

## LEGISLATIVE BILL 238

Approved by the Governor March 20, 2003

Introduced by Price, 26; Baker, 44

AN ACT relating to motor vehicles; to amend sections 60-105, 60-311.16, 60-320, 60-6,162, 60-6,263, and 60-3001, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-6,226, Revised Statutes Supplement, 2002; to provide for the titling, registration, and taxation of kit vehicles and vehicles otherwise assembled; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 60-105, Reissue Revised Statutes of Nebraska, is amended to read:

60-105. (1) No person, except as provided in section 60-110, acquiring a motor vehicle, commercial trailer, semitrailer, or cabin trailer from the owner thereof, whether such owner is a manufacturer, importer, dealer, or otherwise, shall acquire any right, title, claim, or interest in or to such motor vehicle, commercial trailer, semitrailer, or cabin trailer until he or she shall have had delivered to him or her physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and a certificate of title or a manufacturer's or importer's certificate duly executed in accordance with sections 60-102 to 60-117 and with such assignments thereon as may be necessary to show title in the purchaser thereof or an instrument in writing required by section 60-1417. No waiver or estoppel shall operate in favor of such person against a person having physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and such certificate of title or manufacturer's or importer's certificate or an instrument in writing required by section 60-1417. No court in any case at law or in equity shall recognize the right, title, claim, or interest of any person in or to any motor vehicle, commercial trailer, semitrailer, or cabin trailer sold or disposed of, or mortgaged or encumbered, unless there is compliance with this section.

(2) The county clerk, subject to the approval of the Department of Motor Vehicles, shall assign a distinguishing identification number to any motor vehicle, commercial trailer, semitrailer, or cabin trailer whenever such identification number is destroyed, obliterated, or missing. It shall be the duty of the owner or owners of such a motor vehicle, commercial trailer, semitrailer, or cabin trailer to which such number is assigned, to have such number affixed to such vehicle in a manner prescribed by the department. Before the certificate of title for an assigned number is released to the applicant by the designated county official, the applicant must provide a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106. Upon application for a metallic assigned number plate, a nonrefundable fee of twenty dollars per vehicle shall be paid to the department by the applicant.

(3) The department shall develop a metallic assigned number plate which can be permanently secured to a motor vehicle by rivets. All distinguishing identification number plates shall display seventeen characters. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled vehicle, a kit vehicle, or a vehicle otherwise assembled, the department shall use a distinguishing identification number on such assembled vehicle, kit vehicle, or vehicle otherwise assembled. The number shall include seventeen positions, the last two being "NE". The department shall, at the request of the designated county official, provide the designated county official with a number plate displaying a distinguishing identification number or the manufacturer's number provided by the designated county official.

(4) Any motor vehicle or trailer to which such a distinguishing identification number is assigned, as authorized in subsection (2) of this section, shall be registered under such distinguishing identification number when registration of the motor vehicle or trailer is required under sections 60-102 to 60-117. Except for those excepted in section 60-102, all motor vehicles, commercial trailers, semitrailers, and cabin trailers must have a certificate of title before registration.

Sec. 2. Section 60-106, Revised Statutes Supplement, 2002, is amended to read:

60-106. (1) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles.

(2) (a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Property Tax Administrator. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The county clerk shall retain the original copy of the mobile home transfer statement, forward two copies to the county assessor, and provide a copy to the applicant.

(3) (a) If the motor vehicle has situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has situs as defined in section 60-3001.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state. If the vehicle is a specially constructed motor vehicle as defined in section 60-3001, the application shall be accompanied by a kit manufacturer's certificate of origin and a bill of sale or manufacturer's certificates of origin and bills of sale for all major component parts. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed

by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage branded certificate of title or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the department. The county clerk shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle, such a kit vehicle, or a vehicle otherwise assembled, the inspection of such assembled vehicle, kit vehicle, or vehicle otherwise assembled shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) An application for a certificate of title for a mobile home or cabin trailer shall be accompanied by a certificate that states that sales or use tax has been paid on the purchase of the mobile home or cabin trailer or

that the transfer of title was exempt from sales and use taxes. The county clerk shall issue a certificate of title for a mobile home or cabin trailer but shall not deliver the certificate of title unless the certificate required under this subsection accompanies the application for certificate of title for the mobile home or cabin trailer, except that the failure of the application to be accompanied by such certificate shall not prevent the notation of a lien on the face of the certificate of title to the mobile home or cabin trailer pursuant to section 60-110 and delivery to the holder of the first lien.

