

E AND R AMENDMENTS TO LB 751

Introduced by Larson, 40, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 18-1739, Revised Statutes Supplement,  
4 2011, is amended to read:

5           18-1739 (1) This section applies until the implementation  
6 date designated by the Director of Motor Vehicles under section  
7 60-3,113.01.

8           (2) The handicapped or disabled parking permit to  
9 be issued pursuant to section 18-1738 or 18-1738.01 shall be  
10 constructed of a durable plastic designed to resist normal wear  
11 or fading for the term of the permit's issuance and printed so  
12 as to minimize the possibility of alteration following issuance.  
13 The permit shall be of a design, size, configuration, color,  
14 and construction and contain such information as specified in  
15 the regulations adopted by the United States Department of  
16 Transportation in the Uniform System for Parking for Persons with  
17 Disabilities, 23 C.F.R. part 1235, as such regulations existed on  
18 January 1, ~~2011~~, 2012.

19           (3) Until October 1, 2011, in addition to the  
20 requirements of subsection (2) of this section, the handicapped or  
21 disabled parking permit shall show the expiration date and such  
22 identifying information with regard to the handicapped or disabled  
23 person or temporarily handicapped or disabled person to whom it is

1 issued as is necessary to the enforcement of sections 18-1736 to  
2 18-1741.07 as determined by the Department of Motor Vehicles. The  
3 expiration date information shall be distinctively color-coded so  
4 as to identify by color the year in which the permit is due to  
5 expire.

6 (4) No handicapped or disabled parking permit shall be  
7 issued to any person or for any motor vehicle if any permit has  
8 been issued to such person or for such motor vehicle and such  
9 permit has been suspended pursuant to section 18-1741.02. At the  
10 expiration of such suspension, a permit may be renewed in the  
11 manner provided for renewal in sections 18-1738, 18-1738.01, and  
12 18-1740.

13 (5) A duplicate handicapped or disabled parking permit  
14 may be provided without cost up to two times during any single  
15 permit period if a permit is destroyed, lost, or stolen. Such  
16 duplicate permit shall be issued as provided in section 18-1738 or  
17 18-1738.01, whichever is applicable, except that a newly completed  
18 medical form need not be provided if a completed medical form  
19 submitted at the time of the most recent application for a permit  
20 or its renewal is on file with the clerk or designated county  
21 official or the Department of Motor Vehicles. A duplicate permit  
22 shall be valid for the remainder of the period for which the  
23 original permit was issued. If a person has been issued two  
24 duplicate permits under this subsection and needs another permit,  
25 such person shall reapply for a new permit under section 18-1738 or  
26 18-1738.01, whichever is applicable.

27 Sec. 2. Section 37-1283, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2           37-1283 (1) In the event of the transfer of ownership of  
3 a motorboat by operation of law as upon inheritance, devise, or  
4 bequest, order in bankruptcy, insolvency, replevin, or execution  
5 sale, (2) whenever a motorboat is sold to satisfy storage or  
6 repair charges, or (3) whenever repossession is had upon default  
7 in performance of the terms of a chattel mortgage, trust receipt,  
8 conditional sales contract, or other like agreement, the county  
9 clerk or designated county official of ~~the~~ any county ~~in which~~  
10 ~~the last certificate of title to the motorboat was issued or~~  
11 ~~the Department of Motor Vehicles,~~ if the last certificate of  
12 ~~title was issued by the department,~~ upon the surrender of the  
13 prior certificate of title or the manufacturer's or importer's  
14 certificate, or when that is not possible, upon presentation of  
15 satisfactory proof of ownership and right of possession to the  
16 motorboat, and upon payment of the fee prescribed in section  
17 37-1287 and the presentation of an application for certificate of  
18 title, may issue to the applicant a certificate of title thereto.  
19 If the prior certificate of title issued for the motorboat provided  
20 for joint ownership with right of survivorship, a new certificate  
21 of title shall be issued to a subsequent purchaser upon the  
22 assignment of the prior certificate of title by the surviving owner  
23 and presentation of satisfactory proof of death of the deceased  
24 owner. Only an affidavit by the person or agent of the person to  
25 whom possession of the motorboat has so passed, setting forth facts  
26 entitling him or her to such possession and ownership, together  
27 with a copy of the journal entry, court order, or instrument

1 upon which such claim of possession and ownership is founded  
2 shall be considered satisfactory proof of ownership and right of  
3 possession, except that if the applicant cannot produce such proof  
4 of ownership, he or she may submit to the department such evidence  
5 as he or she may have and the department may thereupon, if it  
6 finds the evidence sufficient, issue the certificate of title or  
7 authorize ~~the~~ any county clerk or designated county official to  
8 issue a certificate of title, as the case may be. If from the  
9 records ~~in the office~~ of the county clerk, the designated county  
10 official, or the department there appear to be any liens on the  
11 motorboat, the certificate of title shall comply with section  
12 37-1282 regarding the liens unless the application is accompanied  
13 by proper evidence of their satisfaction or extinction.

