

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 398

Introduced by Nordquist, 7.

Read first time January 16, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to license plates; to amend section
2 85-1920, Reissue Revised Statutes of Nebraska, and
3 sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and
4 60-3,130.04, Revised Statutes Cumulative Supplement,
5 2008; to provide for collegiate spirit license plates; to
6 provide powers and duties and for the Department of Motor
7 Vehicles; to provide fees; to provide for distribution
8 of proceeds; to harmonize provisions; and to repeal the
9 original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-301 Sections 60-301 to 60-3,221 and sections 6 and 7
4 of this act shall be known and may be cited as the Motor Vehicle
5 Registration Act.

6 Sec. 2. Section 60-393, Revised Statutes Cumulative
7 Supplement, 2008, 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, 60-3,122.02, and 60-3,128 and section 6 of this act.
24 Thereafter all such motor vehicles or trailers shall be registered
25 on an annual basis starting in the month chosen by the owner.

1 Sec. 3. Section 60-395, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-395 (1) Except as otherwise provided in subsection (2)
4 of this section and sections 60-3,121, 60-3,122.02, and 60-3,128
5 and section 6 of this act, the registration shall expire and
6 the registered owner or lessee may, by returning the registration
7 certificate, the license plates, and, when appropriate, the
8 validation decals and by either making application on a form
9 prescribed by the department to the county treasurer or designated
10 county official of the occurrence of an event described in
11 subdivisions (a) through (e) of this subsection or, in the case of
12 a change in situs, displaying to the county treasurer or designated
13 county official the registration certificate of such other state as
14 evidence of a change in situs, receive a refund of that part of
15 the unused fees and taxes on motor vehicles or trailers based on
16 the number of unexpired months remaining in the registration period
17 from the date of any of the following events:

18 (a) Upon transfer of ownership of any motor vehicle or
19 trailer;

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

22 (c) When a salvage branded certificate of title is
23 issued;

24 (d) Whenever a type or class of motor vehicle or trailer
25 previously registered is subsequently declared by legislative act

1 or court decision to be illegal or ineligible to be operated or
2 towed on the public roads and no longer subject to registration
3 fees, the motor vehicle tax imposed in section 60-3,185, and the
4 motor vehicle fee imposed in section 60-3,190;

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

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

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

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

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

24 (5) For purposes of this section, the date of the event
25 shall be: (a) In the case of a transfer or loss, the date of

1 the transfer or loss; (b) in the case of a change in the situs,
2 the date of registration in another state; (c) in the case of
3 a trade-in or surrender under a lease, the date of trade-in or
4 surrender; (d) in the case of a legislative act, the effective date
5 of the act; and (e) in the case of a court decision, the date the
6 decision is rendered.

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

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

18 Sec. 4. Section 60-396, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 60-396 Whenever the registered owner files an application
21 with the county treasurer or designated county official showing
22 that a motor vehicle or trailer is disabled and has been
23 removed from service, the registered owner may, by returning
24 the registration certificate, the license plates, and, when
25 appropriate, the validation decals or, in the case of the

1 unavailability of such registration certificate or certificates,
2 license plates, or validation decals, then by making an affidavit
3 to the county treasurer or designated county official of such
4 disablement and removal from service, receive a credit for a
5 portion of the registration fee from the fee deposited with the
6 State Treasurer at the time of registration based upon the number
7 of unexpired months remaining in the registration year except as
8 otherwise provided in sections 60-3,121, 60-3,122.02, and 60-3,128
9 and section 6 of this act. The owner shall also receive a credit
10 for the unused portion of the motor vehicle tax and fee based
11 upon the number of unexpired months remaining in the registration
12 year. When the owner registers a replacement motor vehicle or
13 trailer at the time of filing such affidavit, the credit may be
14 immediately applied against the registration fee and the motor
15 vehicle tax and fee for the replacement motor vehicle or trailer.
16 When no such replacement motor vehicle or trailer is so registered,
17 the county treasurer or designated county official shall forward
18 the application and affidavit, if any, to the State Treasurer who
19 shall determine the amount, if any, of the allowable credit for the
20 registration fee and issue a credit certificate to the owner. For
21 the motor vehicle tax and fee, the county treasurer or designated
22 county official shall determine the amount, if any, of the
23 allowable credit and issue a credit certificate to the owner. When
24 such motor vehicle or trailer is removed from service within the
25 same month in which it was registered, no credits shall be allowed

1 for such month. The credits may be applied against taxes and fees
2 for new or replacement motor vehicles or trailers incurred within
3 one year after cancellation of registration of the motor vehicle or
4 trailer for which the credits were allowed. When any such motor
5 vehicle or trailer is reregistered within the same registration
6 year in which its registration has been canceled, the taxes and
7 fees shall be that portion of the registration fee and the motor
8 vehicle tax and fee for the remainder of the registration year.

