

E AND R AMENDMENTS TO LB 461

Introduced by Slama, 1, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 75-109.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 75-109.01 Except as otherwise specifically provided by law, the
6 Public Service Commission shall have jurisdiction, as prescribed, over
7 the following subjects:

8 (1) Common carriers, generally, pursuant to sections 75-101 to
9 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
11 Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles pursuant to the
13 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

14 (4) Modular housing units pursuant to the Nebraska Uniform Standards
15 for Modular Housing Units Act;

16 (5) Motor carrier registration, licensure, and safety pursuant to
17 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371 and section 9 of
18 this act;

19 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
20 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
21 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
22 the provisions of the Major Oil Pipeline Siting Act, the provisions of
23 the Major Oil Pipeline Siting Act control;

24 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
25 74-1323, and 75-401 to 75-430;

26 (8) Telecommunications carriers pursuant to the Automatic Dialing-
27 Announcing Devices Act, the Emergency Telephone Communications Systems

1 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
2 Regulation Act, the Nebraska Telecommunications Regulation Act, the
3 Nebraska Telecommunications Universal Service Fund Act, the
4 Telecommunications Relay System Act, the Telephone Consumer Slamming
5 Prevention Act, and sections 86-574 to 86-580;

6 (9) Transmission lines and rights-of-way pursuant to sections 70-301
7 and 75-702 to 75-724;

8 (10) Water service pursuant to the Water Service Regulation Act; and

9 (11) Jurisdictional utilities governed by the State Natural Gas
10 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
11 provisions of the State Natural Gas Regulation Act, the provisions of the
12 State Natural Gas Regulation Act control.

13 Sec. 2. Section 75-118, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 75-118 The commission shall:

16 (1) Fix all necessary rates, charges, and regulations governing and
17 regulating the transportation, ~~storage, or handling~~ of household goods
18 ~~and~~ passengers by any common carrier in Nebraska intrastate commerce;

19 (2) Authorize the transportation of employees of a railroad carrier
20 under a license issued pursuant to section 9 of this act or household
21 goods under a license issued pursuant to section 75-304.02 ~~Make all~~
22 ~~necessary classifications of household goods that may be transported,~~
23 ~~stored, or handled by any common carrier in Nebraska intrastate commerce,~~
24 ~~such classifications applying to and being the same for all common~~
25 ~~carriers;~~

26 (3) Prevent and correct the unjust discriminations set forth in
27 section 75-126;

28 (4) Enforce all statutes and commission regulations pertaining to
29 rates and, if necessary, institute actions in the appropriate court of
30 any county in which the common carrier involved operates except actions
31 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits

1 shall be brought and penalties recovered in the name of the state by or
2 under the direction of the Attorney General; and

3 (5) Enforce the Major Oil Pipeline Siting Act and the State Natural
4 Gas Regulation Act.

5 Sec. 3. Section 75-124, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 75-124 The commission may compile and reproduce tariffs containing
8 the schedules of rates and charges for transportation of persons and
9 ~~property~~ and may make a charge for copies of such tariffs to cover the
10 cost of reproducing, supplementing, and mailing the same. Every common
11 carrier shall reproduce, keep for public inspection, and file with the
12 commission in the manner prescribed by the commission, schedules showing
13 the rates, fares, and charges for the transportation of passengers and
14 ~~household goods~~ which have been fixed and established as provided in
15 Chapter 75, articles 1 and 3, and which are in force at the time with
16 respect to such common carrier.

17 Sec. 4. Section 75-156, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 75-156 (1) In addition to other penalties and relief provided by
20 law, the Public Service Commission may, upon a finding that the violation
21 is proven by clear and convincing evidence, assess a civil penalty of up
22 to ten thousand dollars per day against any person, motor carrier,
23 regulated motor carrier, common carrier, contract carrier, licensee,
24 grain dealer, or grain warehouseman for each violation of (a) any
25 provision of the laws of this state within the jurisdiction of the
26 commission as enumerated in section 75-109.01, (b) any term, condition,
27 or limitation of any certificate, permit, license, or authority issued by
28 the commission pursuant to the laws of this state within the jurisdiction
29 of the commission as enumerated in section 75-109.01, or (c) any rule,
30 regulation, or order of the commission issued under authority delegated
31 to the commission pursuant to the laws of this state within the

1 jurisdiction of the commission as enumerated in section 75-109.01.