(10) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2), (3), and (9) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2), (5), and (9) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 3. Section 60-311.16, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.16. (1) Any person who is the owner of a historical vehicle which is thirty or more years old at the time of making application for registration or transfer of title may upon application register the same as a historical vehicle upon payment of a fee of fifty dollars for each vehicle and be furnished license plates of distinctive design in lieu of the usual license plates. Such plates in addition to the identification number shall have the words historical and Nebraska for identification. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(2) In addition to the fee specified in subsection (1) of this section, there shall be an initial processing fee of ten dollars to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector.

(3) Each collector applying for registration under this section other than a nonprofit organization described in sections 21-608 and 21-609 must own and have registered one or more vehicles with regular plates which he or she uses for regular transportation.

(4) A collector, upon selling or otherwise relinquishing ownership of a historical vehicle, may have its registration and license plate transferred to another vehicle of the same category in his or her possession upon payment of a fee of twenty-five dollars.

(5) A vehicle manufactured, assembled from a kit, or otherwise assembled as a reproduction or facsimile of a historical vehicle shall not be eligible for registration under this section unless it has been in existence for thirty years or more. The age shall be calculated from the date the vehicle was originally assembled as a facsimile vehicle.

(6) Collectors who, on August 24, 1975, have vehicles registered and licensed as antique vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the Department of Motor Vehicles sworn to by the vehicle owner that the vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the vehicle.

(7) An owner of a historical vehicle eligible for registration under this section may use a license plate or plates issued by this state in the year corresponding to the model year date when the vehicle was manufactured in lieu of the plates issued pursuant to subsection (1) of this section subject to the approval of the department. The department shall inspect the plate or plates and may approve the plate or plates if it is determined that the model year date license plate or plates are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department. The department may consult with an organization of old car hobbyists in determining whether the date of the year of the license plate or plates to be used corresponds to the model year date when the vehicle was manufactured. If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general.

In addition to the fees specified in subsections (1) and (2) of this section, the department shall charge and collect a fee of twenty-five dollars for registration under this subsection. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(8) The department may adopt and promulgate rules and regulations to implement this section.

(9) The application for registration of a historical vehicle shall be made on a form prescribed and furnished by the department. Such form shall contain a description of the vehicle owned and sought to be registered, including the make, body type, model, serial number, and year of manufacture. It shall also include a description of any vehicle owned by the applicant and registered by him or her with regular registration plates and used for regular transportation, which description shall include make, body type, model, serial number, year of manufacture, and the Nebraska registration number assigned to the vehicle. The application shall also include an affidavit sworn to by the vehicle owner that the historical vehicle is being collected, preserved, restored, and maintained by the applicant as a hobby and not for the general use of the vehicle for the same purposes and under the same circumstances as other motor vehicles of the same type.

Sec. 4. Section 60-320, Reissue Revised Statutes of Nebraska, is amended to read:

60-320. (1)(a) Each licensed motor vehicle dealer or trailer dealer as defined in section 60-1401.02 doing business in this state, in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any full-time or part-time employee or agent of such dealer may, if the motor vehicle or trailer displays dealer number plates:

(i) Operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his or her business as a motor vehicle or trailer dealer. Such use may include personal or private use by the dealer and personal or private use by any bona fide employee licensed pursuant to Chapter 60, article 14, if the employee can be verified by payroll records maintained at the dealership as ordinarily working more than thirty hours per week or fifteen hundred hours per year at the dealership;

(ii) Operate or move the same upon the streets and highways of this state for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery; or

(iii) Sell the same.

The dealer number plates provided for in subsection (3) of this section shall be displayed in the manner provided in section 60-323.

(b) Each licensed manufacturer as defined in section 60-1401.02 which actually manufactures or assembles motor vehicles, motorcycles, or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers, or use in the ordinary course and conduct of business as a motor vehicle, motorcycle, or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section.

(c) In no event shall such plates be used on motor vehicles or trailers hauling other than automotive or trailer equipment, complete motor vehicles, semitrailers, or trailers which are inventory of such licensed dealer or manufacturer unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products. This section shall not be construed to allow a dealer to operate a motor vehicle or trailer with dealer number plates for the delivery of parts inventory. A dealer may use such motor vehicle or trailer to pick up parts to be used for the motor vehicle or trailer inventory of the dealer.