9 Sec. 5. Section 60-3,104, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 60-3,104 The department shall issue the following types
12 of license plates:

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

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

17 (3) Boat dealer license plates issued pursuant to section
18 60-379;

19 (4) Bus license plates issued pursuant to section
20 60-3,144;

21 (5) Collegiate spirit license plates issued pursuant to
22 sections 6 and 7 of this act;

23 ~~(5)~~ (6) Commercial motor vehicle license plates issued
24 pursuant to section 60-3,147;

25 ~~(6)~~ (7) Dealer or manufacturer license plates issued

1 pursuant to sections 60-3,114 and 60-3,115;

2 ~~(7)~~ (8) Disabled veteran license plates issued pursuant
3 to section 60-3,124;

4 ~~(8)~~ (9) Farm trailer license plates issued pursuant to
5 section 60-3,151;

6 ~~(9)~~ (10) Farm truck license plates issued pursuant to
7 section 60-3,146;

8 ~~(10)~~ (11) Farm trucks with a gross weight of over sixteen
9 tons license plates issued pursuant to section 60-3,146;

10 ~~(11)~~ (12) Fertilizer trailer license plates issued
11 pursuant to section 60-3,151;

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

14 ~~(13)~~ (14) Gold Star Family license plates issued pursuant
15 to sections 60-3,122.01 and 60-3,122.02;

16 ~~(14)~~ (15) Handicapped or disabled person license plates
17 issued pursuant to section 60-3,113;

18 ~~(15)~~ (16) Historical vehicle license plates issued
19 pursuant to sections 60-3,130 to 60-3,134;

20 ~~(16)~~ (17) Local truck license plates issued pursuant to
21 section 60-3,145;

22 ~~(17)~~ (18) Motor vehicle license plates for motor vehicles
23 owned or operated by the state, counties, municipalities, or school
24 districts issued pursuant to section 60-3,105;

25 ~~(18)~~ (19) Motor vehicles exempt pursuant to section

1 60-3,107;

2 ~~(19)~~ (20) Motorcycle license plates issued pursuant to

3 section 60-3,100;

4 ~~(20)~~ (21) Nebraska Cornhusker Spirit Plates issued

5 pursuant to sections 60-3,127 to 60-3,129;

6 ~~(21)~~ (22) Nonresident owner thirty-day license plates

7 issued pursuant to section 60-382;

8 ~~(22)~~ (23) Passenger car having a seating capacity of ten

9 persons or less and not used for hire issued pursuant to section

10 60-3,143;

11 ~~(23)~~ (24) Passenger car having a seating capacity of

12 ten persons or less and used for hire issued pursuant to section

13 60-3,143;

14 ~~(24)~~ (25) Pearl Harbor license plates issued pursuant to

15 section 60-3,122;

16 ~~(25)~~ (26) Personal-use dealer license plates issued

17 pursuant to section 60-3,116;

18 ~~(26)~~ (27) Personalized message license plates for motor

19 vehicles and cabin trailers, except commercial motor vehicles

20 registered for over ten tons gross weight, issued pursuant to

21 sections 60-3,118 to 60-3,121;

22 ~~(27)~~ (28) Prisoner-of-war license plates issued pursuant

23 to section 60-3,123;

24 ~~(28)~~ (29) Purple Heart license plates issued pursuant to

25 section 60-3,125;

1 ~~(29)~~ (30) Recreational vehicle license plates issued
2 pursuant to section 60-3,151;

3 ~~(30)~~ (31) Repossession license plates issued pursuant to
4 section 60-375;