2 (2) In addition to other penalties and relief provided by law, the
3 Public Service Commission may, upon a finding that the violation is
4 proven by clear and convincing evidence, assess a civil penalty not less
5 than one hundred dollars and not more than one thousand dollars against
6 any jurisdictional utility for each violation of (a) any provision of the
7 State Natural Gas Regulation Act, (b) any rule, regulation, order, or
8 lawful requirement issued by the commission pursuant to the act, (c) any
9 final judgment or decree made by any court upon appeal from any order of
10 the commission, or (d) any term, condition, or limitation of any
11 certificate issued by the commission issued under authority delegated to
12 the commission pursuant to the act. The amount of the civil penalty
13 assessed in each case shall be based on the severity of the violation
14 charged. The commission may compromise or mitigate any penalty prior to
15 hearing if all parties agree. In determining the amount of the penalty,
16 the commission shall consider the appropriateness of the penalty in light
17 of the gravity of the violation and the good faith of the violator in
18 attempting to achieve compliance after notification of the violation is
19 given.

20 (3) In addition to other penalties and relief provided by law, the
21 Public Service Commission may, upon a finding that the violation is
22 proven by clear and convincing evidence, assess a civil penalty of up to
23 ten thousand dollars per day against any wireless carrier for each
24 violation of the Enhanced Wireless 911 Services Act or any rule,
25 regulation, or order of the commission issued under authority delegated
26 to the commission pursuant to the act.

27 (4) In addition to other penalties and relief provided by law, the
28 Public Service Commission may, upon a finding that the violation is
29 proven by clear and convincing evidence, assess a civil penalty of up to
30 one thousand dollars against any person for each violation of the
31 Nebraska Uniform Standards for Modular Housing Units Act or the Uniform

1 Standard Code for Manufactured Homes and Recreational Vehicles or any
2 rule, regulation, or order of the commission issued under the authority
3 delegated to the commission pursuant to either act. Each such violation
4 shall constitute a separate violation with respect to each modular
5 housing unit, manufactured home, or recreational vehicle, except that the
6 maximum penalty shall not exceed one million dollars for any related
7 series of violations occurring within one year from the date of the first
8 violation.

9 (5) The civil penalty assessed under this section shall not exceed
10 two million dollars per year for each violation except as provided in
11 subsection (4) of this section. The amount of the civil penalty assessed
12 in each case shall be based on the severity of the violation charged. The
13 commission may compromise or mitigate any penalty prior to hearing if all
14 parties agree. In determining the amount of the penalty, the commission
15 shall consider the appropriateness of the penalty in light of the gravity
16 of the violation and the good faith of the violator in attempting to
17 achieve compliance after notification of the violation is given.

18 (6) Upon notice and hearing in accordance with this section and
19 section 75-157, the commission may enter an order assessing a civil
20 penalty of up to one hundred dollars against any person, firm,
21 partnership, limited liability company, corporation, cooperative, or
22 association for failure to file an annual report or pay the fee as
23 required by section 75-116 and as prescribed by commission rules and
24 regulations or for failure to register as required by section 86-125 and
25 as prescribed by commission rules and regulations. Each day during which
26 the violation continues after the commission has issued an order finding
27 that a violation has occurred constitutes a separate offense. Any party
28 aggrieved by an order of the commission under this section may appeal.
29 The appeal shall be in accordance with section 75-136.

30 (7) When any person or party is accused of any violation listed in
31 this section, the commission shall notify such person or party in writing

1 (a) setting forth the date, facts, and nature of each act or omission
2 upon which each charge of a violation is based, (b) specifically
3 identifying the particular statute, certificate, permit, rule,
4 regulation, or order purportedly violated, (c) that a hearing will be
5 held and the time, date, and place of the hearing, (d) that in addition
6 to the civil penalty, the commission may enforce additional penalties and
7 relief as provided by law, and (e) that upon failure to pay any civil
8 penalty determined by the commission, the penalty may be collected by
9 civil action in the district court of Lancaster County.

