

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 570

FINAL READING

Introduced by Louden, 49; Christensen, 44; Dubas, 34; Hansen, 42

Read first time January 17, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-393
2 and 60-396, Revised Statutes Cumulative Supplement, 2006;
3 sections 60-395 and 60-3,104, Revised Statutes Cumulative
4 Supplement, 2006, as amended by sections 35 and 37,
5 Legislative Bill 286, One Hundredth Legislature, First
6 Session, 2007; and section 60-301, Revised Statutes
7 Cumulative Supplement, 2006, as amended by section
8 20, Legislative Bill 286, One Hundredth Legislature,
9 First Session, 2007, and section 1, Legislative Bill
10 349, One Hundredth Legislature, First Session, 2007; to
11 provide for Gold Star Family license plates; to harmonize
12 provisions; to provide an operative date; and to repeal
13 the original sections.

LB 570

LB 570

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

1 Section 1. Section 60-301, Revised Statutes Cumulative
2 Supplement, 2006, as amended by section 20, Legislative Bill 286,
3 One Hundredth Legislature, First Session, 2007, and section 1,
4 Legislative Bill 349, One Hundredth Legislature, First Session,
5 2007, is amended to read:

6 60-301 Sections 60-301 to 60-3,220 and sections 26 and
7 29 of this act and section 2 of this act and sections 2 and 3
8 of this act shall be known and may be cited as the Motor Vehicle
9 Registration Act.

10 Sec. 2. (1) The department shall design license plates to
11 be known as Gold Star Family plates. The department shall create
12 designs reflecting support for those who died while serving in good
13 standing in the United States Armed Forces in consultation with
14 the Department of Veterans' Affairs and the Military Department.
15 The Department of Veterans' Affairs shall recommend the design of
16 the plate to the Department of Motor Vehicles. The design shall
17 be selected on the basis of limiting the manufacturing cost of
18 each plate to an amount less than or equal to the amount charged
19 for license plates pursuant to section 60-3,102. The department
20 shall make applications available for this type of plate when it
21 is designed. The department may adopt and promulgate rules and
22 regulations to carry out this section and section 3 of this act.

23 (2) One type of Gold Star Family plate shall be
24 consecutively numbered plates. The department shall:

25 (a) Number the plates consecutively beginning with the

1 number one, using numerals the size of which maximizes legibility
2 and limiting the numerals to five characters or less; and

3 (b) Not use a county designation or any characters other
4 than numbers on the plates.

5 (3) One type of Gold Star Family plate shall be
6 personalized message plates. Such plates shall be issued subject to
7 the same conditions specified for personalized message license
8 plates in section 60-3,118, except that a maximum of five
9 characters may be used.

10 Sec. 3. (1) A person may apply to the department for
11 Gold Star Family plates in lieu of regular license plates on
12 an application prescribed and provided by the department for any
13 motor vehicle or cabin trailer, except for a commercial truck. An
14 applicant receiving a Gold Star Family plate for a farm truck with
15 a gross weight of over sixteen tons shall affix the appropriate
16 tonnage decal to the plate. The department shall make forms
17 available for such applications through the county treasurers or
18 designated county officials. The license plates shall be issued
19 upon payment of the license fee described in subsection (2) of
20 this section and furnishing proof satisfactory to the department
21 that the applicant is a surviving spouse, whether remarried or not,
22 or an ancestor, including a stepparent, a descendant, including
23 a stepchild, a foster parent or a person in loco parentis, or
24 a sibling of a person who died while in good standing on active
25 duty in the military service of the United States. Only one motor

1 vehicle or trailer owned by the applicant shall be so licensed at
2 any one time.

3 (2) (a) Each application for initial issuance of
4 consecutively numbered Gold Star Family plates shall be accompanied
5 by a fee of fifteen dollars. An application for renewal of such
6 plates shall be accompanied by a fee of fifteen dollars. County
7 treasurers or designated county officials collecting fees for
8 renewals pursuant to this subdivision shall remit them to the State
9 Treasurer. The State Treasurer shall credit five dollars of the fee
10 for initial issuance and renewal of such plates to the Department
11 of Motor Vehicles Cash Fund and ten dollars of the fee to the
12 Nebraska Veteran Cemetery System Operation Fund.

13 (b) Each application for initial issuance of personalized
14 message Gold Star Family plates shall be accompanied by a fee of
15 forty dollars. An application for renewal of such plates shall
16 be accompanied by a fee of forty dollars. County treasurers or
17 designated county officials collecting fees for renewals pursuant
18 to this subdivision shall remit them to the State Treasurer. The
19 State Treasurer shall credit thirty dollars of the fee for initial
20 issuance and renewal of such plates to the Department of Motor
21 Vehicles Cash Fund and ten dollars of the fee to the Nebraska
22 Veteran Cemetery System Operation Fund.

