

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 461

FINAL READING

Introduced by Friesen, 34.

Read first time January 18, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor carriers; to amend sections
2 75-109.01, 75-118, 75-124, 75-156, 75-301, 75-302, 75-307, 75-308,
3 and 75-311, Reissue Revised Statutes of Nebraska, and section
4 75-303, Revised Statutes Supplement, 2019; to change provisions
5 relating to the Public Service Commission and motor carriers; to
6 define and redefine terms; to eliminate certificates of public
7 convenience and necessity and permits for movers of household goods
8 and carriers of railroad employees; to provide a licensing process
9 for such regulated motor carriers; to exempt certain motor carriers
10 engaged in transportation related to agritourism from certain
11 requirements; to harmonize provisions; to provide operative dates;
12 to repeal the original sections; and to outright repeal section
13 75-304.02, Reissue Revised Statutes of Nebraska.
14 Be it enacted by the people of the State of Nebraska,

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

3 75-109.01 Except as otherwise specifically provided by law, the
4 Public Service Commission shall have jurisdiction, as prescribed, over
5 the following subjects:

6 (1) Common carriers, generally, pursuant to sections 75-101 to
7 75-158;

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

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

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

14 (5) Motor carrier registration, licensure, and safety pursuant to
15 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371 and sections 8
16 and 9 of this act;

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

22 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
23 74-1323, and 75-401 to 75-430;

24 (8) Telecommunications carriers pursuant to the Automatic Dialing-
25 Announcing Devices Act, the Emergency Telephone Communications Systems
26 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
27 Regulation Act, the Nebraska Telecommunications Regulation Act, the
28 Nebraska Telecommunications Universal Service Fund Act, the
29 Telecommunications Relay System Act, the Telephone Consumer Slamming
30 Prevention Act, and sections 86-574 to 86-580;

31 (9) Transmission lines and rights-of-way pursuant to sections 70-301

1 and 75-702 to 75-724;

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

3 (11) Jurisdictional utilities governed by the State Natural Gas
4 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
5 provisions of the State Natural Gas Regulation Act, the provisions of the
6 State Natural Gas Regulation Act control.

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

9 75-118 The commission shall:

10 (1) Until July 1, 2021, fix ~~Fix~~ all necessary rates, charges, and
11 regulations governing and regulating the transportation, storage, or
12 handling of household goods ~~and passengers~~ by any common carrier in
13 Nebraska intrastate commerce;

14 (2) Fix all necessary rates, charges, and regulations governing and
15 regulating the transportation of passengers by any common carrier in
16 Nebraska intrastate commerce;

17 (3) Until July 1, 2021, make ~~(2) Make~~ all necessary classifications
18 of household goods that may be transported, stored, or handled by any
19 common carrier in Nebraska intrastate commerce, such classifications
20 applying to and being the same for all common carriers;

21 (4) Authorize the transportation of (a) household goods under a
22 license issued pursuant to section 8 of this act or (b) employees of a
23 railroad carrier under a license issued pursuant to section 9 of this
24 act;

25 (5) ~~(3)~~ Prevent and correct the unjust discriminations set forth in
26 section 75-126;

27 (6) ~~(4)~~ Enforce all statutes and commission regulations pertaining
28 to rates and, if necessary, institute actions in the appropriate court of
29 any county in which the common carrier involved operates except actions
30 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits
31 shall be brought and penalties recovered in the name of the state by or

1 under the direction of the Attorney General; and

2 ~~(7) (5)~~ Enforce the Major Oil Pipeline Siting Act and the State
3 Natural Gas Regulation Act.