10 Sec. 5. Section 75-301, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 75-301 (1) It is the policy of the Legislature to comply with the
13 laws of the United States, to promote uniformity of regulation, to
14 prevent motor vehicle accidents, deaths, and injuries, to protect the
15 public safety, to reduce redundant regulation, to promote financial
16 responsibility on the part of all motor carriers operating in and through
17 the state, and to foster the development, coordination, and preservation
18 of a safe, sound, adequate, and productive motor carrier system which is
19 vital to the economy of the state.

20 (2) It is the policy of the Legislature to (a) regulate
21 transportation by motor carriers of passengers and ~~household goods~~
22 intrastate commerce upon the public highways of Nebraska in such manner
23 as to recognize and preserve the inherent advantages of and foster sound
24 economic conditions in such transportation and among such carriers, in
25 the public interest, (b) authorize upon the public highways of Nebraska
26 the transportation in intrastate commerce of (i) employees of railroad
27 carriers engaged in interstate commerce to or from their work locations
28 under licenses issued pursuant to section 9 of this act and (ii)
29 household goods by motor carriers under licenses issued pursuant to
30 section 75-304.02, (c) promote adequate economical and efficient service
31 by motor carriers and reasonable charges therefor without unjust

1 discrimination, undue preferences or advantages, and unfair or
2 destructive competitive practices, (d) ~~(e)~~ improve the relations between
3 and coordinate transportation by and regulation of such motor carriers
4 and other carriers, (e) ~~(d)~~ develop and preserve a highway transportation
5 system properly adapted to the needs of the commerce of Nebraska, (f) ~~(e)~~
6 cooperate with the several states and the duly authorized officials
7 thereof, and (g) ~~(f)~~ cooperate with the United States Government in the
8 administration and enforcement of the unified carrier registration plan
9 and agreement.

10 The commission, the Division of Motor Carrier Services, and the
11 carrier enforcement division shall enforce all provisions of section
12 75-126 and Chapter 75, article 3, so as to promote, encourage, and ensure
13 a safe, dependable, responsive, and adequate transportation system for
14 the public as a whole.

15 Sec. 6. Section 75-302, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 75-302 For purposes of sections 75-301 to 75-343 and section 9 of
18 this act and in all rules and regulations adopted and promulgated by the
19 commission pursuant to such sections, unless the context otherwise
20 requires:

21 (1) Attended services means an attendant or caregiver accompanying a
22 minor or a person who has a physical, mental, or developmental disability
23 and is unable to travel or wait without assistance or supervision;

24 (2) Carrier enforcement division means the carrier enforcement
25 division of the Nebraska State Patrol or the Nebraska State Patrol;

26 (3) Certificate means a certificate of public convenience and
27 necessity issued under Chapter 75, article 3, to common carriers by motor
28 vehicle;

29 (4) Civil penalty means any monetary penalty assessed by the
30 commission or carrier enforcement division due to a violation of Chapter
31 75, article 3, or section 75-126 as such section applies to any person or

1 carrier specified in Chapter 75, article 3; any term, condition, or
2 limitation of any certificate or permit issued pursuant to Chapter 75,
3 article 3; or any rule, regulation, or order of the commission, the
4 Division of Motor Carrier Services, or the carrier enforcement division
5 issued pursuant to Chapter 75, article 3;

6 (5) Commission means the Public Service Commission;

7 (6) Common carrier means any person who or which undertakes to
8 transport passengers ~~or household goods~~ for the general public in
9 intrastate commerce by motor vehicle for hire, whether over regular or
10 irregular routes, upon the highways of this state;

11 (7) Contract carrier means any motor carrier which transports
12 passengers ~~or household goods~~ for hire other than as a common carrier
13 designed to meet the distinct needs of each individual customer or a
14 specifically designated class of customers without any limitation as to
15 the number of customers it can serve within the class;

16 (8) Division of Motor Carrier Services means the Division of Motor
17 Carrier Services of the Department of Motor Vehicles;

18 (9) Highway means the roads, highways, streets, and ways in this
19 state;

