

LEGISLATIVE BILL 337

Approved by the Governor May 17, 1991

Introduced by Transportation Committee:

Kristensen, 37, Chairperson; Beyer, 3;
 Byars, 30; Horgan, 4; Peterson, 21;
 Pirsch, 10; Robak, 22; Wickersham, 49

AN ACT relating to the Public Service Commission; to amend sections 75-352 and 75-354, Reissue Revised Statutes of Nebraska, 1943; to change a fee; to adopt the Interstate Operating Authority Agreement Act; to eliminate certain provisions relating to reciprocity and reciprocal agreements regarding certain motor vehicle identification fees as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 75-356 and 75-357, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 75-352, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-352. It shall be unlawful for any common, contract, or private carrier to conduct any operations under the registration provided for by sections 75-348 to 75-358 until such carrier has registered with the commission each motor vehicle to be operated thereunder and with the commission which has met the insurance and bond requirements provided for in section 75-307 and such motor vehicles are identified as being registered with the commission in a manner to be provided in rules and regulations which shall be adopted by the commission. ~~It is PROVIDED, that it shall be unlawful for any common, contract, or private carrier not domiciled in this state as provided in section 75-357 to conduct operations under such registration unless such carriers make the filings and pay the fees provided for in sections 75-348 to 75-358 through an agent designated by the commission, which agent shall be a corporation, organized under the laws of this state, not for profit, and it has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), (6), or (8), of the Internal Revenue Code of 1954. It shall be the duty of the designated agent to:~~

(1) Serve as the true and lawful attorney for such carriers upon whom all legal processes may be served in any action or proceeding against such carrier, growing out of such use or operation of a motor vehicle over or upon the streets, highways, or any other place within this state, resulting in damages or loss to person or property;

(2) Certify with the office of the Secretary of State, in a manner to be prescribed by the Secretary of State, a current list of all such carriers for whom the designated agent is serving under subdivision (1) of this section;

(3) File with the commission, in a manner to be prescribed by the commission, evidence of compliance by such carriers with the requirements of section 75-307; and

(4) Collect from such carriers and pay to the commission, at the time of making the filings prescribed herein, all fees required by the provisions of sections 75-348 to 75-358, and the designated agent may collect an additional fee not to exceed fifty cents per motor vehicle registered with the commission under such sections, 75-348 to 75-358.

Sec. 2. That section 75-354, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-354. For the purpose of sustaining the administration and enforcement of sections 75-348 to 75-358, there is hereby imposed an application fee of twenty-five dollars payable at the time of filing the original or subsequent applications. In addition thereto, there is imposed an annual fee of one dollar until the 1992 registration period begins and three dollars on and after such date per motor vehicle for the issuance by the commission of the motor vehicle identification identifier provided for by such sections, 75-348 to 75-358. Such fees shall be paid to and collected by the commission, and deposited with the State Treasurer within thirty days from the receipt thereof. The money so received shall be paid into the state treasury and by the State Treasurer placed in the General Fund.

Sec. 3. Sections 3 to 11 of this act shall be known and may be cited as the Interstate Operating Authority Agreement Act.

Sec. 4. It is the purpose of the Interstate Operating Authority Agreement Act to (1) promote and encourage the fullest and most efficient use possible of the highway system by making uniform the administration

of the registration of Interstate Commerce Commission operating authority, exempt operations, and filing of insurance with respect to motor carriers operating interstate, (2) establish and maintain the concept of one registration and administering base jurisdiction for each registrant and provide that a registrant's base jurisdiction will be the administrator of the agreement entered into pursuant to the act and will execute all provisions of the act with respect to such registrant, and (3) enable participating jurisdictions to act cooperatively and provide mutual assistance in the administration of the registration of Interstate Commerce Commission operating authority, exempt operations, filing of insurance, and the collection of appropriate fees. An interstate motor carrier which registers in compliance with the requirements of the act and the provisions of the agreement entered into pursuant to the act shall not be subject to the requirements of sections 75-348 to 75-358.