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

6 75-124 The commission may compile and reproduce tariffs containing
7 the schedules of rates and charges for transportation of persons and,
8 until July 1, 2021, household goods. The commission ~~property and~~ may make
9 a charge for copies of such tariffs to cover the cost of reproducing,
10 supplementing, and mailing the same. Every common carrier shall
11 reproduce, keep for public inspection, and file with the commission in
12 the manner prescribed by the commission, schedules showing the rates,
13 fares, and charges for the transportation of passengers and, until July
14 1, 2021, household goods, which have been fixed and established as
15 provided in Chapter 75, articles 1 and 3, and which are in force at the
16 time with 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 in
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) household goods by motor
27 carriers under licenses issued pursuant to section 8 of this act and (ii)
28 employees of railroad carriers engaged in interstate commerce to or from
29 their work locations under licenses issued pursuant to section 9 of this
30 act, (c) promote adequate economical and efficient service by motor
31 carriers and reasonable charges therefor without unjust discrimination,

1 undue preferences or advantages, and unfair or destructive competitive
2 practices, (d) ~~(e)~~ improve the relations between and coordinate
3 transportation by and regulation of such motor carriers and other
4 carriers, (e) ~~(d)~~ develop and preserve a highway transportation system
5 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 sections 8 and
18 9 of this act and in all rules and regulations adopted and promulgated by
19 the 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, until July 1, 2021, household goods, for the
9 general public in intrastate commerce by motor vehicle for hire, whether
10 over regular or irregular routes, upon the highways of this state.
11 Beginning July 1, 2021, common carrier does not include a motor carrier
12 operating under a license issued pursuant to section 8 of this act;

13 (7) Contract carrier means any motor carrier which transports
14 passengers or, until July 1, 2021, household goods, for hire other than
15 as a common carrier designed to meet the distinct needs of each
16 individual customer or a specifically designated class of customers
17 without any limitation as to the number of customers it can serve within
18 the class. Beginning on the operative date of this section, contract
19 carrier does not include a motor carrier operating under a license issued
20 pursuant to section 9 of this act;

21 (8) Division of Motor Carrier Services means the Division of Motor
22 Carrier Services of the Department of Motor Vehicles;

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

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

29 (a) Arranged and paid for by the householder, including
30 transportation of property from a factory or store when the property is
31 purchased by the householder with the intent to use in his or her

1 dwelling; or

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

3 (11) Intrastate commerce means commerce between any place in this
4 state and any other place in this state and not in part through any other
5 state;

6 (12) License means a license issued to a motor carrier engaged in
7 the for-hire, intrastate transportation of (a) household goods under
8 section 8 of this act or (b) employees of a railroad carrier engaged in
9 interstate commerce to or from their work locations under section 9 of
10 this act;

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

23 (14) ~~(13)~~ Motor carrier means any person other than a regulated
24 motor carrier who or which owns, controls, manages, operates, or causes
25 to be operated any motor vehicle used to transport passengers or property
26 over any public highway in this state;

27 (15) ~~(14)~~ Motor vehicle means any vehicle, machine, tractor,
28 trailer, or semitrailer propelled or drawn by mechanical power and used
29 upon the highways in the transportation of passengers or property but
30 does not include any vehicle, locomotive, or car operated exclusively on
31 a rail or rails;

1 ~~(16)~~ ~~(15)~~ Permit means a permit issued under Chapter 75, article 3,
2 to contract carriers by motor vehicle;

3 ~~(17)~~ ~~(16)~~ Person means any individual, firm, partnership, limited
4 liability company, corporation, company, association, or joint-stock
5 association and includes any trustee, receiver, assignee, or personal
6 representative thereof;

7 ~~(18)~~ ~~(17)~~ Private carrier means any motor carrier which owns,
8 controls, manages, operates, or causes to be operated a motor vehicle to
9 transport passengers or property to or from its facility, plant, or place
10 of business or to deliver to purchasers its products, supplies, or raw
11 materials (a) when such transportation is within the scope of and
12 furthers a primary business of the carrier other than transportation and
13 (b) when not for hire. Nothing in sections 75-301 to 75-322 and sections
14 8 and 9 of this act shall apply to private carriers;

15 ~~(19)~~ ~~(18)~~ Regulated motor carrier means any person who or which
16 owns, controls, manages, operates, or causes to be operated any motor
17 vehicle used to transport passengers, other than those excepted under
18 section 75-303, or, until July 1, 2021, household goods, over any public
19 highway in this state. Beginning July 1, 2021, regulated motor carrier
20 does not include a motor carrier operating under a license issued
21 pursuant to section 8 of this act. Beginning on the operative date of
22 this section, regulated motor carrier does not include a motor carrier
23 operating under a license issued pursuant to section 9 of this act;