(2) Motor vehicles or trailers owned by such dealer and bearing such dealer number plates may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Motor vehicles or trailers owned and held for sale by such dealer and bearing such dealer number plates may be driven upon the streets and highways for a period of forty-eight hours as service loaner vehicles by customers having their vehicles repaired by the dealer. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes or to a service customer, the dealer shall deliver to the prospective buyer or service customer a card or certificate giving the name and address of the

dealer, the name and address of the prospective buyer or service customer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the department and shall be carried by such prospective buyer or service customer while driving such motor vehicle or pulling such trailer. The department shall make a charge of ten dollars for each special permit issued under this section. A finance company as defined in section 60-1401.02 which is licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the department for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may be used only for moving motor vehicles or trailers on the streets and highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers repossessed. Such repossession plates shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or trailer being operated on a repossession plate. A finance company shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under Chapter 60, article 14.

(3) (a) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of a fee of thirty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer or designated county official as provided in section 60-302 of the county in which his or her place of business is located for a certificate and one dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. One additional dealer number plate may be procured for the type of vehicle the dealer has sold during the last previous period of October 1 through September 30 for each twenty vehicles sold at retail during such period or one additional dealer number plate for each thirty vehicles sold at wholesale during such period, but not to exceed a total of five additional dealer number plates in the case of vehicles sold at wholesale, or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled, whether from a kit or otherwise, within the state within the last previous period of October 1 through September 30 for a fee of fifteen dollars each.

(b) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of an annual fee of two hundred fifty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one personal-use dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. Additional personal-use dealer number plates may be procured upon payment of an annual fee of two hundred fifty dollars each, subject to the same limitations as provided in subdivision (a) of this subsection as to the number of additional dealer number plates. Beginning January 1, 1998, a personal-use dealer number plate may be displayed on a passenger car as defined in section 60-301 or a truck having a gross weight including any load on the truck of six thousand pounds or less belonging to the dealer, may be used in the same manner as a dealer number plate, and may be used for personal or private use of the dealer, the dealer's immediate family, or any bona fide employee of the dealer licensed pursuant to Chapter 60, article 14. Personal-use dealer number plates shall have the same design and shall be displayed as provided in sections 60-311 and 60-311.01.

(c) When an applicant applies for a license, the Nebraska Motor Vehicle Industry Licensing Board may authorize the county treasurer or designated county official to issue additional dealer number plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional dealer number plates because of special condition or hardship. In the case of unauthorized use of dealer number plates by any licensed dealer, the Nebraska Motor Vehicle Industry Licensing Board may hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer number plates for a set period not to exceed one year. All additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

(d) Subject to all the provisions of law relating to motor vehicles

and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers, who regularly maintains within this state an established place of business, and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, agent, or bona fide purchaser, drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows or the rear side windows of such motor vehicle, except a motorcycle, and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in black letters the words In Transit. One In Transit decal shall be displayed on a motorcycle, which decal may be one-half the size required for other motor vehicles. Such decals shall include a registration number, which registration number shall be different for each decal or pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each decal or pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of thirty days in order to effect proper registration of the new or used motor vehicle or trailer. When any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of thirty days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each. Such transporter number plates may be the same size as plates issued for motorcycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate. The original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that when a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer, including a cabin trailer, which itself is being delivered by the transporter, then the registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for three years a record of each vehicle transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file proof of his or her status as a bona fide transporter.

(5) Any boat dealer when transporting a boat which is part of the inventory of the boat dealer on a trailer required to be registered may annually, in lieu of registration of the trailer and upon application to the Department of Motor Vehicles and payment of a fee of ten dollars, obtain a certificate and a number plate. The plate may be displayed on any trailer owned by the boat dealer when the trailer is transporting such a boat. The number plate shall be of a type designed by the department and so numbered as to distinguish one plate from another.

For purposes of this subsection, boat dealer shall mean a person engaged in the business of buying, selling, or exchanging boats at retail who has a principal place of business for such purposes in this state.

(6) It shall be the duty of all law enforcement officers to arrest and prosecute all violators of the provisions of subsection (1), (2), (3), (4), or (5) of this section and see that they are properly prosecuted according to law. Any person, firm, or corporation, including any motor vehicle, trailer, or boat dealer or manufacturer, who fails to comply with

such provisions shall be deemed guilty of a Class V misdemeanor and, in addition thereto, shall pay the county treasurer or designated county official any and all motor vehicle taxes and fees imposed in sections 60-3002 and 60-3007, registration fees, or certification fees due had the motor vehicle or trailer been properly registered or certified according to law.

