

## LEGISLATIVE BILL 424

Approved by the Governor April 26, 1995

Introduced by Transportation Committee: Kristensen, 37, Chairperson;  
Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47;  
Pedersen, 39; Pirsch, 10

AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-114, 75-115, 75-117, 75-124, 75-301, 75-307, 75-308, 75-314, 75-315, 75-316, 75-319, 75-358, and 75-366, Reissue Revised Statutes of Nebraska, and sections 48-604, 75-109, 75-112, 75-113, 75-116, 75-118, 75-126, 75-128, 75-133, 75-134, 75-136, 75-136.01, 75-302, 75-303, 75-303.01, 75-303.02, 75-304, 75-304.01, 75-305, 75-306, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-370, and 75-371, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to the Public Service Commission and the regulation of motor carriers; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; to outright repeal sections 75-309.03, 75-312, 75-317, and 75-322.02 to 75-322.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 48-604, Revised Statutes Supplement, 1994, is amended to read:

48-604. As used in the Employment Security Law, unless the context otherwise requires, employment shall mean:

(1) Any service performed after June 30, 1941, including service in interstate commerce, for wages or under any contract of hire, written or oral, express or implied;

(2) The term employment shall include an individual's entire service, performed within or both within and without this state if (a) the service is localized in this state, (b) the service is not localized in any state but some of the service is performed in this state and the base of operations or, if there is no base of operations, then the place from which such service is directed or controlled is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state, (c) the service shall be deemed to be localized within a state if (i) the service is performed entirely within such state or (ii) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(3) Services performed outside the state and services performed outside the United States as follows:

(a) Services not covered under subdivision (2) of this section and performed entirely without this state, with respect to no part of which contributions are required under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to the Employment Security Law if the commissioner approves the election of the employer, for whom such services are performed, that the entire service of such individual shall be deemed to be employment subject to such law;

(b) Services of an individual wherever performed within the United States or Canada if (i) such service is not covered under the employment compensation law of any other state or Canada and (ii) the place from which the service is directed or controlled is in this state;

(c)(i) Services of an individual who is a citizen of the United States, performed outside the United States except in Canada in the employ of an American employer, other than service which is deemed employment under subdivisions (2) and (3)(a) and (b) of this section or the parallel provisions of another state's law, if:

(A) The employer's principal place of business in the United States is located in this state;

(B) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; the employer is a corporation or limited liability company which is organized under the laws of this state; or the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(C) None of the criteria of subdivisions (A) and (B) of this subdivision are met, but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits based on such service under the laws of this state.

(ii) American employer, for the purposes of this subdivision, shall mean: (A) An individual who is a resident of the United States; (B) a partnership if two-thirds or more of the partners are residents of the United States; (C) a trust if all the trustees are residents of the United States; or (D) a corporation or limited liability company organized under the laws of the United States or of any state.

(iii) The term United States for the purpose of this section includes the states, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico;

(4)(a) Service performed prior to January 1, 1978, which is or was service in employment for this state or any instrumentality thereof immediately prior to September 2, 1977, including service performed after December 31, 1971, in the employ of this state or any of its instrumentalities, or in the employ of this state and one or more other states or their instrumentalities, for a hospital or institution of higher education located in this state; and service performed after December 31, 1977, in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing or any instrumentality which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof and one or more other states or political subdivisions if such service is excluded from employment as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(7) of that act and is not otherwise excluded under this section;

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization, but only if the following conditions are met: (i) The service is excluded from employment as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c)(8) of that act and is not otherwise excluded under this section; and (ii) the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time;

(c)(i) Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (6)(a) of this section when:

(A) Such service is performed for a person who during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor, or for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time; and

(B) Such service is not performed in agricultural labor if performed before January 1, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

(ii) For purposes of this subdivision:

(A) Any individual who is a member of a crew furnished by a crew leader to perform services in agricultural labor for any other person shall be treated as an employee of such crew leader if such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and if such individual is not an employee of such other person within the meaning of any other provisions of this section;

(B) In case any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subdivision (A) of this subdivision, such other person and not the crew leader shall be treated as the employer of such individual and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on his or her own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person; and

(C) The term crew leader shall mean an individual who furnishes individuals to perform service in agricultural labor for any other person,

pays, either on his or her own behalf or on behalf of such other person, the individuals so furnished by him or her for the service in agricultural labor performed by them, and has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person; and

(d) Service performed after December 31, 1977, by an individual in domestic service in a private home, local college club, or local chapter of a college fraternity or sorority if performed for a person who paid cash remuneration of one thousand dollars or more after December 31, 1977, in the current calendar year or the preceding calendar year to individuals employed in such domestic service in any calendar quarter;

(5) Services performed by an individual for wages shall be deemed to be employment unless it is shown to the satisfaction of the commissioner that (a) such individual has been and will continue to be free from control or direction over the performance of such services, both under his or her contract of service and in fact, (b) such service is either outside the usual course of the business for which such service is performed or such service is performed outside of all the places of business of the enterprise for which such service is performed, and (c) such individual is customarily engaged in an independently established trade, occupation, profession, or business. The provisions of this subdivision are not intended to be a codification of the common law and shall be considered complete as written;

(6) The term employment shall not include:

(a) Agricultural labor, except as provided in subdivision (4)(c) of this section, including all services performed:

(i) On a farm, in the employ of any employer, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals, and wildlife;

(ii) In the employ of the owner, tenant, or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment or in salvaging timber or clearing land of brush and other debris left by a windstorm, if the major part of such service is performed on a farm;

(iii) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Federal Agricultural Marketing Act, as amended; in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(iv)(A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if such operator produced more than one-half of the commodity with respect to which such service is performed, or (B) in the employ of a group of operators of farms, or a cooperative organization of which such operators are members, in the performance of service described in subdivision (A) of this subdivision, but only if such operators produced more than one-half of the commodity with respect to which such service is performed. Subdivisions (A) and (B) of this subdivision shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(v) On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this section, the term farm includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;

(b) Domestic service, except as provided in subdivision (4)(d) of this section, in a private home, local college club, or local chapter of a college fraternity or sorority;

(c) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service and, for the purposes of this subdivision, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual

performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (ii) such individual was regularly employed, as determined under subdivision (i) of this subdivision, by such employer in the performance of such service during the preceding calendar quarter;

(d) Service performed by an individual in the employ of his or her son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his or her father or mother;

(e) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by sections 48-648 and 48-649, except that, to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, all of the Employment Security Law shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, except that if this state is not certified for any year by the Secretary of Labor of the United States under section 3304 of the Internal Revenue Code of 1954, the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 48-660, with respect to contributions erroneously collected;

(f) Service performed in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing if such services are performed by an individual in the exercise of his or her duties: (i) As an elected official; (ii) as a member of the legislative body or a member of the judiciary of a state or political subdivision thereof; (iii) as a member of the Army National Guard or Air National Guard; (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or (v) in a position which, under or pursuant to the state law, is designated a major nontenured policymaking or advisory position, or a policymaking or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week;

(g) For the purposes of subdivisions (4)(a) and (4)(b) of this section, service performed:

(i) In the employ of (A) a church or convention or association of churches or (B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of the duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