Sec. 5. For purposes of the Interstate Operating Authority Agreement Act:

(1) Base jurisdiction shall mean the member jurisdiction where the registrant has its principal place of business as shown on its Interstate Commerce Commission operating authority or, in the case of exempt carriers, where operational records are maintained and can be made available;

(2) Jurisdiction shall mean a state of the United States, the District of Columbia, or a Canadian province;

(3) Motor carrier shall mean a common, contract, or private carrier of passengers or property by motor vehicle engaged in interstate or foreign commerce whether exempt from or subject to economic regulation by the Interstate Commerce Commission; and

(4) Registrant shall mean a motor carrier which holds an uncanceled registration issued by the base jurisdiction pursuant to an agreement entered into pursuant to the act.

Sec. 6. (1) The Public Service Commission may negotiate and enter into fair and equitable cooperative agreements with other jurisdictions to promote cooperative action and mutual assistance between the participating jurisdictions with regard to (a) the uniform administration, registration, and licensure, through a single base jurisdiction for each registrant, of Interstate Commerce Commission operating authority and exempt operations by motor carriers and (b) the uniform administration, registration, and licensure.

through a single base jurisdiction for each registrant, of private motor carriers of property in interstate commerce.

(2) In accordance with the provisions of such agreements between participating jurisdictions, the commission may:

(a) Delegate to other participating jurisdictions the authority and responsibility to collect and pay over to the commission statutory registration, administration, or license fees, to receive, process, maintain, and transmit registration information and documentation, to issue evidence of proper registration in lieu of interstate permits, to issue motor vehicle identifiers in lieu of annual identifiers under section 75-354, and to suspend or revoke any statutory approval, registration, license, or identifier referred to in this subdivision on behalf of the commission with regard to motor vehicle operations by motor carriers having a base jurisdiction other than Nebraska;

(b) Require to be filed with the commission, in a manner prescribed by the commission, evidence of compliance by such carriers with the requirements of section 75-307;

(c) Assume the authority and responsibility on behalf of other jurisdictions participating in such agreements to collect and pay over to the appropriate jurisdictions statutory registration, administration, or license fees and to perform all other activities described in subdivision (a) of this subsection, on its own behalf and on behalf of other participating jurisdictions, with regard to motor vehicle operations in interstate commerce by motor carriers having Nebraska as their base jurisdiction;

(d) Establish or modify dates for the payment of fees and the issuance of annual motor vehicle identifiers in conformity with such agreements; and

(e) Modify, cancel, or terminate any of the agreements.

Sec. 7. Every motor carrier which has properly registered its Interstate Commerce Commission operating authority or exempt operations with its base jurisdiction and maintains such registration in force in accordance with the cooperative agreements may operate in interstate commerce within Nebraska any motor vehicle which is accompanied by a valid annual identifier issued by the base jurisdiction in accordance with such agreements notwithstanding any provision of sections 75-348 to 75-358 or the rules and regulations of the

Public Service Commission to the contrary.

Sec. 8. The Public Service Commission shall engage the agent designated pursuant to section 75-352 to participate in the administration of the Interstate Operating Authority Agreement Act. The fee per vehicle collected by the agent pursuant to subdivision (4) of section 75-352 shall also be collected in the administration of the act for each motor vehicle for which an identifier is issued by a participating jurisdiction.

Sec. 9. For the purpose of sustaining the administration and enforcement of the Interstate Operating Authority Agreement Act, there is hereby imposed upon a registrant (1) an initial application fee payable to its own base jurisdiction at the time of filing an original registration and (2) an annual identifier fee for each vehicle operated in Nebraska payable in the amount established by each participating jurisdiction. The amount of the application fee assessed by Nebraska shall be the application fee specified in section 75-354. The annual identifier fee assessed by Nebraska pursuant to the act shall be the total of the motor vehicle identifier fee specified in section 75-354 and the agent's fee specified in subdivision (4) of section 75-352.

Sec. 10. The fees, other than the agent's fee, shall be paid to and collected by the Public Service Commission and shall be remitted by the commission to the State Treasurer within thirty days of receipt for credit to the General Fund.

Sec. 11. Any person or motor carrier operating any motor vehicle in violation of any provision of the Interstate Operating Authority Agreement Act, any order of the commission entered pursuant to the act, or any term or condition of any registration shall be guilty of a Class IV misdemeanor and shall also be subject to the provisions of sections 75-322.02 to 75-322.04. Each day of such violation shall constitute a separate offense.

Sec. 12. That original sections 75-352 and 75-354, Reissue Revised Statutes of Nebraska, 1943, and also sections 75-356 and 75-357, Reissue Revised Statutes of Nebraska, 1943, are repealed.