When any motor vehicle or trailer dealer's or manufacturer's license has been revoked or otherwise terminated, it shall be the duty of such dealer or manufacturer to immediately surrender to the Department of Motor Vehicles or to the Nebraska Motor Vehicle Industry Licensing Board any dealer number plates issued to him or her for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer number plates to the department upon demand by the department shall be unlawful.

(7) Any motor vehicle or trailer owned by a dealer and bearing other than dealer number plates as provided in this section shall be conclusively presumed not to be a part of the dealer's inventory and not for demonstration or sale and therefor not eligible for any exemption from taxes or fees applicable to vehicles with dealer number plates.

Sec. 5. Section 60-6,162, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,162. (1) Any stop signal or turnsignal required by the Nebraska Rules of the Road shall be given either by means of the hand and arm or by signal lights except as otherwise provided in this section.

(2) With respect to any motor vehicle having four or more wheels manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, or any trailer, in use on a highway, any required signal shall be given by the appropriate signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle or trailer exceeds twenty-four inches. Such measurement shall apply to any single vehicle or trailer and to any combination of vehicles or trailers. This subsection shall not apply during daylight hours to fertilizer trailers as defined in section 60-301 and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(3) Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such a light or device as required by this section.

Sec. 6. Section 60-6,226, Revised Statutes Supplement, 2002, is amended to read:

60-6,226. (1) Any motor vehicle having four or more wheels which is manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, or any trailer, in use on a highway, shall be equipped with brake and turnsignal lights in good working order.

(2) Motorcycles, motor-driven cycles, motor scooters, bicycles, electric personal assistive mobility devices, vehicles used solely for agricultural purposes, vehicles not designed and intended primarily for use on a highway, and, during daylight hours, fertilizer trailers as defined in section 60-301 and implements of husbandry designed primarily or exclusively for use in agricultural operations shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

Sec. 7. Section 60-6,263, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,263. It shall be unlawful to operate on any highway in this state any motor vehicle, other than a motorcycle, manufactured or assembled, whether from a kit or otherwise, after January 1, 1935, which is designed or used for the purpose of carrying passengers unless such vehicle is equipped in all doors, windows, and windshields with safety glass. Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.

The owner or operator of any motor vehicle operated in violation of this section shall be guilty of a Class III misdemeanor.

Sec. 8. Section 60-3001, Reissue Revised Statutes of Nebraska, is amended to read:

60-3001. For purposes of sections 60-3001 to 60-3009:

(1) Assembled motor vehicle means a motor vehicle that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts. Its make shall be assembled, and its model



year shall be the year in which the motor vehicle was assembled. Assembled motor vehicle also includes a specially constructed motor vehicle;

(2) Bus has the same meaning as in section 60-612;

(3) Current model year vehicle means a motor vehicle for which the model year as designated by the manufacturer corresponds to the calendar year;

(4) Kit vehicle means a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. The term kit vehicle does not include glider kits;

(5) Motor vehicle means every motor vehicle, trailer, and semitrailer subject to the payment of registration fees or permit fees under the laws of this state and every cabin trailer as defined in section 60-301 registered for operation upon the highways of this state;

~~(5)~~ (6) Motor vehicle fee means the fee imposed upon motor vehicles under section 60-3007;

~~(6)~~ (7) Motor vehicle tax means the tax imposed upon motor vehicles under section 60-3002;

~~(7)~~ (8) Registration period means the period from the date of registration pursuant to section 60-302 to the first day of the month following one year after such date;

~~(8)~~ (9) Situs of a motor vehicle means the tax district where the motor vehicle is stored and kept for the greater portion of the calendar year. For a motor vehicle used or owned by a student, the situs is at the place of residence of the student if different from the place at which he or she is attending school; ~~and~~

(10) Specially constructed motor vehicle means a motor vehicle which was not originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicle; and

~~(9)~~ (11) Truck has the same meaning as in section 60-301.

Sec. 9. Original sections 60-105, 60-311.16, 60-320, 60-6,162, 60-6,263, and 60-3001, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-6,226, Revised Statutes Supplement, 2002, are repealed.