24 ~~(20)~~ ~~(19)~~ Residential care means care for a minor or a person who is
25 physically, mentally, or developmentally disabled who resides in a
26 residential home or facility regulated by the Department of Health and
27 Human Services, including, but not limited to, a foster home, treatment
28 facility, residential child-caring agency, or shelter;

29 ~~(21)~~ ~~(20)~~ Residential care transportation services means
30 transportation services to persons in residential care when such
31 residential care transportation services and residential care are

1 provided as part of a services contract with the Department of Health and
2 Human Services or pursuant to a subcontract entered into incident to a
3 services contract with the department;

4 (22) ~~(21)~~ Supported transportation services means transportation
5 services to a minor or for a person who is physically, mentally, or
6 developmentally disabled when the person providing transportation
7 services also assists and supervises the passenger or transportation
8 services to a family member of a minor when it is necessary for provider
9 staff to accompany or facilitate the transportation in order to provide
10 necessary services and support to the minor. Supported transportation
11 services must be provided as part of a services contract with the
12 Department of Health and Human Services or pursuant to a subcontract
13 entered into incident to a services contract with the department, and the
14 driver must meet department requirements for (a) training or experience
15 working with minors or persons who are physically, mentally, or
16 developmentally disabled, (b) training with regard to the specific needs
17 of the client served, (c) reporting to the department, and (d) age.
18 Assisting and supervising the passenger shall not necessarily require the
19 person providing transportation services to stay with the passenger after
20 the transportation services have been provided; and

21 (23) ~~(22)~~ Transportation network company has the definition found in
22 section 75-323. A transportation network company shall not own, control,
23 operate, or manage drivers' personal vehicles.

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

26 75-303 Sections 75-301 to 75-322 and sections 8 and 9 of this act
27 shall apply to transportation by a motor carrier or the transportation of
28 passengers and, until July 1, 2021, household goods, by a regulated motor
29 carrier for hire in intrastate commerce except for the following:

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

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

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

10 (4) ~~(3)~~ An ambulance, ambulance owner, hearse, or automobile used
11 exclusively as an incident to conducting a funeral;

12 (5) ~~(4)~~ A motor carrier exempt by subdivision (1) of this section
13 which hauls for hire (a) persons of a religious, fraternal, educational,
14 or charitable organization, (b) pupils of a school to athletic events,
15 (c) players of American Legion baseball teams when the point of origin or
16 termination is within five miles of the domicile of the carrier, and (d)
17 the elderly as defined in section 13-1203 and their spouses and
18 dependents under a contract with a municipality or county authorized in
19 section 13-1208;

20 (6) ~~(5)~~ A motor carrier operated by a city and engaged in the
21 transportation of passengers, and such exempt operations shall be no
22 broader than those authorized in intrastate commerce at the time the city
23 or other political subdivision assumed ownership of the operation;

24 (7) ~~(6)~~ A motor vehicle owned and operated by a nonprofit
25 organization which is exempt from payment of federal income taxes, as
26 provided by section 501(c)(4), Internal Revenue Code, transporting solely
27 persons over age sixty, persons who are spouses and dependents of persons
28 over age sixty, and handicapped persons;

29 (8) ~~(7)~~ A motor carrier engaged in the transportation of passengers
30 operated by a transit authority or regional metropolitan transit
31 authority established under and acting pursuant to the laws of the State

1 of Nebraska;

2 (9) Except as provided in section 8 of this act, a motor carrier
3 engaged in the transportation of household goods;

4 (10) Except as provided in section 9 of this act, a motor carrier
5 engaged in the transportation of employees of a railroad carrier engaged
6 in interstate commerce to or from their work locations;

7 (11) ~~(8)~~ A motor carrier operated by a municipality or county, as
8 authorized in section 13-1208, in the transportation of elderly persons;

9 (12) ~~(9)~~ A motor vehicle having a seating capacity of twenty or less
10 which is operated by a governmental subdivision or a qualified public-
11 purpose organization as defined in section 13-1203 engaged in the
12 transportation of passengers in the state;