20 (10) Household goods means personal effects and property used or to
21 be used in a dwelling, when a part of the equipment or supply of such
22 dwelling, and similar property as the commission may provide by
23 regulation if the transportation of such effects or property, is:

24 (a) Arranged and paid for by the householder, including
25 transportation of property from a factory or store when the property is
26 purchased by the householder with the intent to use in his or her
27 dwelling; or

28 (b) Arranged and paid for by another party;

29 (11) Intrastate commerce means commerce between any place in this
30 state and any other place in this state and not in part through any other
31 state;

1 (12) License means a license issued to a motor carrier engaged in
2 the for-hire, intrastate transportation of (a) household goods under
3 section 75-304.02 or (b) employees of a railroad carrier engaged in
4 interstate commerce to or from their work locations under section 9 of
5 this act;

6 (13) ~~(12)~~ Licensed care transportation services means transportation
7 provided by an entity licensed by the Department of Health and Human
8 Services as a residential child-caring agency as defined in section
9 71-1926 or child-placing agency as defined in section 71-1926 or a child
10 care facility licensed under the Child Care Licensing Act to a client of
11 the entity or facility when the person providing transportation services
12 also assists and supervises the passenger or, if the client is a minor,
13 to a family member of a minor when it is necessary for agency or facility
14 staff to accompany or facilitate the transportation in order to provide
15 necessary services and support to the minor. Licensed care transportation
16 services must be incidental to and in furtherance of the social services
17 provided by the entity or facility to the transported client;

18 (14) ~~(13)~~ Motor carrier means any person other than a regulated
19 motor carrier who or which owns, controls, manages, operates, or causes
20 to be operated any motor vehicle used to transport passengers or property
21 over any public highway in this state;

22 (15) ~~(14)~~ Motor vehicle means any vehicle, machine, tractor,
23 trailer, or semitrailer propelled or drawn by mechanical power and used
24 upon the highways in the transportation of passengers or property but
25 does not include any vehicle, locomotive, or car operated exclusively on
26 a rail or rails;

27 (16) ~~(15)~~ Permit means a permit issued under Chapter 75, article 3,
28 to contract carriers by motor vehicle;

29 (17) ~~(16)~~ Person means any individual, firm, partnership, limited
30 liability company, corporation, company, association, or joint-stock
31 association and includes any trustee, receiver, assignee, or personal

1 representative thereof;

2 (18) ~~(17)~~ Private carrier means any motor carrier which owns,
3 controls, manages, operates, or causes to be operated a motor vehicle to
4 transport passengers or property to or from its facility, plant, or place
5 of business or to deliver to purchasers its products, supplies, or raw
6 materials (a) when such transportation is within the scope of and
7 furthers a primary business of the carrier other than transportation and
8 (b) when not for hire. Nothing in sections 75-301 to 75-322 and section 9
9 of this act shall apply to private carriers;

10 (19) ~~(18)~~ Regulated motor carrier means any person who or which
11 owns, controls, manages, operates, or causes to be operated any motor
12 vehicle used to transport passengers, other than those excepted under
13 section 75-303, ~~or household goods~~ over any public highway in this state;

14 (20) ~~(19)~~ Residential care means care for a minor or a person who is
15 physically, mentally, or developmentally disabled who resides in a
16 residential home or facility regulated by the Department of Health and
17 Human Services, including, but not limited to, a foster home, treatment
18 facility, residential child-caring agency, or shelter;

19 (21) ~~(20)~~ Residential care transportation services means
20 transportation services to persons in residential care when such
21 residential care transportation services and residential care are
22 provided as part of a services contract with the Department of Health and
23 Human Services or pursuant to a subcontract entered into incident to a
24 services contract with the department;

25 (22) ~~(21)~~ Supported transportation services means transportation
26 services to a minor or for a person who is physically, mentally, or
27 developmentally disabled when the person providing transportation
28 services also assists and supervises the passenger or transportation
29 services to a family member of a minor when it is necessary for provider
30 staff to accompany or facilitate the transportation in order to provide
31 necessary services and support to the minor. Supported transportation