(iv) In a facility conducted for the purpose of carrying out a program of rehabilitation for an individual whose earning capacity is impaired by age or physical or mental deficiency or injury providing remunerative work for the individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market or by an individual receiving such rehabilitation or remunerative work;

(v) As part of an unemployment work relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(vi) Prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution;

(h) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

(i) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the Internal Revenue Code of 1954, other than an organization described in section 401(a) of the Internal Revenue Code of 1954, or under section 521 thereof, if the remuneration for such service is less than fifty dollars;

(j) Service performed in the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university or (ii)

by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that (A) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university and (B) such employment will not be covered by any program of unemployment insurance;

(k) Service performed as a student nurse in the employ of a hospital or nurses training school by an individual who is enrolled and is regularly attending classes in a nurses training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law;

(l) Service performed by an individual as a real estate salesperson, as an insurance agent, or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission;

(m) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(n) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers and magazines are to be sold by him or her at a fixed price, his or her compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him or her, whether or not he or she is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

(o) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or a group of employers;

(p) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital;

(q) Service performed for a motor carrier, as defined in 49 U.S.C. 10102(13), as amended, or subdivision (9) of section 75-302, as amended, by a lessor leasing one or more motor vehicles driven by the lessor or one or more drivers provided by the lessor under a lease executed pursuant to 49 C.F.R. 1057, as amended, or Title 291, Chapter 3, as amended, of the rules and regulations of the Public Service Commission with the motor carrier as lessee. This shall not preclude the determination of an employment relationship between the lessor and any personnel provided by the lessor in the conduct of the service performed for the lessee. The existence of such a lease either prior to, on the date of, or after August 26, 1983, shall preclude a determination of liability as defined by the Employment Security Law after September 1, 1982;

(r) Service performed by an individual for a business engaged in compilation of marketing data bases if such service consists only of the processing of data and is performed in the residence of the individual. The performance of such service prior to, on, or after August 26, 1983, shall preclude a determination of liability as defined by the Employment Security Law after January 1, 1983; and

(s) Service performed by an individual as a volunteer research subject who is paid on a per study basis for scientific, medical, or drug-related testing for any organization other than one described in section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or any governmental entity;

(7) If the services performed during one-half or more of any pay period by an individual for the person employing him or her constitute employment, all the services of such individual for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an individual for the person employing him or her do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subdivision, the term pay period means a period, of not more than thirty-one consecutive days, for which a payment of remuneration is ordinarily made to such individual by the person employing him or her. This subdivision shall not be applicable with respect to services performed in a pay period by an

individual for the person employing him or her when any of such service is excepted by subdivision (6)(h) of this section;

(8) Notwithstanding the foregoing exclusions from the definition of employment, services shall be deemed to be in employment if with respect to such services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the Employment Security Law; and

(9) Any extension of the definition of employment by this section to include services heretofore excluded shall not be effective until after December 31, 1977, and section 48-604 as it existed prior to its amendments by Laws 1977, LB 509, shall be applicable to services performed prior to January 1, 1978.

Sec. 2. Section 75-109, Revised Statutes Supplement, 1994, is amended to read:

75-109. Except as provided in sections 19-4603, 86-803, and 86-808, the commission shall regulate ~~the rates and services of~~ and exercise general control as provided by law over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce.

Sec. 3. Section 75-111, Reissue Revised Statutes of Nebraska, is amended to read:

75-111. The commission shall investigate any and all cases of alleged neglect or violation of the laws of this state by any motor carrier or regulated motor carrier as defined in section 75-302 or other common carrier subject to the provisions of sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act, doing business in this state, or by the officers, agents, or employees thereof of such carriers, and take such action with reference thereto to the neglect or violation as may be provided by law.

Sec. 4. Section 75-112, Revised Statutes Supplement, 1994, is amended to read:

75-112. The commissioners and examiners, for the purposes mentioned in sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act, may administer oaths, compel the attendance of witnesses, examine any of the books, papers, documents, and records of any motor carrier or regulated motor carrier as defined in section 75-302 or common carrier subject to sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act or have such examination made by any person that the commission may employ for that purpose, compel the production of such books, papers, documents, and records, or examine under oath or otherwise any officer, director, agent, or employee of any such carrier or any other person. Any person employed by the commission to examine such books, papers, documents, or records shall produce his or her authority, under the hand and seal of the commission, to make such examination. The commissioners may certify to all official acts of the commission.

Sec. 5. Section 75-113, Revised Statutes Supplement, 1994, is amended to read:

75-113. The commission may prescribe the forms of any and all accounts and records to be kept by a regulated motor carrier as defined in section 75-302 or common carriers subject to its jurisdiction, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of money. The commission shall not prohibit any such carrier from capitalizing on its balance sheet the value of any certificate or permit held by such carrier. The commission shall at all times have access to all accounts, records, and memoranda kept by such carriers, and it shall be unlawful for any such carrier such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, except as provided in this section.

Sec. 6. Section 75-114, Reissue Revised Statutes of Nebraska, is amended to read:

75-114. Any motor carrier or regulated motor carrier as defined in section 75-302, any common carrier, or any other person who may have in his or her possession any book, paper, document, or record belonging to any carrier subject to the provisions of sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act and who shall, upon proper demand, fail or refuse to exhibit to any commissioner or any person authorized by the commission to investigate the same any book, paper, document, or record of such carrier, which is in the possession or under the control of such carrier or any officer, agent, or employee thereof, shall be guilty of a Class III misdemeanor. Any officer, agent, or employee of any carrier or any other

person who shall, upon proper demand, fail or refuse to exhibit to any commissioner or any person authorized by the commission to investigate the same book, paper, document, or record of such carrier, which is in the possession or under the control of such person, shall be guilty of a Class III misdemeanor for each offense.

Sec. 7. Section 75-115, Reissue Revised Statutes of Nebraska, is amended to read:

75-115. The commission shall have the power to examine and inspect, from time to time, the condition of each motor carrier or regulated motor carrier as defined in section 75-302 or each common carrier, the carrier's equipment, and the manner of the carrier's conduct and management, with regard to the public safety and convenience in the state. Deputy state sheriffs employed by the commission shall have the power to require the driver of any motor vehicle of any motor carrier, regulated motor carrier, or common carrier to stop and exhibit his or her operator's license and vehicle registration and intrastate and interstate insurance registration credentials and submit to an inspection of such vehicle, license, registration, and credentials. The deputy state sheriffs may make arrests upon view and without warrant for any violation of Chapter 75 and the rules and regulations of the commission committed in their presence.

If any part thereof equipment is found in an unsafe and dangerous condition, the commission shall immediately notify such carrier whose duty it is to put the same in repair, which shall be done by it within a reasonable time after receiving such notice. If any such carrier fails to perform this duty, the commission may enjoin and prevent it from operating the same while in such unsafe and dangerous condition or may after notice and hearing order such common carrier to make reasonable improvements of its service, facilities, and equipment as are necessary.

Sec. 8. Section 75-116, Revised Statutes Supplement, 1994, is amended to read:

75-116. Each motor carrier or regulated motor carrier as defined in section 75-302 or common carrier required to furnish an annual report with a federal regulatory agency shall file a copy of the report with the commission on or before the date on which such report is filed with such agency. Each such carrier not required to file an annual report with a federal regulatory agency may be required to file an annual report with the commission in the form prescribed by the commission on or before April 30 of each year.