23 (3) When the department receives an application for Gold
24 Star Family plates, the department shall deliver the plates to
25 the county treasurer or designated county official of the county

1 in which the motor vehicle or cabin trailer is registered. The
2 county treasurer or designated county official shall issue Gold
3 Star Family plates in lieu of regular license plates when the
4 applicant complies with the other provisions of the Motor Vehicle
5 Registration Act for registration of the motor vehicle or cabin
6 trailer. If Gold Star Family plates are lost, stolen, or mutilated,
7 the licensee shall be issued replacement license plates upon
8 request and without charge.

9 (4) The owner of a motor vehicle or cabin trailer bearing
10 Gold Star Family plates may apply to the county treasurer or
11 designated county official to have such plates transferred to a
12 motor vehicle other than the vehicle for which such plates were
13 originally purchased if such vehicle is owned by the owner of the
14 plates. The owner may have the unused portion of the fee for the
15 plates credited to the other vehicle which will bear the plates
16 at the rate of eight and one-third percent per month for each
17 full month left in the registration period. Application for such
18 transfer shall be accompanied by a fee of three dollars. Fees
19 collected pursuant to this subsection shall be remitted to the
20 State Treasurer for credit to the Department of Motor Vehicles Cash
21 Fund.

22 (5) If the cost of manufacturing Gold Star Family plates
23 at any time exceeds the amount charged for license plates pursuant
24 to section 60-3,102, any money to be credited to the Nebraska
25 Veteran Cemetery System Operation Fund shall instead be credited

1 first to the Highway Trust Fund in an amount equal to the
2 difference between the manufacturing costs of Gold Star Family
3 plates and the amount charged pursuant to section 60-3,102 with
4 respect to such plates and the remainder shall be credited to the
5 Nebraska Veteran Cemetery System Operation Fund.

6 Sec. 4. Section 60-393, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 60-393 Any owner who has two or more motor vehicles
9 or trailers required to be registered under the Motor Vehicle
10 Registration Act may register all such motor vehicles or trailers
11 on a calendar-year basis or on an annual basis for the same
12 registration period beginning in a month chosen by the owner. When
13 electing to establish the same registration period for all such
14 motor vehicles or trailers, the owner shall pay the registration
15 fee, the motor vehicle tax imposed in section 60-3,185, and
16 the motor vehicle fee imposed in section 60-3,190 on each motor
17 vehicle for the number of months necessary to extend its current
18 registration period to the registration period under which all
19 such motor vehicles or trailers will be registered. Credit shall
20 be given for registration paid on each motor vehicle or trailer
21 when the motor vehicle or trailer has a later expiration date than
22 that chosen by the owner except as otherwise provided in sections
23 60-3,121 and 60-3,128 and section 3 of this act. Thereafter all
24 such motor vehicles or trailers shall be registered on an annual
25 basis starting in the month chosen by the owner.

1 Sec. 5. Section 60-395, Revised Statutes Cumulative
2 Supplement, 2006, as amended by section 35, Legislative Bill
3 286, One Hundredth Legislature, First Session, 2007, is amended to
4 read:

5 60-395 (1) Except as otherwise provided in subsection (2)
6 of this section and sections 60-3,121 and 60-3,128 and section 3 of
7 this act, the registration shall expire and the registered owner or
8 lessee may, by returning the registration certificate, the license
9 plates, and, when appropriate, the validation decals and by either
10 making application on a form prescribed by the department to the
11 county treasurer or designated county official of the occurrence
12 of an event described in subdivisions (a) through (e) of this
13 subsection or, in the case of a change in situs, displaying to
14 the county treasurer or designated county official the registration
15 certificate of such other state as evidence of a change in situs,
16 receive a refund of that part of the unused fees and taxes on
17 motor vehicles or trailers based on the number of unexpired months
18 remaining in the registration period from the date of any of the
19 following events:

20 (a) Upon transfer of ownership of any motor vehicle or
21 trailer;

22 (b) In case of loss of possession because of fire, theft,
23 dismantlement, or junking;

24 (c) When a salvage branded certificate of title is
25 issued;

1 (d) Whenever a type or class of motor vehicle or trailer
2 previously registered is subsequently declared by legislative act
3 or court decision to be illegal or ineligible to be operated or
4 towed on the public roads and no longer subject to registration
5 fees, the motor vehicle tax imposed in section 60-3,185, and the
6 motor vehicle fee imposed in section 60-3,190;

7 (e) Upon a trade-in or surrender of a motor vehicle under
8 a lease; or

9 (f) In case of a change in the situs of a motor vehicle
10 or trailer to a location outside of this state.