5 ~~(31)~~ (32) Trailer license plates issued for trailers
6 owned or operated by the state, counties, municipalities, or school
7 districts issued pursuant to section 60-3,106;

8 ~~(32)~~ (33) Trailer license plates issued pursuant to
9 section 60-3,100;

10 ~~(33)~~ (34) Trailers exempt pursuant to section 60-3,108;

11 ~~(34)~~ (35) Transporter license plates issued pursuant to
12 section 60-378;

13 ~~(35)~~ (36) Trucks or combinations of trucks,
14 truck-tractors, or trailers which are not for hire and
15 engaged in soil and water conservation work and used for the
16 purpose of transporting pipe and equipment exclusively used by such
17 contractors for soil and water conservation construction license
18 plates issued pursuant to section 60-3,149;

19 ~~(36)~~ (37) Utility trailer license plates issued pursuant
20 to section 60-3,151; and

21 ~~(37)~~ (38) Well-boring apparatus and well-servicing
22 equipment license plates issued pursuant to section 60-3,109.

23 Sec. 6. (1) Beginning January 1, 2010, a person may apply
24 for collegiate spirit license plates in lieu of regular license
25 plates on an application prescribed and provided by the department

1 pursuant to section 7 of this act for any motor vehicle, trailer,
2 semitrailer, or cabin trailer, except for a motor vehicle or
3 trailer registered under section 60-3,198. An applicant receiving
4 a collegiate spirit license plate for a farm truck with a gross
5 weight of over sixteen tons or for a commercial motor vehicle
6 registered for a gross weight of five tons or over shall affix the
7 appropriate tonnage decal to the plate. The department shall make
8 forms available for such applications. Each application for initial
9 issuance or renewal of collegiate spirit license plates shall be
10 accompanied by a fee of seventy dollars. Fees collected pursuant to
11 this subsection shall be remitted to the State Treasurer. The State
12 Treasurer shall credit forty-three percent of the fee for initial
13 issuance and renewal of collegiate spirit license plates to the
14 Department of Motor Vehicles Cash Fund and fifty-seven percent of
15 the fee to the Nebraska Scholarship Fund.

16 (2) When the department receives an application for
17 collegiate spirit license plates, the department shall deliver the
18 plates to the county treasurer or designated county official of the
19 county in which the motor vehicle, trailer, semitrailer, or cabin
20 trailer is registered. The county treasurer or designated county
21 official shall issue the plates in lieu of regular license plates
22 when the applicant complies with the other provisions of the Motor
23 Vehicle Registration Act for registration of the motor vehicle,
24 trailer, semitrailer, or cabin trailer. If the plates are lost,
25 stolen, or mutilated, the licensee shall be issued replacement

1 license plates pursuant to section 60-3,157.

2 (3) (a) The owner of a motor vehicle, trailer,
3 semitrailer, or cabin trailer bearing collegiate spirit license
4 plates may apply to the county treasurer or designated county
5 official to have such plates transferred to a motor vehicle,
6 trailer, semitrailer, or cabin trailer other than the motor
7 vehicle, trailer, semitrailer, or cabin trailer for which such
8 plates were originally purchased if such motor vehicle, trailer,
9 semitrailer, or cabin trailer is owned by the owner of the
10 collegiate spirit license plates.

11 (b) The owner may have the unused portion of the
12 collegiate spirit license plate fee credited to the other motor
13 vehicle, trailer, semitrailer, or cabin trailer which will bear the
14 plates at the rate of eight and one-third percent per month for
15 each full month left in the registration period.

16 (c) Application for such transfer shall be accompanied by
17 a fee of three dollars. Fees collected pursuant to this subsection
18 shall be remitted to the State Treasurer for credit to the
19 Department of Motor Vehicles Cash Fund.

20 (4) If the cost of manufacturing the plates at any time
21 exceeds the amount charged for license plates pursuant to section
22 60-3,102, any money to be credited to the Nebraska Scholarship Fund
23 shall instead be credited first to the Highway Trust Fund in an
24 amount equal to the difference between the manufacturing costs of
25 the plates and the amount charged pursuant to section 60-3,102 with

1 respect to such plates and the remainder shall be credited to the
2 Nebraska Scholarship Fund.