Sec. 9. Section 75-117, Reissue Revised Statutes of Nebraska, is amended to read:

75-117. Any motor carrier or regulated motor carrier as defined in section 75-302 or common carrier which fails, neglects, or refuses to comply with any order of the commission shall be guilty of a Class IV misdemeanor. Each day during which such failure, neglect, or refusal continues shall constitute a separate offense. If a motion is filed for a rehearing or to set aside the order or if the order is appealed, the carrier shall not be subject to such penalty during the pendency of such motion or such appeal.

Sec. 10. Section 75-118, Revised Statutes Supplement, 1994, is amended to read:

75-118. The commission shall:

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

(2) Make all necessary classifications of freight and property of whatsoever character household goods that may be transported, stored, or handled by any common carrier in Nebraska intrastate commerce, such classifications applying to and being the same for all common carriers;

(3)(a) Investigate all through rates from points within the state to points within the state or from points within the state to points without the state; (b) upon finding such through rates to be excessive or unreasonable, call that fact to the attention of the common carrier involved, and (c) if appropriate action is not taken within a reasonable period of time, present the facts to the federal governmental agency having jurisdiction over the same and appeal to such agency for relief;

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

(5) (4) Enforce all statutes and commission regulations pertaining to rates and, if necessary, institute actions in the appropriate court of any county in which the common carrier involved operates except actions instituted pursuant to section sections 75-140 and 75-322.02 to 75-322.04 sections 18 to 20 of this act. All suits shall be brought and penalties recovered in the name of the state by or under the direction of the Attorney General.

Sec. 11. Section 75-124, Reissue Revised Statutes of Nebraska, is

amended to read:

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

Sec. 12. Section 75-126, Revised Statutes Supplement, 1994, is amended to read:

75-126. (1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service;

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever; ~~except that all types of perishable freight shall have precedence in shipment;~~

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the commission may prescribe in special cases to prevent manifest injuries, except that no manifest injustice shall be imposed upon any person at intermediate points. This section shall not prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that purpose, except as otherwise provided in section 75-128.

(2) This section shall not prohibit any common carrier from, and a common carrier shall not be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) ~~Any person who transports property to and from fairs and expositions for exhibition thereat;~~

~~(c)~~ (c) The employees, both present and retired, of such common carrier;

~~(d)~~ (d) Any person when the object is to provide relief in case of any disaster;

~~(e)~~ (e) Any person who transports property for charitable purposes; or

~~(f)~~ (f) Ministers and others giving their entire time to religious or charitable work.

Sec. 13. Section 75-128, Revised Statutes Supplement, 1994, is amended to read:

75-128. (1) It is hereby declared to be the policy of the Legislature that all matters presented to the commission be heard and determined without delay. All matters requiring a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, which showing shall be recited in the order, shall the time fixed for hearing be more than six months after the date of filing of the application, complaint, or petition on which such hearing is to be had. Except in case of an emergency and upon a motion to proceed with less than a quorum made by all parties and supported by a showing of clear and convincing evidence of such emergency and benefit to all parties, a quorum of the commission shall hear all matters set for hearing. Except as otherwise provided in section 75-121 and except for good cause shown, a decision of the commission shall be made and filed within thirty days after completion of the hearing or after submission of affidavits in nonhearing proceedings.

(2) Applications for commission approval of specific new rates or charges or changes in existing rates or charges for telephone service which have not been heard and determined within six months and thirty days from the date the application was filed may be put into effect by the common carrier, in an amount not to exceed seventy-five percent of the total amount of the application, subject to refund of any amount collected in excess of the amount



which would have been collected under the new or changed rates or charges as finally approved by the commission. The refund shall include an interest payment at a rate of interest determined by the commission, except that the rate of interest shall not exceed the overall rate of return which the common carrier is authorized to earn. When making its final determination on the application, the commission shall not consider the rates and charges of the company put into effect pending such final determination. This section shall not apply to rates or charges placed into effect under section 75-616.

(3) In the case of any proceeding upon which a hearing is held, the transcript of testimony shall be prepared and submitted to the commission prior to entry of an order, except that it shall not be necessary to have prepared prior to commission decision the transcripts of testimony on hearings involving noncontested proceedings and hearings involving emergency rate applications under section 75-121.

(4) For each application, complaint, or petition filed with the commission, except those filed under sections 75-301 to ~~75-322-04~~ 75-322, there shall be charged a filing fee to be determined by the commission, but in an amount not to exceed the sum of fifty dollars payable at the time of such filing. There shall also be charged to persons regulated by the commission a hearing fee of fifty dollars for each half day of hearings if the person regulated by the commission files an application, complaint, or petition which necessitates a hearing.

Sec. 14. Section 75-133, Revised Statutes Supplement, 1994, is amended to read:

75-133. Whenever the commission has reason to believe that any motor carrier, regulated motor carrier, or other common carrier as defined in section 75-109 is in neglect or violation of carrier has violated any provision of sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act, it shall at once institute an investigation and fix a time and place for hearing thereon, upon its own motion, and shall make any order as it deems just and reasonable, including, but not limited to, an order that the carrier cease and desist from continuing such neglect or violation made effective on the date of entry of the order by the commission.

Sec. 15. Section 75-134, Revised Statutes Supplement, 1994, is amended to read:

75-134. A commission order entered after a hearing shall be written and shall recite (1) a discussion of the facts of a basic or underlying nature, (2) the ultimate facts, and (3) the commission's reasoning or other authority relied upon by the commission. Except as otherwise provided in sections 75-121 and 75-139 and except for cease and desist orders issued pursuant to section 75-133, all commission orders shall become operative ten days after the date of the mailing of a copy of the order to the parties of record unless the commission prescribes a later effective date. An order entered pursuant to section 75-319 shall be effective on the date of entry of the order by the commission. Except as to rate orders provided for in section 75-139, if one of the parties of record commences one of the appeal proceedings provided in section 75-137, the order appealed shall be in abeyance until the Court of Appeals or Supreme Court issues its mandate. Nothing in this section shall hold in abeyance an order authorizing the issuance of a certificate or permit, an order denying relief or authority, or an order entered pursuant to section 75-319.

Sec. 16. Section 75-136, Revised Statutes Supplement, 1994, is amended to read:

75-136. If a party to any proceeding is not satisfied with the order entered by the commission other than an order entered under sections ~~75-322-02 to 75-322-04~~ 18 to 20 of this act, such party may appeal to the Court of Appeals as provided in section 75-137 to reverse, vacate, or modify the order. In the case of an order entered under sections ~~75-322-02 to 75-322-04~~ 18 to 20 of this act, the party may (1) seek the review of the Court of Appeals as provided in section 75-137 or (2) seek judicial review of the order under section 75-136.01. Subdivisions (1) and (2) of this section are mutually exclusive and the choice of either section 75-136.01 or 75-137 shall govern the appeal process.