1 services must be provided as part of a services contract with the
2 Department of Health and Human Services or pursuant to a subcontract
3 entered into incident to a services contract with the department, and the
4 driver must meet department requirements for (a) training or experience
5 working with minors or persons who are physically, mentally, or
6 developmentally disabled, (b) training with regard to the specific needs
7 of the client served, (c) reporting to the department, and (d) age.
8 Assisting and supervising the passenger shall not necessarily require the
9 person providing transportation services to stay with the passenger after
10 the transportation services have been provided; and

11 (23) ~~(22)~~ Transportation network company has the definition found in
12 section 75-323. A transportation network company shall not own, control,
13 operate, or manage drivers' personal vehicles.

14 Sec. 7. Section 75-303, Revised Statutes Supplement, 2019, is
15 amended to read:

16 75-303 Sections 75-301 to 75-322 and section 9 of this act shall
17 apply to transportation by a motor carrier or the transportation of
18 passengers and household goods by a regulated motor carrier for hire in
19 intrastate commerce except for the following:

20 (1) A motor carrier for hire in the transportation of school
21 children and teachers to and from school;

22 (2) A motor carrier for hire operated in connection with a part of a
23 streetcar system;

24 (3) A motor carrier for hire providing transportation services for
25 passengers in vehicles with a rated seating capacity of eight or more
26 passengers when (a) such services are incidental to agritourism
27 activities as defined in section 82-603, (b) the destination for such
28 agritourism activities is outside any incorporated city or village, and
29 (c) the point of origination and termination is outside a county that
30 includes a city of the metropolitan class or primary class;

31 (4) ~~(3)~~ An ambulance, ambulance owner, hearse, or automobile used

1 exclusively as an incident to conducting a funeral;

2 (5) ~~(4)~~ A motor carrier exempt by subdivision (1) of this section
3 which hauls for hire (a) persons of a religious, fraternal, educational,
4 or charitable organization, (b) pupils of a school to athletic events,
5 (c) players of American Legion baseball teams when the point of origin or
6 termination is within five miles of the domicile of the carrier, and (d)
7 the elderly as defined in section 13-1203 and their spouses and
8 dependents under a contract with a municipality or county authorized in
9 section 13-1208;

10 (6) ~~(5)~~ A motor carrier operated by a city and engaged in the
11 transportation of passengers, and such exempt operations shall be no
12 broader than those authorized in intrastate commerce at the time the city
13 or other political subdivision assumed ownership of the operation;

14 (7) ~~(6)~~ A motor vehicle owned and operated by a nonprofit
15 organization which is exempt from payment of federal income taxes, as
16 provided by section 501(c)(4), Internal Revenue Code, transporting solely
17 persons over age sixty, persons who are spouses and dependents of persons
18 over age sixty, and handicapped persons;

19 (8) ~~(7)~~ A motor carrier engaged in the transportation of passengers
20 operated by a transit authority or regional metropolitan transit
21 authority established under and acting pursuant to the laws of the State
22 of Nebraska;

23 (9) ~~Except as provided in section 9 of this act, a motor carrier~~
24 engaged in the transportation of employees of a railroad carrier engaged
25 in interstate commerce to or from their work locations;

26 (10) ~~(8)~~ A motor carrier operated by a municipality or county, as
27 authorized in section 13-1208, in the transportation of elderly persons;

28 (11) ~~(9)~~ A motor vehicle having a seating capacity of twenty or less
29 which is operated by a governmental subdivision or a qualified public-
30 purpose organization as defined in section 13-1203 engaged in the
31 transportation of passengers in the state;

1 (12) ~~(10)~~ A motor vehicle owned and operated by a nonprofit entity
2 organized for the purpose of furnishing electric service;

3 (13) ~~(11)~~ A motor carrier engaged in attended services under
4 contract or subcontract with the Department of Health and Human Services
5 or with any agency organized under the Nebraska Community Aging Services
6 Act;

7 (14) ~~(12)~~ A motor carrier engaged in residential care transportation
8 services if the motor carrier complies with the requirements of the
9 Department of Health and Human Services adopted, promulgated, and
10 enforced to protect the safety and well-being of the passengers,
11 including insurance, training, and age requirements;