13 (13) ~~(10)~~ A motor vehicle owned and operated by a nonprofit entity
14 organized for the purpose of furnishing electric service;

15 (14) ~~(11)~~ A motor carrier engaged in attended services under
16 contract or subcontract with the Department of Health and Human Services
17 or with any agency organized under the Nebraska Community Aging Services
18 Act;

19 (15) ~~(12)~~ A motor carrier engaged in residential care transportation
20 services if the motor carrier complies with the requirements of the
21 Department of Health and Human Services adopted, promulgated, and
22 enforced to protect the safety and well-being of the passengers,
23 including insurance, training, and age requirements;

24 (16) ~~(13)~~ A motor carrier engaged in supported transportation
25 services if the motor carrier complies with the requirements of the
26 Department of Health and Human Services adopted, promulgated, and
27 enforced to protect the safety and well-being of the passengers,
28 including insurance, training, and age requirements; and

29 (17) ~~(14)~~ A motor carrier engaged in licensed care transportation
30 services if the motor carrier files a certificate with the commission
31 that such provider meets the minimum driver standards, insurance

1 requirements, and equipment standards prescribed by the commission.
2 Insurance requirements established by the commission shall be consistent
3 with the insurance requirements established by the Department of Health
4 and Human Services for attended services, residential care transportation
5 services, and supported transportation services.

6 Sec. 8. (1) Beginning July 1, 2021, any mover of household goods
7 operating in this state and engaged in the intrastate transportation for
8 hire of household goods shall apply to the commission for a license prior
9 to transporting household goods in intrastate commerce. A license shall
10 be issued by the commission to any qualified applicant upon payment of a
11 license fee of two hundred fifty dollars and receipt of a completed
12 application in which the principal place of business of the applicant in
13 the State of Nebraska is identified and the applicant agrees and affirms
14 to perform the service in conformance with applicable sections 75-301 to
15 75-322 and the rules and regulations of the commission adopted and
16 promulgated under such sections. Otherwise the application shall be
17 denied. Applications for initial and renewal licenses shall be on forms
18 prescribed by the commission. A license issued under this section shall
19 be valid for one year and may be renewed annually for a fee of two
20 hundred fifty dollars. A license may be suspended or revoked by the
21 commission after notice and hearing for failure to comply with applicable
22 sections 75-101 to 75-801, any rule or regulation adopted and promulgated
23 under such sections, or any lawful order of the commission.

24 (2) Any person who applies for a license pursuant to this section
25 shall comply with the requirements of section 75-307. The commission
26 shall have no authority to regulate the rates of any motor carrier who is
27 issued a license under this section.

28 Sec. 9. (1) Any motor carrier operating in this state engaged in
29 the intrastate transportation for hire of employees of a railroad carrier
30 engaged in interstate commerce to or from their work locations shall
31 apply to the commission for a license prior to transporting such

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

17 (2) Any person who applies for a license pursuant to this section
18 shall comply with the requirements of section 75-307. The commission
19 shall have no authority to regulate the rates of any motor carrier who is
20 issued a license under this section.

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

23 75-307 (1) Certificated intrastate motor carriers, including common
24 and contract carriers, any motor carrier transporting household goods
25 under a license issued pursuant to section 8 of this act, and any motor
26 carrier transporting employees of a railroad carrier under a license
27 issued pursuant to section 9 of this act shall comply with reasonable
28 rules and regulations prescribed by the commission governing the filing
29 with the commission, the approval of the filings, and the maintenance of
30 proof at such carrier's principal place of business of surety bonds,
31 policies of insurance, qualifications as a self-insurer, or other

1 securities or agreements, in such reasonable amount as required by the
2 commission, conditioned to pay, within the amount of such surety bonds,
3 policies of insurance, qualifications as a self-insurer, or other
4 securities or agreements, any final judgment recovered against such motor
5 carrier for bodily injuries to or the death of any person resulting from
6 the negligent operation, maintenance, or use of motor vehicles under such
7 certificate, ~~or permit, or license~~ or for loss or damage to property of
8 others. No certificate or permit shall be issued to a common or contract
9 carrier, no license shall be issued to a motor carrier transporting
10 household goods under section 8 of this act or employees of a railroad
11 carrier under section 9 of this act, nor shall such certificate, permit,
12 or license ~~or~~ remain in force unless such carrier complies with this
13 section and the rules and regulations prescribed by the commission
14 pursuant to this section.