Sec. 17. Section 75-136.01, Revised Statutes Supplement, 1994, is amended to read:

75-136.01. (1) Proceedings for review of an order entered under sections ~~75-322-02 to 75-322-04~~ 18 to 20 of this act shall be instituted by filing a petition in the district court of Lancaster County or in the district court of the county in which the party is domiciled within thirty days after the date of the mailing of a copy of the order by the commission to the party appealing. All parties of record shall be made parties to the proceedings for review. Summons shall be served within thirty days of the filing of the

petition in the manner provided for service of a summons in a civil action. The court, in its discretion, may permit other interested persons to intervene. The filing of the petition or the service of the summons upon the commission shall not automatically stay enforcement of a decision. The commission may stay enforcement of a decision, or the court may order a stay after notice to the commission of application for a stay upon such terms as it deems proper and shall require the party requesting such stay to give bond in the amount specified in the order entered under sections 75-322-02 to 75-322-04 18 to 20 of this act and conditioned as the court directs. Within fifteen days after service of the petition or within such further time as the court for good cause shown allows, the commission shall prepare and transmit to the court the verbatim testimony transcribed by the official stenographer, including all exhibits, which shall constitute the bill of exceptions. The pleadings, order appealed, and bill of exceptions duly certified to by the executive director of the commission shall constitute the complete record. A copy of the original order appealed, certified to be a true and correct copy by the executive director or a commissioner, shall be admitted in evidence as prima facie evidence of every fact found and that such order is prima facie just and reasonable.

(2) The review shall be conducted by the court without a jury on the record of the commission.

(3) The court may affirm the decision of the commission or remand the case for further proceedings or may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the commission; or

(c) Arbitrary or capricious.

(4) The commission or such party shall have the right to appeal the decision of the district court to the Court of Appeals under the rules provided by law for appeals to the Court of Appeals, except that in no case shall security for such appeal be required when the appeal is taken by the commission.

(5) The review provided by this section shall not be available in any case when other provisions of law prescribe the method of appeal.

Sec. 18. (1) In addition to other penalties and relief provided by law, the Public Service Commission may assess a civil penalty of up to five thousand dollars against any person, motor carrier, regulated motor carrier, common carrier, or contract carrier for the violation of (a) any provision of Chapter 75, article 3, sections 31 to 33, 45, and 46 of this act, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act, (b) any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act, or (c) any rule, regulation, or order of the commission issued pursuant to Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(2) Upon notice and hearing in accordance with this section and section 19 of this act, the commission may enter an order assessing a civil penalty of up to one hundred dollars against any person, firm, partnership, limited liability company, corporation, cooperative, or association for (a) the violation of any provision of sections 75-604 and 86-805 or (b) failure to file an annual report as required by section 75-116 and as prescribed by commission rules and regulations. Each day during which the violation continues after the commission has issued an order finding that a violation has occurred constitutes a separate offense. Any party aggrieved by an order of the commission under this section has the rights of appeal set forth in section 75-136.01.

(3) When any person, motor carrier, regulated motor carrier, common carrier, or contract carrier is accused of any violation listed in subsection (1) of this section or when any person, firm, partnership, limited liability company, corporation, cooperative, or association is accused of any violation listed in subsection (2) of this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule,

regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

Sec. 19. Any hearing held pursuant to section 18 of this act shall be held pursuant to rules and regulations adopted and promulgated by the Public Service Commission. Every decision and order rendered by the commission after the hearing is held shall be in writing and accompanied by findings of facts and conclusions of law. The decision or order shall be sent to the parties by certified or registered mail.

Sec. 20. A civil penalty assessed pursuant to section 18 of this act and unpaid shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of Lancaster County. Any civil penalty collected shall be transmitted within thirty days from receipt to the State Treasurer for credit to the permanent school fund.

Sec. 21. Section 75-301, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) It is hereby declared to be the policy of the Legislature to (1) regulate transportation by motor carriers of passengers and household goods in intrastate commerce upon the public highways of Nebraska in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers, in the public interest, (2) (b) promote adequate economical and efficient service by such motor carriers and reasonable charges therefor without unjust discrimination, undue preferences or advantages, and unfair or destructive competitive practices, (3) (c) improve the relations between and coordinate transportation by and regulation of such motor carriers and other carriers, (4) (d) develop and preserve a highway transportation system properly adapted to the needs of the commerce of Nebraska, (5) (e) cooperate with the several states and the duly authorized officials thereof, and (6) (f) cooperate with the Interstate Commerce Commission in the administration and enforcement of the single state registration system. Federal Motor Carrier Act, 1935, approved by the President on August 9, 1935. The Legislature declares that all of the available carriage service, including common carriage by rail and road, and contract carriage by road, are so interdependent that the public may not continue to have a safe, dependable transportation system unless contract carriers operating on the same roads with common carriers are brought under just and reasonable regulations bringing their service into relation with common carriers.

The commission is hereby directed to shall stringently enforce all provisions of section 75-126 and Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act so as to promote, encourage, and ensure a safe, dependable, responsive, and adequate transportation system for the public as a whole.

Sec. 22. Section 75-302, Revised Statutes Supplement, 1994, is amended to read:

75-302. For purposes of sections 75-301 to 75-322.04 75-322 and sections 31 to 33 of this act and in all rules and regulations adopted and promulgated by the commission pursuant to such sections, unless the context otherwise requires:

(1) Person shall mean any individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock association and shall include any trustee, receiver, assignee, or personal representative thereof;

(2) Commission shall mean the Public Service Commission;

(3) Certificate shall mean means a certificate of public convenience and necessity issued under Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act to common carriers by motor vehicle;

(4) Permit shall mean a permit issued under Chapter 75, article 3, to contract carriers by motor vehicle;

(5) Intrastate commerce shall mean commerce between any place in this state and any other place in this state and not in part through any other state;

(2) Civil penalty means any monetary penalty assessed by the commission due to a violation of Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act; any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act; or any rule, regulation, or order of the commission issued pursuant to Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act;

(3) Commission means the Public Service Commission;

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

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

(6) Highway shall mean means the roads, highways, streets, and ways in this state;

(7) Household goods means:

(a) Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of the dwelling and such other similar property as the commission may provide by regulation. This subdivision shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his or her dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder;

(b) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of the stores, offices, museums, institutions, hospitals, or other establishments and such other similar property as the commission may provide by rule and regulation. This subdivision shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and

(c) Articles, including objects of art, displays, and exhibits which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods and such other similar articles as the commission may provide by regulation. This subdivision shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods;

(8) Intrastate commerce means commerce between any place in this state and any other place in this state and not in part through any other state;

(9) Motor carrier means any person other than a regulated motor carrier who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers or property over any public highway in this state; - Any way or means of egress or ingress used by motor dump trucks engaged in construction work shall be construed as a highway for purposes of sections 75-301 to 75-322.04;

(10) Motor vehicle shall mean means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property but shall does not include any vehicle, locomotive, or car operated exclusively on a rail or rails;

(8) Motor carrier shall mean any person who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers or property over any public highway in this state;

(9) (11) Permit means a permit issued under Chapter 75, article 3, and sections 31 to 33, 45, and 46 of this act to contract carriers by motor vehicle;

(12) Person means any individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

(13) Private carrier shall mean means any motor carrier which owns, controls, manages, operates, or causes to be operated a motor vehicle to transport passengers or property to or from its facility, plant, or place of business or to deliver to purchasers its products, supplies, or raw materials (a) when such transportation is within the scope of and furthers a primary business of the carrier other than transportation and (b) when not for hire. Nothing in such sections 75-301 to 75-322 shall apply to private carriers except section 75-307 and sections 31 to 33 of this act as it applies they apply to private carriers; and

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

(i) Common carrier shall mean any person who or which undertakes to transport passengers or property for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state;

(ii) Contract carrier shall mean any motor carrier which transports passengers or property for hire other than as a common carrier, except that any contract carrier which provides for hire transportation services on or before January 1, 1972, designed to meet the distinct needs of each individual customer or a specifically designated class of customers shall not have any limitation as to the number of customers it can serve within the class, and

(12) Civil penalty shall mean any monetary penalty assessed by the commission due to a violation of Chapter 75, article 3, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3, any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3, or any rule, regulation, or order of the commission issued pursuant to Chapter 75, article 3.