11 (2) If the date of the event falls within the same
12 calendar month in which the motor vehicle or trailer is acquired,
13 no refund shall be allowed for such month.

14 (3) If the transferor or lessee acquires another motor
15 vehicle at the time of the transfer, trade-in, or surrender, the
16 transferor or lessee shall have the credit provided for in this
17 section applied toward payment of the motor vehicle fees and taxes
18 then owing. Otherwise, the transferor or lessee shall file a claim
19 for refund with the county treasurer or designated county official
20 upon an application form prescribed by the department.

21 (4) The registered owner or lessee shall make a claim for
22 refund or credit of the fees and taxes for the unexpired months
23 in the registration period within sixty days after the date of the
24 event or shall be deemed to have forfeited his or her right to such
25 refund or credit.

1 (5) For purposes of this section, the date of the event
2 shall be: (a) In the case of a transfer or loss, the date of
3 the transfer or loss; (b) in the case of a change in the situs,
4 the date of registration in another state; (c) in the case of
5 a trade-in or surrender under a lease, the date of trade-in or
6 surrender; (d) in the case of a legislative act, the effective date
7 of the act; and (e) in the case of a court decision, the date the
8 decision is rendered.

9 (6) Application for registration or for reassignment of
10 license plates and, when appropriate, validation decals to another
11 motor vehicle or trailer shall be made within thirty days of the
12 date of purchase.

13 (7) The county treasurer or designated county official
14 shall refund the motor vehicle fee and registration fee from
15 the fees which have not been transferred to the State Treasurer.
16 The county treasurer shall make payment to the claimant from the
17 undistributed motor vehicle taxes of the taxing unit where the
18 tax money was originally distributed. No refund of less than two
19 dollars shall be paid.

20 Sec. 6. Section 60-396, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-396 Whenever the registered owner files an application
23 with the county treasurer or designated county official showing
24 that a motor vehicle or trailer is disabled and has been
25 removed from service, the registered owner may, by returning

1 the registration certificate, the license plates, and, when
2 appropriate, the validation decals or, in the case of the
3 unavailability of such registration certificate or certificates,
4 license plates, or validation decals, then by making an affidavit
5 to the county treasurer or designated county official of such
6 disablement and removal from service, receive a credit for a
7 portion of the registration fee from the fee deposited with the
8 State Treasurer at the time of registration based upon the number
9 of unexpired months remaining in the registration year except as
10 otherwise provided in sections 60-3,121 and 60-3,128 and section 3
11 of this act. The owner shall also receive a credit for the unused
12 portion of the motor vehicle tax and fee based upon the number
13 of unexpired months remaining in the registration year. When the
14 owner registers a replacement motor vehicle or trailer at the time
15 of filing such affidavit, the credit may be immediately applied
16 against the registration fee and the motor vehicle tax and fee for
17 the replacement motor vehicle or trailer. When no such replacement
18 motor vehicle or trailer is so registered, the county treasurer
19 or designated county official shall forward the application and
20 affidavit, if any, to the State Treasurer who shall determine the
21 amount, if any, of the allowable credit for the registration fee
22 and issue a credit certificate to the owner. For the motor vehicle
23 tax and fee, the county treasurer or designated county official
24 shall determine the amount, if any, of the allowable credit and
25 issue a credit certificate to the owner. When such motor vehicle

1 or trailer is removed from service within the same month in which
2 it was registered, no credits shall be allowed for such month.
3 The credits may be applied against taxes and fees for new or
4 replacement motor vehicles or trailers incurred within one year
5 after cancellation of registration of the motor vehicle or trailer
6 for which the credits were allowed. When any such motor vehicle or
7 trailer is reregistered within the same registration year in which
8 its registration has been canceled, the taxes and fees shall be
9 that portion of the registration fee and the motor vehicle tax and
10 fee for the remainder of the registration year.

11 Sec. 7. Section 60-3,104, Revised Statutes Cumulative
12 Supplement, 2006, as amended by section 37, Legislative Bill 286,
13 One Hundredth Legislature, First Session, 2007, is amended to read:

14 60-3,104 The department shall issue the following types
15 of license plates:

16 (1) Amateur radio station license plates issued pursuant
17 to section 60-3,126;

18 (2) Apportionable vehicle license plates issued pursuant
19 to section 60-3,203;

20 (3) Boat dealer license plates issued pursuant to section
21 60-379;

22 (4) Bus license plates issued pursuant to section
23 60-3,144;

24 (5) Commercial motor vehicle license plates issued
25 pursuant to section 60-3,147;

1 (6) Dealer or manufacturer license plates issued pursuant
2 to sections 60-3,114 and 60-3,115;

