules and  
28 regulations for enforcement, collection, and appeals pursuant to  
29 consistent with Chapter 66, article 7, the Administrative Procedure Act,  
30 and the International Fuel Tax Agreement Act. Any person filing a report  
31 or return for tax due shall follow the filing periods or due dates



1 established by the agreement under section 66-1406.

2 Sec. 15. Section 75-385, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 75-385 The Division of Motor Carrier Services is established within  
5 the Department of Motor Vehicles and shall be headed by ~~the Director of~~  
6 ~~Motor Vehicles shall appoint~~ the Administrator of Motor Carrier Services.  
7 The administrator shall administer the affairs of the division.

8 Sec. 16. Original sections 60-308, 66-1401, 66-1403, 66-1411, and  
9 75-385, Reissue Revised Statutes of Nebraska, and sections 60-3,198 and  
10 66-712, Revised Statutes Cumulative Supplement, 2016, are repealed.