Sec. 23. Section 75-303, Revised Statutes Supplement, 1994, is amended to read:

75-303. Sections 75-301 to 75-322+04 75-322 and sections 31 to 33 of this act shall apply to transportation by a motor carrier or the transportation of passengers or property and household goods by motor carriers a regulated motor carrier for hire engaged in intrastate commerce except for the following:

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

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

(3) Operation of any mover of household goods owned in or within a radius of five miles of the corporate limits of any city or village of this state engaged in the transportation of household goods within such city or village or such radius; a motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) Operation of any motor carrier owned in or within a radius of five miles of the corporate limits of any city or village of this state engaged in the transportation of property, except carriers of hazardous materials who are subject to section 75-364, within such city or village or such radius;

(5) Transportation by motor vehicle of ranch, dairy, or farm products, including livestock, from or to any ranch, dairy, farm, feedlot, or market;

(6) Transportation by motor vehicle of supplies or merchandise from or to any ranch, dairy, feedlot, or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) Ambulances or their owners, hearses, or automobiles

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

(8) Motor vehicles owned and operated by any industrial, processing, or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) Operation of a motor vehicle not exceeding one-half ton manufacturer's rated capacity by a star route carrier employed by the United States Postal Service on his or her regular routes;

(10) Transportation of wrecked or disabled motor vehicles by winch or tow truck;

(ii) (5) A motor carrier exempt by subdivision (1) of this section which hauls for hire (a) persons of a religious, fraternal, educational, or

charitable organization, (b) pupils of a school to athletic events, (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly, as defined in section 13-1203, and their spouses and dependents under a contract with a municipality or county authorized in section 13-1208;

(12) Motor vehicles owned and operated by farmers or ranchers when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county and when the compensation for the use of such motor vehicles does not exceed the reimbursement for the motor vehicle fuel used during such hauling;

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

(14) Motor vehicles (7) A motor vehicle owned and operated by a nonprofit organization which has been exempted is exempt from the payment of federal income taxes, as provided by section 501(c)(4), Internal Revenue Code, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped persons;

(15) (8) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska;

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

(10) A motor vehicle (17) Motor vehicles having a seating capacity of twenty or less which are operated by a governmental subdivision or a qualified public-purpose organization, as defined in section 13-1203, engaged in the transportation of passengers in the state; and

(11) A motor vehicle owned and operated by a nonprofit entity organized for the purpose of furnishing electric service.

(18) A motor carrier engaged in the transportation or movement of livestock and poultry feed, or livestock and poultry feed and related health products and supplements when transported in the same vehicle; between a livestock and poultry feed manufacturer and the manufacturer's dealer if such transportation is performed on a vehicle licensed under section 60-305.09 or 60-331.

Sec. 24. Section 75-303.01, Revised Statutes Supplement, 1994, is amended to read:

75-303.01. The Department of Social Services or any agency organized under the Nebraska Community Aging Services Act may contract for transportation for its clients with a contractor which does not hold a certificate or which is not otherwise exempt under section 75-303 only if:

(1) The proposed contractor is the individual who will personally drive the vehicle in question;

(2) The only compensation to the contractor for the transportation is paid by the department at a rate no greater than that provided for reimbursement of state employees pursuant to section 81-1176 for the costs incurred in the transportation; and

(3) There is no certified regulated motor carrier serving the area in which the client needs transportation or the certified regulated motor carrier serving the area is incapable of providing the specific service in question by its own written statement or as determined by the commission upon application of the certified regulated motor carrier or the department.

Sec. 25. Section 75-303.02, Revised Statutes Supplement, 1994, is amended to read:

75-303.02. The commission, in consultation with the Department of Social Services, shall adopt and promulgate rules and regulations governing minimum liability insurance requirements, equipment standards, driver qualification requirements, and the issuance and filing of notice for any contractor utilized by the department or any agency organized under the Nebraska Community Aging Services Act pursuant to section 75-303.01.

Sec. 26. Section 75-304, Revised Statutes Supplement, 1994, is amended to read:

75-304. The commission may establish such just and reasonable classifications of groups of carriers, included in the terms common carrier and contract carrier, as the special nature of the services performed by such carriers require and adopt and promulgate such just and reasonable rules, regulations, and requirements, to be observed by the carrier so classified or grouped, as the commission deems necessary or desirable in the public interest and as are consistent with the provisions of sections 75-301 to 75-322.04

75-322. All certificates and permits issued by the commission shall be construed and interpreted, and the operations authorized thereunder shall be tested and determined, in accordance with such classification so established and any rule, regulation, or requirement prescribed by the commission relating to such carrier so classified.

Sec. 27. Section 75-304.01, Revised Statutes Supplement, 1994, is amended to read:

75-304.01. The commission shall prescribe minimum rates, fares, and charges for contract carriers. No reduction shall be made in any such charge, either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after ten days' notice of the proposed change filed in the form and manner provided for common carrier rate changes. The notice shall plainly state the change proposed and the time when the change will take effect. No contract carrier shall demand, charge, or collect less compensation for such transportation than the charges to be made by common carriers for the same transportation in accordance with sections 75-118 to 75-155 and 75-301 to ~~75-322-04~~ 75-322 and sections 31 to 33 of this act, as affected by any rule, regulation, or practice so filed or as prescribed by the commission. ~~It is~~ and it shall be unlawful for any such carrier to charge less than the rates, fares, and charges approved by the commission. ~~Nothing in this section shall require common or contract carriers by motor vehicle of bullion, currency, jewels, checks, and valuables to file tariffs or contracts identifying the security provisions which are required for the protection of such valuables. The rates charged by common carriers and contract carriers of audit and accounting media, business records, cash letters, checks, data processing media, and microfilm for financial institutions shall not be governed or controlled by any of the provisions of Chapter 75 prescribing or establishing rates and charges, and contract carriers of such products shall not be required to maintain contracts on file with the commission.~~

Sec. 28. Section 75-305, Revised Statutes Supplement, 1994, is amended to read:

75-305. For purposes of sustaining the administration and enforcement of sections 75-301 to ~~75-322-04~~ 75-322, there is hereby fixed an application fee of seventy-five dollars payable by the applicant at the time of filing the application, except that such fee shall not apply to applications under sections 75-303.01 and 75-303.02. In addition thereto, every motor carrier subject to sections 75-301 to ~~75-322-04~~ 75-322 shall pay an annual fee not exceeding the sum of twenty-five dollars for each motor vehicle operated, which fee shall be fixed by the commission and shall not exceed the amount actually necessary to sustain the administration and enforcement of such sections. When the applicant has registered his or her motor vehicles under section 60-305.09, such fee of twenty-five dollars shall be payable on whichever shall be the lesser of (1) the proportion of his or her fleet so registered or (2) the number of motor vehicles owned by him or her and actually used in intrastate business within this state, except that such annual fee for any truck-trailer or tractor-trailer combination shall be forty dollars. In the case of a truck-trailer or tractor-trailer combination, only one license plate shall be required for such combination. Such annual fees shall be due and payable on or before January 1 and shall be delinquent on March 1 of each year after such permit or certificate has been issued. If the initial certificate or permit is issued to a motor carrier on or after July 1, the fee shall be fifty percent of the annual fee. Such fees shall be paid to and collected by the commission and remitted to the State Treasurer within thirty days of receipt for credit to the General Fund.