14           Sec. 3. Section 37-1284, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           37-1284 In the event of a lost or destroyed certificate  
17 of title, the owner of the motorboat or the holder of a lien on  
18 the motorboat shall apply, upon a form prescribed by the Department  
19 of Motor Vehicles, to ~~the~~ any county clerk or designated county  
20 official ~~of the county where the certificate of title was issued~~  
21 ~~or, if issued by the department, to the department,~~ for a certified  
22 copy of the certificate of title and shall pay the fee prescribed  
23 by section 37-1287. The application shall be signed and sworn to by  
24 the person making the application. The county clerk or designated  
25 county official, with the approval of the department, or the  
26 department shall issue a certified copy of the certificate of title  
27 to the person entitled to receive the certificate of title. If the

1 county clerk's or designated county official's records of the title  
2 have been destroyed pursuant to section 37-1279, the county clerk  
3 or designated county official shall issue a duplicate certificate  
4 of title to the person entitled to receive the certificate upon  
5 such showing as the county clerk or designated county official  
6 deems sufficient. If the applicant cannot produce such proof of  
7 ownership, he or she may apply directly to the department and  
8 submit such evidence as he or she may have, and the department may,  
9 if it finds the evidence sufficient, authorize the county clerk  
10 or designated county official to issue a duplicate certificate of  
11 title. The new purchaser shall be entitled to receive an original  
12 title upon presentation of the assigned duplicate copy of the  
13 certificate of title, properly assigned to the new purchaser, to  
14 the county clerk or designated county official as prescribed in  
15 section 37-1278. Any purchaser of the motorboat may at the time of  
16 purchase require the seller of the motorboat to indemnify him or  
17 her and all subsequent purchasers of the motorboat against any loss  
18 which he, she, or they may suffer by reason of any claim presented  
19 upon the original certificate. In the event of the recovery of  
20 the original certificate of title by the owner, he or she shall  
21 immediately surrender the certificate to the county clerk, the  
22 designated county official, or the department for cancellation.

23           Sec. 4. Section 37-1285, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           37-1285 Each owner of a motorboat and each person  
26 mentioned as owner in the last certificate of title, when the  
27 motorboat is dismantled, destroyed, or changed in such a manner

1 that it loses its character as a motorboat or changed in such a  
2 manner that it is not the motorboat described in the certificate  
3 of title, shall surrender his or her certificate of title to ~~the~~  
4 any county clerk or designated county official of the county where  
5 ~~the certificate of title was issued or, if issued by the Department~~  
6 ~~of Motor Vehicles, to the department, or to the Department of~~  
7 Motor Vehicles. If the certificate of title is surrendered to  
8 ~~the~~ a county clerk or designated county official, he or she  
9 shall, with the consent of any holders of any liens noted on the  
10 certificate, enter a cancellation upon ~~his or her~~ the records and  
11 shall notify the department of the cancellation. If the certificate  
12 is surrendered to the department, it shall, with the consent  
13 of any holder of any lien noted on the certificate, enter a  
14 cancellation upon its records. Upon cancellation of a certificate  
15 of title in the manner prescribed by this section, the county clerk  
16 or designated county official and the department may cancel and  
17 destroy all certificates and all memorandum certificates in that  
18 chain of title.

19 Sec. 5. Section 43-287, Revised Statutes Cumulative  
20 Supplement, 2010, is amended to read:

21 43-287 (1) When a juvenile is adjudged to be a juvenile  
22 described in subdivision (1), (2), (3)(b), or (4) of section  
23 43-247, the juvenile court may:

24 (a) If such juvenile ~~has one or more licenses or permits~~  
25 holds any license or permit issued under the Motor Vehicle  
26 Operator's License Act, impound any such ~~licenses or permits~~  
27 license or permit for thirty days; or

1           (b) If such juvenile does not have a permit or license  
2 issued under the Motor Vehicle Operator's License Act, prohibit  
3 such juvenile from obtaining any permit or any license pursuant to  
4 the act for which such juvenile would otherwise be eligible until  
5 thirty days after the date of such order.