15 (2) The commission may, in its discretion and under its rules and
16 regulations, require any certificated carrier, any motor carrier
17 transporting household goods under a license issued pursuant to section 8
18 of this act, and any motor carrier transporting employees of a railroad
19 carrier under a license issued pursuant to section 9 of this act to file
20 a surety bond, policies of insurance, qualifications as a self-insurer,
21 or other securities or agreements, in a sum to be determined by the
22 commission, to be conditioned upon such carrier making compensation to
23 shippers or consignees for all property belonging to shippers or
24 consignees and coming into the possession of such carrier in connection
25 with its transportation service. Any carrier which may be required by law
26 to compensate a shipper or consignee for any loss, damage, or default for
27 which a connecting motor common carrier is legally responsible shall be
28 subrogated to the rights of such shipper or consignee under any such
29 bond, policies of insurance, or other securities or agreements to the
30 extent of the sum so paid.

31 (3) In carrying out this section, the commission may classify motor

1 carriers and regulated motor carriers taking into consideration the
2 hazards of the operations of such carriers and the value of the household
3 goods carried. Nothing contained in this section shall be construed to
4 authorize the commission to compel motor carriers other than those
5 transporting common carriers of household goods under section 75-309 or
6 under a license issued pursuant to section 8 of this act to carry cargo
7 insurance.

8 (4) This section does not apply to transportation network companies.

9 Sec. 11. Section 75-308, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 75-308 It is unlawful for a regulated motor carrier to engage in the
12 transportation of passengers or, until July 1, 2021, household goods, in
13 intrastate commerce unless the motor carrier has filed, published, and
14 kept open for inspection its tariff schedule as provided in section
15 75-124 in the manner prescribed by the commission pursuant to such
16 section. Until July 1, 2021, no regulated ~~No such~~ motor carrier shall
17 engage in the transportation of household goods in intrastate commerce
18 unless it has obtained a copy of the most current applicable tariff, or a
19 tariff prepared by a tariff publishing bureau or an individual, which
20 conforms with the rates and charges prescribed by the commission.

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

23 75-311 (1) A certificate shall be issued to any qualified applicant
24 authorizing the whole or any part of the operations covered by the
25 application if it is found after notice and hearing that (a) the
26 applicant is fit, willing, and able properly to perform the service
27 proposed and to conform to the provisions of sections 75-301 to 75-322
28 and the requirements, rules, and regulations of the commission under such
29 sections and (b) the proposed service, to the extent to be authorized by
30 the certificate, whether regular or irregular, ~~passenger or household~~
31 ~~goods,~~ is or will be required by the present or future public convenience

1 and necessity. Otherwise the application shall be denied.

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

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

30 (4) Until July 1, 2021, no ~~No~~ person shall at the same time hold a
31 certificate as a common carrier and a permit as a contract carrier for

1 transportation of household goods by motor vehicles over the same route
2 or within the same territory unless the commission finds that it is
3 consistent with the public interest and with the policy declared in
4 section 75-301.

5 (5) Until July 1, 2021, after ~~After~~ the issuance of a certificate or
6 permit, the commission shall review the operations of all common or
7 contract carriers who hold authority from the commission to determine
8 whether there are insufficient operations in the transportation of
9 household goods to justify the commission's finding that such common or
10 contract carrier has willfully failed to perform transportation under
11 sections 75-301 to 75-322 and rules and regulations promulgated under
12 such sections. If the commission determines that there are insufficient
13 operations, then the commission shall commence proceedings under section
14 75-315 to revoke the certificate or permit involved.

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

18 Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of
19 this act become operative on January 1, 2021. Section 15 of this act
20 becomes operative on July 1, 2021. The other section of this act becomes
21 operative on its effective date.

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

26 Sec. 15. The following section is outright repealed: Section
27 75-304.02, Reissue Revised Statutes of Nebraska.