12 (15) ~~(13)~~ A motor carrier engaged in supported transportation
13 services if the motor carrier complies with the requirements of the
14 Department of Health and Human Services adopted, promulgated, and
15 enforced to protect the safety and well-being of the passengers,
16 including insurance, training, and age requirements; and

17 (16) ~~(14)~~ A motor carrier engaged in licensed care transportation
18 services if the motor carrier files a certificate with the commission
19 that such provider meets the minimum driver standards, insurance
20 requirements, and equipment standards prescribed by the commission.
21 Insurance requirements established by the commission shall be consistent
22 with the insurance requirements established by the Department of Health
23 and Human Services for attended services, residential care transportation
24 services, and supported transportation services.

25 Sec. 8. Section 75-304.02, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 75-304.02 (1) Any mover of household goods operating in ~~a city or~~
28 ~~village of~~ this state ~~or within a radius of five miles of the corporate~~
29 ~~limits of such city or village~~ and engaged in the intrastate
30 transportation for hire of household goods shall apply to the commission
31 for a license prior to transporting household goods in intrastate

1 commerce. A license shall be issued by the commission to any qualified
2 applicant upon payment of a license fee of two hundred fifty dollars and
3 receipt of a completed application in which the principal place of
4 business of the applicant in the State of Nebraska is identified and the
5 applicant agrees and affirms to perform the service in conformance with
6 sections 75-301 to 75-322 and the rules and regulations of the commission
7 adopted and promulgated under such sections. Otherwise the application
8 shall be denied. Applications for initial and renewal licenses shall be
9 on forms prescribed by the commission. A license issued under this
10 section shall be valid for one year and may be renewed annually for a fee
11 of two hundred fifty dollars. A license may be suspended or revoked by
12 the commission after notice and hearing for failure to comply with
13 sections 75-101 to 75-801, any rule or regulation adopted and promulgated
14 under such sections, or any lawful order of the commission in such city
15 or village or within such five-mile radius prior to January 1, 1996, may
16 continue operations for a period of up to one year after April 4, 1996,
17 without obtaining a certificate of public convenience and necessity or a
18 permit issued by the commission authorizing such operations. Beginning on
19 and after one year after April 4, 1996, such mover of household goods
20 shall be subject to sections 75-301 to 75-322.

21 (2) Any person who applies for a license pursuant to this section
22 shall comply with the requirements of section 75-307. The commission
23 shall have no authority to regulate the rates of any motor carrier who is
24 issued a license under this section to engage in the transportation of
25 household goods for hire in intrastate commerce ~~(2) During the one-year~~
26 ~~period after April 4, 1996, the commission shall grant the authority to~~
27 ~~engage in the transportation for hire of household goods in such city or~~
28 ~~village or within such five-mile radius to any such mover of household~~
29 ~~goods which applies to the commission and furnishes evidence of its~~
30 ~~operations in a manner and form as directed by the commission by rule and~~
31 ~~regulation. The authority to engage in the transportation of household~~

1 ~~goods shall become effective one year after April 4, 1996.~~

2 Sec. 9. (1) Any motor carrier operating in this state engaged in
3 the intrastate transportation for hire of employees of a railroad carrier
4 engaged in interstate commerce to or from their work locations shall
5 apply to the commission for a license prior to transporting such
6 employees in intrastate commerce. A license shall be issued by the
7 commission to any qualified applicant upon payment of a license fee of
8 two hundred fifty dollars and receipt of a completed application in which
9 the principal place of business of the applicant in the State of Nebraska
10 is identified and the applicant agrees and affirms to perform the service
11 in conformance with section 75-307 and the rules and regulations adopted
12 and promulgated by the commission relating to driver qualifications,
13 equipment, operating standards, and recordkeeping. Otherwise the
14 application shall be denied. Applications for initial and renewal
15 licenses shall be on forms prescribed by the commission. A license issued
16 under this section shall be valid for one year and may be renewed
17 annually for a fee of two hundred fifty dollars. A license may be
18 suspended or revoked by the commission after notice and hearing for
19 failure to comply with section 75-307 and any rule or regulation adopted
20 and promulgated under this section, or any lawful order of the
21 commission.