6           (2) A copy of an abstract of the juvenile court's  
7 adjudication shall be transmitted to the Director of Motor Vehicles  
8 pursuant to sections 60-497.01 to 60-497.04 if a license or permit  
9 is impounded or a juvenile is prohibited from obtaining a license  
10 or permit under subsection (1) of this section. If a juvenile  
11 whose operator's license or permit has been impounded by a juvenile  
12 court operates a motor vehicle during any period that he or she  
13 is subject to the court order not to operate any motor vehicle or  
14 after a period of impoundment but before return of the license or  
15 permit, such violation shall be handled in the juvenile court and  
16 not as a violation of section 60-4,108.

17           (3) When a juvenile is adjudged to be a juvenile  
18 described in subdivision (3)(a) of section 43-247 for excessive  
19 absenteeism from school, the juvenile court may issue the parents  
20 or guardians of such juvenile a fine not to exceed five hundred  
21 dollars for each offense or order such parents or guardians  
22 to complete specified hours of community service. For community  
23 service ordered under this subsection, the juvenile court may  
24 require that all or part of the service be performed for a public  
25 school district or nonpublic school if the court finds that service  
26 in the school is appropriate under the circumstances.

27           (4) A juvenile who holds any license or permit issued

1 under the Motor Vehicle Operator's License Act and has violated  
2 subdivision (3) (b) or (c) of section 28-306, subdivision (3) (b) or  
3 (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or  
4 60-6,197.06 shall not be eligible for an ignition interlock permit.

5           Sec. 6. Section 60-105, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           60-105 Body means that portion of a vehicle which  
8 determines its shape and appearance and is attached to the frame.  
9 Body does not include the box or bed of a truck.

10           Sec. 7. Section 60-154, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           60-154 (1) (a) For each original certificate of title  
13 issued by a county for a motor vehicle or trailer, the fee shall  
14 be ten dollars. Three dollars and twenty-five cents shall be  
15 retained by the county. Four dollars shall be remitted to the State  
16 Treasurer for credit to the Department of Motor Vehicles Cash Fund.  
17 Two dollars shall be remitted to the State Treasurer for credit to  
18 the General Fund. Seventy-five cents shall be remitted to the State  
19 Treasurer for credit as follows: Twenty cents to the Motor Vehicle  
20 Fraud Cash Fund; forty-five cents to the Nebraska State Patrol  
21 Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry  
22 Licensing Fund.

23           (b) For each original certificate of title issued by  
24 a county for an all-terrain vehicle, a utility-type vehicle, or  
25 a minibike, the fee shall be ten dollars. Three dollars and  
26 twenty-five cents shall be retained by the county. Four dollars  
27 shall be remitted to the State Treasurer for credit to the



1 Department of Motor Vehicles Cash Fund. Two dollars shall be  
2 remitted to the State Treasurer for credit to the General Fund.  
3 Seventy-five cents shall be remitted to the State Treasurer for  
4 credit as follows: Twenty cents to the Motor Vehicle Fraud Cash  
5 Fund; and fifty-five cents to the Nebraska State Patrol Cash Fund.

6 (2) For each original certificate of title issued by the  
7 department for a vehicle except as provided in section 60-159.01,  
8 the fee shall be ten dollars. Four dollars shall be remitted to the  
9 State Treasurer for credit to the Department of Motor Vehicles Cash  
10 Fund. Six dollars ~~7~~ which shall be remitted to the State Treasurer  
11 for credit to the Motor Carrier Division Cash Fund.

12 Sec. 8. Section 60-166, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 60-166 (1) In the event of (a) the transfer of ownership  
15 of a vehicle by operation of law as upon inheritance, devise, or  
16 bequest, order in bankruptcy, insolvency, replevin, or execution  
17 sale or as provided in sections 30-24,125, 52-601.01 to 52-605,  
18 60-1901 to 60-1911, and 60-2401 to 60-2411, (b) the engine of a  
19 vehicle being replaced by another engine, (c) a vehicle being sold  
20 to satisfy storage or repair charges, or (d) repossession being had  
21 upon default in performance of the terms of a chattel mortgage,  
22 trust receipt, conditional sales contract, or other like agreement,  
23 the county clerk or designated county official of any county or  
24 the department, ~~if the last certificate of title was issued by~~  
25 ~~the department,~~ upon the surrender of the prior certificate of  
26 title or the manufacturer's or importer's certificate, or when  
27 that is not possible, upon presentation of satisfactory proof of