Sec. 29. Section 75-306, Revised Statutes Supplement, 1994, is amended to read:

75-306. Receipt for the payment of annual fees shall be issued by the commission. The commission shall issue sufficient license plates and renewal tabs to any motor carrier who is in compliance with sections 75-301 to ~~75-322-04~~ 75-322 and the rules and regulations of the commission, except contract carriers operating pursuant to section 75-303.01, for the purpose of identification of motor carriers subject to such sections and to distinguish those motor carriers from other commercial motor carriers not subject to such sections. The Director of Motor Vehicles shall prepare a form of license plate and renewal tab for such motor carriers and furnish a sufficient supply of them to the commission.

Sec. 30. Section 75-307, Reissue Revised Statutes of Nebraska, is amended to read:

75-307. (1) Intrastate motor carriers, including common, contract, and private carriers, shall comply with such reasonable rules and regulations ~~as prescribed by the commission shall prescribe~~ governing the filing with the

commission, the approval of the filings, and the maintenance of proof at such carrier's principal place of business of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as required by the commission, may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit or for loss or damage to property of others. No certificate or permit shall be issued to a common or contract carrier or remain in force unless such carrier complies with this section and the rules and regulations prescribed by the commission pursuant to this section.

(2) After August 1, 1990, the commission shall, pursuant to such rules and regulations as it shall prescribe, require a commercially licensed motor carrier of property excepted by section 75-303 which is not otherwise required to register with the commission pursuant to sections 75-348 to 75-358 to conform to the same filing and approval requirements.

(3) This section shall apply to a private carrier in intrastate commerce (a) which is not otherwise required to register with the commission pursuant to sections 75-348 to 75-358 and (b) which operates a commercially licensed motor vehicle registered for a gross vehicle weight over ten thousand pounds.

(4) The commission may, in its discretion and under such its rules and regulations, as it shall prescribe, require any certificated carrier to file a surety bond, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in a sum to be determined by the commission, to be conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service. Any carrier which may be required by law to compensate a shipper or consignee for any loss, damage, or default for which a connecting motor common carrier is legally responsible shall be subrogated to the rights of such shipper or consignee under any such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

(5) (3) In carrying out the provisions of this section, the commission may classify motor carriers and regulated motor carriers taking into consideration the hazards of the operations of such carriers and the value of commodities carried, but nothing the household goods carried. Nothing contained in this section shall be construed to authorize as authorizing the commission to compel motor carriers other than common carriers of household goods to carry cargo insurance.

Sec. 31. A motor carrier of property and a private carrier of property in intrastate commerce which operates a commercially licensed motor vehicle with a gross vehicle weight rating over ten thousand pounds which are not otherwise required to register with the commission pursuant to sections 75-348 to 75-358 shall conform to the filing and approval requirements provided under section 75-307. To sustain the administration and enforcement of this section, each motor carrier and private carrier subject to this section shall pay an annual registration fee established by the commission not to exceed seventy-five dollars at the time the initial insurance filing is made and shall renew the registration annually. The annual registration period expires on the first day of the month one year from the month of issuance, and renewal becomes delinquent on the first day of the following month. The commission shall collect the fees and remit them to the State Treasurer within thirty days after receipt for credit to the General Fund. A motor carrier of household goods which pays annual fees under section 75-305 and which holds a certificate of public convenience and necessity or a permit issued by the commission pursuant to sections 75-301 to 75-322 and sections 31 to 33 of this act shall not be required to register under this section.

Sec. 32. Upon payment of the annual registration fee under section 31 of this act, the commission shall issue a credential according to rules and regulations adopted by the commission. The credential is evidence of compliance by the motor carrier or private carrier with the requirements of such section. Each motor vehicle operated by the motor carrier or private carrier shall carry the credential at all times as proof of compliance.

Sec. 33. The carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol may perform a safety compliance audit of any motor carrier or private carrier subject to section 31 of this act. The safety compliance audit shall be performed in the same manner as set forth in sections 75-369.01 and 75-369.02. Insurance requirements for intrastate motor



carriers and private carriers adopted by the commission pursuant to section 75-307 shall apply to a motor carrier or private carrier subject to section 31 of this act. The Superintendent of Law Enforcement and Public Safety may impose a civil penalty against a motor carrier or private carrier for any violation of section 75-363 or 75-364 pursuant to sections 75-369.03 to 75-369.07 based upon the safety review or safety compliance audit of such motor carrier or private carrier. Any violation of section 75-307 by a motor carrier or private carrier shall be referred to the commission for disposition under section 18 of this act, and the commission may take any other action provided by section 75-133.

Sec. 34. Section 75-308, Reissue Revised Statutes of Nebraska, is amended to read:

75-308. It shall be unlawful for any a regulated motor carrier to engage in the transportation of passengers or property household goods in intrastate commerce unless such the motor carrier has filed, published, and kept open for inspection its tariff schedule as provided in section 75-124, in the manner prescribed by the commission pursuant to said section. No such motor carrier shall engage in the transportation of property household goods in intrastate commerce unless it has obtained a copy of the most current applicable tariff, or a tariff prepared by a tariff publishing bureau or an individual, conforming which conforms with the prescribed rates and charges, and rules and regulations as established prescribed by the commission. The provisions of this section shall not apply to a carrier engaged in the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, ready mix concrete, dirt, or fill material to or from a construction site, a construction plant site, or a material production site, when such commodities are being transported in dump trucks or grain trailers.

Sec. 35. Section 75-308.01, Revised Statutes Supplement, 1994, is amended to read:

75-308.01. (1) Any two or more motor carriers authorized to operate under a common tariff approved by the commission under section 75-118 or 75-304.01 shall be permitted to meet and review operational conditions of affected motor carriers for the following purposes:

- (1) (a) To study the ratio of expenses to income and general financial condition of the motor carrier industry in Nebraska;
- (2) to (b) To determine whether any change or changes should be made in any commission-approved tariff;
- (3) to (c) To consider the joint employment of technical assistance to accomplish the purposes set forth in this section;
- (4) to (d) To determine whether it is necessary to file an application to make tariff changes; and
- (5) to (e) To do all other acts necessary to accomplish the filing of a rate application with the commission.

(2) Motor carriers may establish joint-line arrangements for intrastate transportation of property to exchange or to interline freight that each motor carrier transports over a part of the joint route and to agree to a joint rate for the transportation service. Motor carriers may also collectively participate in, establish, and use a freight classification system and mileage guide that can be used to determine the rates for intrastate transportation.