3 (7) Disabled veteran license plates issued pursuant to
4 section 60-3,124;

5 (8) Farm trailer license plates issued pursuant to
6 section 60-3,151;

7 (9) Farm truck license plates issued pursuant to section
8 60-3,146;

9 (10) Farm trucks with a gross weight of over sixteen tons
10 license plates issued pursuant to section 60-3,146;

11 (11) Fertilizer trailer license plates issued pursuant to
12 section 60-3,151;

13 (12) Film vehicle license plates issued pursuant to
14 section 60-383;

15 (13) Gold Star Family license plates issued pursuant to
16 sections 2 and 3 of this act;

17 ~~(13)~~ (14) Handicapped or disabled person license plates
18 issued pursuant to section 60-3,113;

19 ~~(14)~~ (15) Historical vehicle license plates issued
20 pursuant to sections 60-3,130 to 60-3,134;

21 ~~(15)~~ (16) Local truck license plates issued pursuant to
22 section 60-3,145;

23 ~~(16)~~ (17) Motor vehicle license plates for motor vehicles
24 owned or operated by the state, counties, municipalities, or school
25 districts issued pursuant to section 60-3,105;

- 1 ~~(17)~~ (18) Motor vehicles exempt pursuant to section
2 60-3,107;
- 3 ~~(18)~~ (19) Motorcycle license plates issued pursuant to
4 section 60-3,100;
- 5 ~~(19)~~ (20) Nebraska Cornhusker Spirit Plates issued
6 pursuant to sections 60-3,127 to 60-3,129;
- 7 ~~(20)~~ (21) Nonresident owner thirty-day license plates
8 issued pursuant to section 60-382;
- 9 ~~(21)~~ (22) Passenger car having a seating capacity of ten
10 persons or less and not used for hire issued pursuant to section
11 60-3,143;
- 12 ~~(22)~~ (23) Passenger car having a seating capacity of
13 ten persons or less and used for hire issued pursuant to section
14 60-3,143;
- 15 ~~(23)~~ (24) Pearl Harbor license plates issued pursuant to
16 section 60-3,122;
- 17 ~~(24)~~ (25) Personal-use dealer license plates issued
18 pursuant to section 60-3,116;
- 19 ~~(25)~~ (26) Personalized message license plates for motor
20 vehicles and cabin trailers, except commercial motor vehicles
21 registered for over ten tons gross weight, issued pursuant to
22 sections 60-3,118 to 60-3,121;
- 23 ~~(26)~~ (27) Prisoner-of-war license plates issued pursuant
24 to section 60-3,123;
- 25 ~~(27)~~ (28) Purple Heart license plates issued pursuant to

1 section 60-3,125;

2 ~~(28)~~ (29) Recreational vehicle license plates issued
3 pursuant to section 60-3,151;

4 ~~(29)~~ (30) Repossession license plates issued pursuant to
5 section 60-375;

6 ~~(30)~~ (31) Trailer license plates issued for trailers
7 owned or operated by the state, counties, municipalities, or school
8 districts issued pursuant to section 60-3,106;

9 ~~(31)~~ (32) Trailer license plates issued pursuant to
10 section 60-3,100;

11 ~~(32)~~ (33) Trailers exempt pursuant to section 60-3,108;

12 ~~(33)~~ (34) Transporter license plates issued pursuant to
13 section 60-378;

14 ~~(34)~~ (35) Trucks or combinations of trucks,
15 truck-tractors, or trailers which are not for hire and
16 engaged in soil and water conservation work and used for the
17 purpose of transporting pipe and equipment exclusively used by such
18 contractors for soil and water conservation construction license
19 plates issued pursuant to section 60-3,149;

20 ~~(35)~~ (36) Utility trailer license plates issued pursuant
21 to section 60-3,151; and

22 ~~(36)~~ (37) Well-boring apparatus and well-servicing
23 equipment license plates issued pursuant to section 60-3,109.

24 Sec. 8. This act becomes operative on January 1, 2010.

25 Sec. 9. Original sections 60-393 and 60-396, Revised

LB 570

LB 570

1 Statutes Cumulative Supplement, 2006; sections 60-395 and
2 60-3,104, Revised Statutes Cumulative Supplement, 2006, as amended
3 by sections 35 and 37, Legislative Bill 286, One Hundredth
4 Legislature, First Session, 2007; and section 60-301, Revised
5 Statutes Cumulative Supplement, 2006, as amended by section
6 20, Legislative Bill 286, One Hundredth Legislature, First
7 Session, 2007, and section 1, Legislative Bill 349, One Hundredth
8 Legislature, First Session, 2007, are repealed.