1 ownership and right of possession to such vehicle, and upon payment  
2 of the appropriate fee and the presentation of an application for  
3 certificate of title, may issue to the applicant a certificate of  
4 title thereto. If the prior certificate of title issued for such  
5 vehicle provided for joint ownership with right of survivorship, a  
6 new certificate of title shall be issued to a subsequent purchaser  
7 upon the assignment of the prior certificate of title by the  
8 surviving owner and presentation of satisfactory proof of death  
9 of the deceased owner. Only an affidavit by the person or agent  
10 of the person to whom possession of such vehicle has so passed,  
11 setting forth facts entitling him or her to such possession  
12 and ownership, together with a copy of the journal entry, court  
13 order, or instrument upon which such claim of possession and  
14 ownership is founded, shall be considered satisfactory proof of  
15 ownership and right of possession, except that if the applicant  
16 cannot produce such proof of ownership, he or she may submit  
17 to the department such evidence as he or she may have, and the  
18 department may thereupon, if it finds the evidence sufficient,  
19 issue the certificate of title or authorize ~~the~~ any county clerk or  
20 designated county official to issue a certificate of title, as the  
21 case may be.

22 (2) If from the records ~~in the office~~ of the county clerk  
23 or designated county official or the department there appear to be  
24 any liens on such vehicle, such certificate of title shall comply  
25 with section 60-164 or 60-165 regarding such liens unless the  
26 application is accompanied by proper evidence of their satisfaction  
27 or extinction.

1           Sec. 9. Section 60-168, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-168 (1) In the event of a lost or mutilated  
4 certificate of title, the owner of the vehicle or the holder  
5 of a lien on the vehicle shall apply, upon a form prescribed  
6 by the department, to the department, ~~if the certificate of~~  
7 ~~title was issued by the department,~~ or to any county clerk  
8 or designated county official for a duplicate certificate of  
9 title and shall pay the fee prescribed by section 60-156. The  
10 application shall be signed and sworn to by the person making  
11 the application or a person authorized to sign under section  
12 60-151. Thereupon the county clerk or designated county official,  
13 with the approval of the department, or the department shall  
14 issue a duplicate certificate of title to the person entitled to  
15 receive the certificate of title. If the records of the title  
16 have been destroyed pursuant to section 60-152, the county clerk  
17 or designated county official shall issue a duplicate certificate  
18 of title to the person entitled to receive the same upon such  
19 showing as the county clerk or designated county official may  
20 deem sufficient. If the applicant cannot produce such proof of  
21 ownership, he or she may apply directly to the department and  
22 submit such evidence as he or she may have, and the department may,  
23 if it finds the evidence sufficient, authorize the county clerk  
24 or designated county official to issue a duplicate certificate  
25 of title. A duplicate certificate of title so issued shall show  
26 only those unreleased liens of record. The new purchaser shall  
27 be entitled to receive an original certificate of title upon

1 presentation of the assigned duplicate copy of the certificate of  
2 title, properly assigned to the new purchaser, to the county clerk  
3 or designated county official prescribed in section 60-144.

4 (2) Any purchaser of a vehicle for which a certificate  
5 of title was lost or mutilated may at the time of purchase  
6 require the seller of the same to indemnify him or her and all  
7 subsequent purchasers of the vehicle against any loss which he,  
8 she, or they may suffer by reason of any claim presented upon  
9 the original certificate. In the event of the recovery of the  
10 original certificate of title by the owner, he or she shall  
11 forthwith surrender the same to the county clerk or designated  
12 county official or the department for cancellation.

13 Sec. 10. Section 60-169, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 60-169 (1) (a) Except as otherwise provided in subdivision  
16 (b) of this subsection, each owner of a vehicle and each person  
17 mentioned as owner in the last certificate of title, when the  
18 vehicle is dismantled, destroyed, or changed in such a manner  
19 that it loses its character as a vehicle or changed in such a  
20 manner that it is not the vehicle described in the certificate of  
21 title, shall surrender his or her certificate of title to ~~the~~ any  
22 county clerk or designated county official ~~of the county where such~~  
23 ~~certificate of title was issued or, if issued by the department,~~  
24 to the department. If the certificate of title is surrendered to  
25 ~~the~~ a county clerk or designated county official, he or she shall,  
26 with the consent of any holders of any liens noted thereon, enter  
27 a cancellation upon ~~his or her~~ the records and shall notify the

1 department of such cancellation. If the certificate is surrendered  
2 to the department, it shall, with the consent of any holder of any  
3 lien noted thereon, enter a cancellation upon its records.