(3) The laws of this state relating to competition shall not apply to motor carriers and other persons who carry out the activities described in subsection (2) of this section. The commission may regulate the activities described in subsection (2) of this section and shall investigate and issue orders when necessary to preserve the sound and efficient transportation of property by motor carriers.

Sec. 36. Section 75-309, Revised Statutes Supplement, 1994, is amended to read:

75-309. Except for operations pursuant to a contract authorized by sections 75-303.01 and 75-303.02, it shall be unlawful for any common or contract carrier by motor vehicle subject to the provisions of sections 75-101 to 75-155 and 75-301 to 75-322.04 75-322 and sections 31 to 33 of this act to engage in any intrastate operations on any public highway in Nebraska unless there is in force with respect to such common carrier a certificate of public convenience and necessity, or a permit to such contract carrier, issued by the commission which authorizes such operations.

Sec. 37. Section 75-309.01, Revised Statutes Supplement, 1994, is amended to read:

75-309.01. Each motor vehicle owned, used, or attempted to be used by any person as a common or contract carrier to transport passengers for hire in violation of section 75-309 is hereby declared to be a public nuisance and

subject to seizure and confiscation by any person charged with the enforcement of this section. Any motor vehicle which is used in violation of section 75-309 may be seized upon the arrest of the person who uses or owns the motor vehicle, and upon the conviction of the person for the violation of such section, the motor vehicle shall, as a part of the element of the violation, at the discretion of the court, be forfeited to the state and delivered to the commission to be disposed of as provided by law. The sale shall be subject to any liens of record. The commission shall remit the proceeds of the sale to the State Treasurer for credit to the General Fund permanent school fund.

Sec. 38. Section 75-311, Revised Statutes Supplement, 1994, is amended to read:

75-311. (1) A certificate shall be issued to any qualified applicant authorizing the whole or any part of the operations covered by the application if it is found after notice and hearing that (a) the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of sections 75-301 to ~~75-322.04~~ 75-322 and sections 31 to 33 of this act and the requirements, rules, and regulations of the commission under such sections and (b) the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or property household goods, is or will be required by the present or future public convenience and necessity. Otherwise the application shall be denied.

(2) A permit shall be issued to any qualified applicant therefor authorizing in whole or in part the operations covered by the application if it appears after notice and hearing from the application or from any hearing held on the application that (a) the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of such sections and the lawful requirements, rules, and regulations of the commission under such sections and (b) the proposed operation, to the extent authorized by the permit, will be consistent with the public interest by providing services designed to meet the distinct needs of each individual customer or a specifically designated class of customers as defined in subdivision ~~(1)~~ (5) of section 75-302. Otherwise the application shall be denied.

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

(4) After the issuance of a certificate or permit, the commission shall review the operations of all common or contract carriers who hold authority from the commission to determine whether there are insufficient operations in the transportation of regulated commodities household goods to justify the commission's finding that such common or contract carrier has willfully failed to perform transportation under sections 75-301 to ~~75-322.04~~ 75-322 and sections 31 to 33 of this act and rules and regulations promulgated under such sections. If the commission determines that there are insufficient operations, then the commission shall commence proceedings under section 75-315 to revoke the certificate or permit involved.

(5) This section shall not apply to operations pursuant to a contract authorized by sections 75-303.01 and 75-303.02.

Sec. 39. Section 75-314, Reissue Revised Statutes of Nebraska, is amended to read:

75-314. A common carrier by motor vehicle, operating under any certificate issued under section 75-311 may occasionally deviate from the route over which, or the fixed termini between which, it is authorized to operate under the certificate, under such general or special rules and regulations as the commission may prescribe. Any common carrier by motor vehicle, transporting passengers under such certificate, may transport who transports passengers under its certificate may operate in intrastate commerce to any place carrying special or chartered charter parties under such rules and regulations as prescribed by the commission, shall have prescribed. A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express or mail, or to transport baggage in a separate vehicle.

Sec. 40. Section 75-315, Reissue Revised Statutes of Nebraska, is amended to read:

75-315. Permits and certificates shall be effective from the dates specified in the permits and certificates therein, and shall remain in effect until terminated as provided in sections 75-315 to 75-317 this section and section 75-316. Any such a permit or certificate may, upon application of the permit or certificate holder, thereof, in the discretion of the commission, be revoked or may, upon complaint or on the commission's own initiative, after

notice and hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to comply with any of the provisions of sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act, or with any lawful order, rule, or regulation of the commission promulgated thereunder under such sections, or with any term, condition, or limitation of such the permit or certificate. ~~The~~ ~~PROVIDED~~, the commission may, after notice and a hearing, suspend or revoke any the permit or certificate of any a motor carrier who shall refuse, or subject refuses or subjects to any undue or unreasonable delay, any pickup, delivery, or connecting line service, to any shipper, consignee, carrier, or any other person or persons, at any point authorized to be served by such carrier, notwithstanding any hot cargo agreement, or other agreement, had between such motor carrier and a labor organization, or any other organization, or person, or persons. For the first such offense, the commission shall, after notice and hearing, suspend the proceedings for a period of six months, and if no further offenses are committed by the defendant during such suspension, the complaint shall be dismissed by the commission. For a second offense committed during such suspension of the proceedings, after notice and hearing, the permit or certificate shall be suspended for a period not to exceed ten days, and for a third offense committed during such suspension of proceedings, after notice and hearing, the permit or certificate shall be revoked.

Sec. 41. Section 75-316, Reissue Revised Statutes of Nebraska, is amended to read:

75-316. Except for circumstances beyond the control of the regulated motor carrier, such as strikes against such carrier, acts of God, and the common enemy, motor carrier service under a certificate of public convenience and necessity or a permit shall not be suspended without first obtaining approval of the commission. ~~Nothing~~ ~~PROVIDED~~, that nothing in sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act shall prevent the holder of a certificate or permit from requesting revocation of such certificate or permit as provided for in section 75-315.

Sec. 42. Section 75-318, Revised Statutes Supplement, 1994, is amended to read:

75-318. It shall be lawful, only under the conditions specified in this section, for any regulated motor carrier or nonmotor carrier person or for two or more regulated motor carriers to:

(1) Consolidate or merge their properties or any part thereof or certificates of public convenience and necessity or permits, or any part thereof, into one ownership, management, or operation of the properties, certificates, or permits theretofore in separate ownership;

(2) Purchase, lease, or contract to operate the properties or any part thereof or the certificates or permits, or any part thereof, of another regulated motor carrier; or

(3) Acquire control of another regulated motor carrier or carriers through purchase of stock.

Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control of the properties, certificates, or permits is proposed, the carrier or carriers or person seeking authority therefor shall present an application to the commission, and thereupon the commission shall notify such carriers and other parties known to have an interest of the time and place for a public hearing in accordance with the rules of the commission. If, after such hearing, the commission finds that the transaction proposed will be consistent with the public interest and does not unduly restrict competition and that the applicant is fit, willing, and able to properly perform the proposed service, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control of the properties, or any part thereof, or certificates or permits of the whole, or any part thereof, upon such terms and conditions as it deems just and reasonable. If any of the certificates or permits proposed to be merged, consolidated, transferred, or leased are dormant, the commission may approve an application for consolidation, merger, transfer, or lease only upon proof of and a finding that such merger, consolidation, transfer, or lease is or will be required by the present and future public convenience and necessity, in the same manner as provided in section 75-311. If the proposed merger, consolidation, transfer, or lease of the certificates or permits will permit or result in a new or different service or operation as to territorial scope than that which is or may be rendered or engaged in by the respective parties or, as to passenger motor carriers, will tend to enlarge competition over that then existing, the commission may approve an application for merger, consolidation, transfer, or lease only upon proof of and a finding that the proposed merger, consolidation, transfer, or lease is or will be required by the present and

future public convenience and necessity, in the same manner as provided in section 75-311. Any restrictions, qualifications, or conditions applicable to and contained in a particular certificate of public convenience and necessity or a permit at the time of the issuance thereof or thereafter made a part of such certificate or permit, excluding any restrictions, qualifications, or conditions of general application applicable to all regulated motor carriers or a segment thereof as a class and imposed by regulation of the commission, proposed to be merged, consolidated, transferred, or leased shall not be changed, altered, or removed without the proof required in section 75-311 for certificates and permits.

When authority is transferred as provided in this section, the commission shall simultaneously cancel the authority of the transferor which is transferred.

Sec. 43. Section 75-319, Reissue Revised Statutes of Nebraska, is amended to read:

75-319. (1) Pending the determination of an application filed under section 75-318, the commission may, in its discretion, after not less than five days' notice to interested carriers, and without hearings or other proceedings, grant temporary approval, for a period not exceeding ninety days, of a lease of the regulated motor carrier properties and of the certificates or permits sought to be acquired to the person filing the application, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such regulated motor carrier properties, and certificates or permits sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

(2) Transportation service rendered under such temporary authority shall be subject to the provisions of sections 75-101 to 75-801 and sections 18 to 20, 31 to 33, 45, and 46 of this act and to the rules, regulations, and requirements of the commission.

(3) The grant of temporary authority and the operations thereunder shall not be admissible in evidence to establish or prove the present or future public convenience and necessity.

(4) No renewal or extension of the period of ninety days provided for in this section shall be granted.

Sec. 44. Section 75-348, Revised Statutes Supplement, 1994, is amended to read:

75-348. Except as otherwise provided, it ~~shall be~~ is unlawful for any common, contract, or private carrier of property by motor vehicle in interstate commerce to operate any motor vehicle within this state without first having registered with the commission in accordance with sections 75-348 to 75-358, except that it shall not be necessary for such common, contract, or private carrier to prove public convenience and necessity as a condition for such registration. Such sections shall not apply to motor vehicles ~~leased for thirty days or less used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise~~ and shall not apply to motor vehicles on which annual fees are paid under section 75-305 and which are owned and operated by common carriers or contract carriers which presently hold or which in the future may hold certificates of public convenience and necessity or permits issued by the commission pursuant to sections 75-301 to 75-322-04 75-322 and sections 31 to 33 of this act.

Sec. 45. In order to promote and protect the public safety, provide for the safe and efficient movement of commerce, and ensure that hazardous material transported in intrastate commerce is transported by responsible and qualified motor carriers, the Legislature finds and declares that it is a public purpose and appropriate exercise of the state's police powers to provide for the regulation by the Public Service Commission of intrastate motor carriers who transport bulk quantities of hazardous material.

Sec. 46. (1) It shall be unlawful for any motor carrier operating in intrastate commerce to transport any hazardous material in a cargo tank motor vehicle as defined by 49 C.F.R. 171.8 required to be placarded pursuant to section 75-364 without first having registered with the Public Service Commission as a hazardous material transporter in accordance with the requirements of this section.

(2) Every motor carrier registered as a hazardous material transporter shall carry and display as required a credential issued by the commission in every motor vehicle operated by the carrier which transports hazardous material described in subsection (1) of this section.

(3) Applications for registration as a hazardous material transporter shall be made to the commission in writing, verified under oath, and shall be in such form and contain such information as the commission

requires by rule and regulation. The required information shall include statements of ownership, motor vehicle equipment to be used within the state, a description of the hazardous material to be transported, and evidence of the carrier's financial responsibility. Upon receipt of an application which is in compliance with this section and the rules and regulations promulgated under this section and the payment of a fee of three dollars and fifty cents per vehicle, the commission shall approve the application and issue appropriate credentials as designated by the commission to the motor carrier.

(4) Every motor carrier registered as a hazardous material transporter shall file with the commission an identification of equipment the use of which is being discontinued and newly acquired equipment used to transport hazardous material and pay the proper fee for additional equipment on or before the fifteenth day after the carrier discontinues or initiates the operation of equipment within the state.

Sec. 47. Section 75-358, Reissue Revised Statutes of Nebraska, is amended to read:

75-358. Any person, private carrier, common carrier, or contract carrier operating any motor vehicle in violation of any provision of sections 75-348 to 75-358, any rule, regulation, or order of the commission, 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~~ 18 to 20 of this act. Each day of such violation shall constitute a separate offense.

Sec. 48. Section 75-366, Reissue Revised Statutes of Nebraska, is amended to read:

75-366. For the purpose of enforcing sections 75-307, 75-352, 75-363, and 75-364, and sections 31 to 33 of this act, any officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol may, upon demand, inspect the accounts, records, and equipment of any carrier or shipper. For the purpose of enforcing sections 75-363 and 75-364, any officer of the carrier enforcement division of the Nebraska State Patrol or any officer of the Nebraska State Patrol shall have the authority of special agents of the Federal Highway Administration.

Sec. 49. Section 75-370, Revised Statutes Supplement, 1994, is amended to read:

75-370. Enforcement of sections 75-307 and 75-352 and sections 31 to 33, 45, and 46 of this act shall be carried out by the commission and by the carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol pursuant to the rules and regulations adopted and promulgated by the commission to enforce such sections.

Sec. 50. Section 75-371, Revised Statutes Supplement, 1994, is amended to read:

75-371. Any person, private carrier, common carrier, or contract carrier which operates any motor vehicle in violation of section 75-307 or 75-352 or sections 31 to 33, 45, and 46 of this act or any rule, regulation, or order of the commission pertaining to any of such sections either such section shall be guilty of a Class IV misdemeanor. Each day of such violation shall constitute a separate offense.

Sec. 51. The Revisor of Statutes shall assign sections 18 to 20 of this act to Chapter 75, article 1.

Sec. 52. This act becomes operative July 1, 1995.

Sec. 53. Original sections 75-111, 75-114, 75-115, 75-117, 75-124, 75-301, 75-307, 75-308, 75-314, 75-315, 75-316, 75-319, 75-358, and 75-366, Reissue Revised Statutes of Nebraska, and sections 48-604, 75-109, 75-112, 75-113, 75-116, 75-118, 75-126, 75-128, 75-133, 75-134, 75-136, 75-136.01, 75-302, 75-303, 75-303.01, 75-303.02, 75-304, 75-304.01, 75-305, 75-306, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-370, and 75-371, Revised Statutes Supplement, 1994, are repealed.

Sec. 54. The following sections are outright repealed: Sections 75-309.03, 75-312, 75-317, and 75-322.02 to 75-322.04, Reissue Revised Statutes of Nebraska.

Sec. 55. Since an emergency exists, this act takes effect when passed and approved according to law.