22 (2) Any person who applies for a license pursuant to this section
23 shall comply with the requirements of section 75-307. The commission
24 shall have no authority to regulate the rates of any motor carrier who is
25 issued a license under this section to engage in the transportation of
26 such employees of such railroad carriers for hire in intrastate commerce.

27 Sec. 10. Section 75-307, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 75-307 (1) Certificated intrastate motor carriers, including common
30 and contract carriers, any motor carrier transporting household goods
31 under a license issued pursuant to section 75-304.02, and any motor

1 carrier transporting employees of a railroad carrier under a license
2 issued pursuant to section 9 of this act, shall comply with reasonable
3 rules and regulations prescribed by the commission governing the filing
4 with the commission, the approval of the filings, and the maintenance of
5 proof at such carrier's principal place of business of surety bonds,
6 policies of insurance, qualifications as a self-insurer, or other
7 securities or agreements, in such reasonable amount as required by the
8 commission, conditioned to pay, within the amount of such surety bonds,
9 policies of insurance, qualifications as a self-insurer, or other
10 securities or agreements, any final judgment recovered against such motor
11 carrier for bodily injuries to or the death of any person resulting from
12 the negligent operation, maintenance, or use of motor vehicles under such
13 certificate, ~~or permit,~~ or license or for loss or damage to property of
14 others. No certificate or permit shall be issued to a common or contract
15 carrier, and no license shall be issued to a motor carrier transporting
16 household goods or employees of a railroad carrier, or remain in force
17 unless such carrier complies with this section and the rules and
18 regulations prescribed by the commission pursuant to this section.

19 (2) The commission may, in its discretion and under its rules and
20 regulations, require any certificated carrier, any motor carrier
21 transporting household goods under a license issued pursuant to section
22 75-304.02, and any motor carrier transporting employees of a railroad
23 carrier under a license issued pursuant to section 9 of this act, to file
24 a surety bond, policies of insurance, qualifications as a self-insurer,
25 or other securities or agreements, in a sum to be determined by the
26 commission, to be conditioned upon such carrier making compensation to
27 shippers or consignees for all property belonging to shippers or
28 consignees and coming into the possession of such carrier in connection
29 with its transportation service. Any carrier which may be required by law
30 to compensate a shipper or consignee for any loss, damage, or default for
31 which a connecting motor common carrier is legally responsible shall be

1 subrogated to the rights of such shipper or consignee under any such
2 bond, policies of insurance, or other securities or agreements to the
3 extent of the sum so paid.

4 (3) In carrying out this section, the commission may classify motor
5 carriers and regulated motor carriers taking into consideration the
6 hazards of the operations of such carriers and the value of the household
7 goods carried. Nothing contained in this section shall be construed to
8 authorize the commission to compel motor carriers other than those
9 transporting common carriers of household goods under a license issued
10 pursuant to section 75-304.02 to carry cargo insurance.

11 (4) This section does not apply to transportation network companies.
12 Sec. 11. Section 75-308, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-308 It is unlawful for a regulated motor carrier to engage in the
15 transportation of passengers ~~or household goods~~ in intrastate commerce
16 unless the motor carrier has filed, published, and kept open for
17 inspection its tariff schedule as provided in section 75-124 in the
18 manner prescribed by the commission pursuant to such section. ~~No such~~
19 ~~motor carrier shall engage in the transportation of household goods in~~
20 ~~intrastate commerce unless it has obtained a copy of the most current~~
21 ~~applicable tariff, or a tariff prepared by a tariff publishing bureau or~~
22 ~~an individual, which conforms with the rates and charges prescribed by~~
23 ~~the commission.~~

24 Sec. 12. Section 75-311, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 75-311 (1) A certificate shall be issued to any qualified applicant
27 authorizing the whole or any part of the operations covered by the
28 application if it is found after notice and hearing that (a) the
29 applicant is fit, willing, and able properly to perform the service
30 proposed and to conform to the provisions of sections 75-301 to 75-322
31 and the requirements, rules, and regulations of the commission under such

1 sections and (b) the proposed service, to the extent to be authorized by
2 the certificate, whether regular or irregular, ~~passenger or household~~
3 ~~goods~~, is or will be required by the present or future public convenience
4 and necessity. Otherwise the application shall be denied.