3 Sec. 7. (1) Beginning January 1, 2010, the department
4 shall begin issuing collegiate spirit license plates for any
5 private, nonprofit college or university which certifies that it
6 meets the requirements of this section. The department shall work
7 with the college or university to design the plates.

8 (2) The department shall make applications available
9 pursuant to section 6 of this act for collegiate spirit license
10 plates when they are designed. The department shall not manufacture
11 collegiate spirit license plates for a college or university until
12 the department has received one hundred fifty prepaid applications
13 for collegiate spirit license plates designed for that college or
14 university.

15 (3) In order to have collegiate spirit license plates
16 designed and manufactured, a college or university shall furnish
17 the department with the following:

18 (a) A copy of its articles of incorporation and a
19 statement of purpose as a private, nonprofit college or university;

20 (b) One hundred fifty prepaid applications for the
21 collegiate spirit license plates; and

22 (c) A completed application for the issuance of the
23 plates on a form provided by the department certifying that the
24 college or university meets the following requirements:

25 (i) The college or university is authorized to use any

1 name, logo, or graphic design suggested for the design of the
2 plates;

3 (ii) No infringement or violation of any property right
4 will result from such use of such name, logo, or graphic design;
5 and

6 (iii) The college or university will hold harmless the
7 State of Nebraska and its employees and agents for any liability
8 which may result from any infringement or violation of a property
9 right based on the use of such name, logo, or graphic design.

10 (4) The department may adopt and promulgate rules and
11 regulations to carry out this section.

12 Sec. 8. Section 60-3,130.04, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 60-3,130.04 (1) An owner of a historical vehicle eligible
15 for registration under section 60-3,130 may use a license plate
16 or plates designed by this state in the year corresponding to the
17 model year when the vehicle was manufactured in lieu of the plates
18 designed pursuant to section 60-3,130.03 subject to the approval of
19 the department. The department shall inspect the plate or plates
20 and may approve the plate or plates if it is determined that the
21 model-year license plate or plates are legible and serviceable and
22 that the license plate numbers do not conflict with or duplicate
23 other numbers assigned and in use. An original-issued license plate
24 or plates that have been restored to original condition may be used
25 when approved by the department.

1 (2) The department may consult with a recognized car club
2 in determining whether the year of the license plate or plates
3 to be used corresponds to the model year when the vehicle was
4 manufactured.

5 (3) If only one license plate is used on the vehicle, the
6 license plate shall be placed on the rear of the vehicle. The owner
7 of a historical vehicle may use only one plate on the vehicle even
8 for years in which two license plates were issued for vehicles in
9 general.

10 (4) License plates used pursuant to this section
11 corresponding to the year of manufacture of the vehicle shall
12 not be personalized message license plates, Pearl Harbor license
13 plates, prisoner-of-war license plates, disabled veteran license
14 plates, Purple Heart license plates, amateur radio station license
15 plates, Nebraska Cornhusker Spirit Plates, collegiate spirit
16 license plates, or handicapped or disabled person license plates.

17 Sec. 9. Section 85-1920, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 85-1920 The Nebraska Scholarship Fund is created. Money
20 in the fund shall include amounts credited pursuant to section
21 6 of this act and amounts transferred from the State Lottery
22 Operation Trust Fund pursuant to section 9-812. ~~For fiscal years~~
23 ~~2003-04 and 2004-05, two million dollars shall be used to carry~~
24 ~~out the Nebraska Scholarship Act, and the remainder accruing to~~
25 ~~the Nebraska Scholarship Fund shall be transferred to the General~~

1 ~~Fund. For fiscal year 2005-06, two million five hundred thousand~~
2 ~~dollars shall be used to carry out the Nebraska Scholarship Act,~~
3 ~~and the remainder accruing to the Nebraska Scholarship Fund shall~~
4 ~~be transferred to the General Fund. For fiscal year 2006-07~~
5 ~~and each fiscal year thereafter, all amounts accruing to the~~
6 ~~Nebraska Scholarship Fund shall be used to carry out the Nebraska~~
7 ~~Scholarship Act. Any money in the fund available for investment~~
8 ~~shall be invested by the state investment officer pursuant to~~
9 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~
10 ~~Investment Act.~~

11 Sec. 10. Original section 85-1920, Reissue Revised
12 Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396,
13 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement,
14 2008, are repealed.