5 (2) A permit shall be issued to any qualified applicant therefor
6 authorizing in whole or in part the operations covered by the application
7 if it appears after notice and hearing from the application or from any
8 hearing held on the application that (a) the applicant is fit, willing,
9 and able properly to perform the service of a contract carrier by motor
10 vehicle and to conform to the provisions of such sections and the lawful
11 requirements, rules, and regulations of the commission under such
12 sections and (b) the proposed operation, to the extent authorized by the
13 permit, will be consistent with the public interest by providing services
14 designed to meet the distinct needs of each individual customer or a
15 specifically designated class of customers as defined in subdivision (7)
16 of section 75-302. Otherwise the application shall be denied.

17 (3) A designation of authority shall be issued to any regulated
18 motor carrier holding a certificate under subsection (1) of this section
19 or a permit under subsection (2) of this section authorizing such carrier
20 to provide medicaid nonemergency medical transportation services pursuant
21 to a contract with (i) the Department of Health and Human Services, (ii)
22 a medicaid-managed care organization under contract with the department,
23 or (iii) another agent working on the department's behalf as provided
24 under section 75-303.01, if it is found after notice and hearing from the
25 application or from any hearing held on the application that the
26 authorization is or will be required by the present or future convenience
27 and necessity to serve the distinct needs of medicaid clients. In
28 determining whether the authorization is or will be required by the
29 present or future convenience and necessity to serve the distinct needs
30 of medicaid clients, the commission shall consult with the Director of
31 Medicaid and Long-Term Care of the Division of Medicaid and Long-Term

1 Care of the department or his or her designee.

2 ~~(4) No person shall at the same time hold a certificate as a common~~
3 ~~carrier and a permit as a contract carrier for transportation of~~
4 ~~household goods by motor vehicles over the same route or within the same~~
5 ~~territory unless the commission finds that it is consistent with the~~
6 ~~public interest and with the policy declared in section 75-301.~~

7 ~~(5) After the issuance of a certificate or permit, the commission~~
8 ~~shall review the operations of all common or contract carriers who hold~~
9 ~~authority from the commission to determine whether there are insufficient~~
10 ~~operations in the transportation of household goods to justify the~~
11 ~~commission's finding that such common or contract carrier has willfully~~
12 ~~failed to perform transportation under sections 75-301 to 75-322 and~~
13 ~~rules and regulations promulgated under such sections. If the commission~~
14 ~~determines that there are insufficient operations, then the commission~~
15 ~~shall commence proceedings under section 75-315 to revoke the certificate~~
16 ~~or permit involved.~~

17 ~~(4) (6)~~ This section shall not apply to transportation network
18 companies holding a permit under section 75-324 or operations pursuant to
19 a contract authorized by sections 75-303.02 and 75-303.03.

20 Sec. 13. This act becomes operative on January 1, 2021.

21 Sec. 14. Original sections 75-109.01, 75-118, 75-124, 75-156,
22 75-301, 75-302, 75-304.02, 75-307, 75-308, and 75-311, Reissue Revised
23 Statutes of Nebraska, and section 75-303, Revised Statutes Supplement,
24 2019, are repealed.

25 2. On page 1, strike beginning with "75-301" in line 1 through line
26 16 and insert "75-109.01, 75-118, 75-124, 75-156, 75-301, 75-302,
27 75-304.02, 75-307, 75-308, and 75-311, Reissue Revised Statutes of
28 Nebraska, and section 75-303, Revised Statutes Supplement, 2019; to
29 change provisions relating to the Public Service Commission and motor
30 carriers; to define and redefine terms; to eliminate certificates of
31 public convenience and necessity and permits for movers of household

1 goods and carriers of railroad employees; to provide a licensing process
2 for such regulated motor carriers; to exempt certain motor carriers
3 engaged in transportation related to agritourism from certain
4 requirements; to harmonize provisions; to provide an operative date; and
5 to repeal the original sections."