4 (b) (i) In the case of a mobile home or manufactured  
5 home for which a certificate of title has been issued, if such  
6 mobile home or manufactured home is affixed to real property in  
7 which each owner of the mobile home or manufactured home has any  
8 ownership interest, the certificate of title may be surrendered for  
9 cancellation to the county clerk or designated county official of  
10 the county where such ~~certificate of title is issued or~~, if issued  
11 ~~by the department, to the department,~~ mobile home or manufactured  
12 home is affixed to real property if at the time of surrender  
13 the owner submits to the county clerk, ~~the~~ or designated county  
14 official, ~~or the department~~ an affidavit of affixture on a form  
15 provided by the department that contains all of the following, as  
16 applicable:

17 (A) The names and addresses of all of the owners of  
18 record of the mobile home or manufactured home;

19 (B) A description of the mobile home or manufactured  
20 home that includes the name of the manufacturer, the year of  
21 manufacture, the model, and the manufacturer's serial number;

22 (C) The legal description of the real property upon which  
23 the mobile home or manufactured home is affixed and the names of  
24 all of the owners of record of the real property;

25 (D) A statement that the mobile home or manufactured home  
26 is affixed to the real property;

27 (E) The written consent of each holder of a lien duly

1 noted on the certificate of title to the release of such lien and  
2 the cancellation of the certificate of title;

3 (F) A copy of the certificate of title surrendered for  
4 cancellation; and

5 (G) The name and address of an owner, a financial  
6 institution, or another entity to which notice of cancellation of  
7 the certificate of title may be delivered.

8 (ii) The person submitting an affidavit of affixture  
9 pursuant to subdivision (b)(i) of this subsection shall swear or  
10 affirm that all statements in the affidavit are true and material  
11 and further acknowledge that any false statement in the affidavit  
12 may subject the person to penalties relating to perjury under  
13 section 28-915.

14 (2) If a certificate of title of a mobile home or  
15 manufactured home is surrendered to the county clerk or designated  
16 county official, along with the affidavit required by subdivision  
17 (1)(b) of this section, he or she shall enter a cancellation upon  
18 his or her records, notify the department of such cancellation,  
19 forward a duplicate original of the affidavit to the department,  
20 and deliver a duplicate original of the executed affidavit under  
21 subdivision (1)(b) of this section to the register of deeds for the  
22 county in which the real property is located to be filed by the  
23 register of deeds. The county clerk or designated county official  
24 shall be entitled to collect fees from the person submitting the  
25 affidavit in accordance with sections 33-109 and 33-112 to cover  
26 the costs of filing such affidavit. ~~If the certificate of title is~~  
27 ~~surrendered to the department, along with the affidavit required by~~

1 ~~subdivision (1)(b) of this section, the department shall enter a~~  
2 ~~cancellation upon its records and deliver a duplicate original of~~  
3 ~~the executed affidavit under subdivision (1)(b) of this section to~~  
4 ~~the register of deeds for the county in which the real property~~  
5 ~~is located to be filed by the register of deeds. The department~~  
6 ~~shall be entitled to collect fees from the person submitting the~~  
7 ~~affidavit in accordance with sections 33-109 and 33-112 to cover~~  
8 ~~the costs of filing such affidavit. Following the cancellation of~~  
9 ~~a certificate of title for a mobile home or manufactured home,~~  
10 ~~neither the county clerk, the or designated county official, nor~~  
11 ~~the department shall not issue a certificate of title for such~~  
12 ~~mobile home or manufactured home, except as provided in subsection~~  
13 ~~(5) of this section.~~

14 (3) If a mobile home or manufactured home is affixed to  
15 real estate before June 1, 2006, a person who is the holder of a  
16 lien or security interest in both the mobile home or manufactured  
17 home and the real estate to which it is affixed on such date may  
18 enforce its liens or security interests by accepting a deed in lieu  
19 of foreclosure or in the manner provided by law for enforcing liens  
20 on the real estate.

21 (4) A mobile home or manufactured home for which the  
22 certificate of title has been canceled and for which an affidavit  
23 of affixture has been duly recorded pursuant to subsection (2) of  
24 this section shall be treated as part of the real estate upon which  
25 such mobile home or manufactured home is located. Any lien thereon  
26 shall be perfected and enforced in the same manner as a lien on  
27 real estate. The owner of such mobile home or manufactured home may

1 convey ownership of the mobile home or manufactured home only as a  
2 part of the real estate to which it is affixed.

3 (5) (a) If each owner of both the mobile home or  
4 manufactured home and the real estate described in subdivision  
5 (1) (b) of this section intends to detach the mobile home or  
6 manufactured home from the real estate, the owner shall do both of  
7 the following: (i) Before detaching the mobile home or manufactured  
8 home, record an affidavit of detachment in the office of the  
9 register of deeds in the county in which the affidavit is recorded  
10 under subdivision (1) (b) of this section; and (ii) apply for a  
11 certificate of title for the mobile home or manufactured home  
12 pursuant to section 60-147.

13 (b) The affidavit of detachment shall contain all of the  
14 following:

15 (i) The names and addresses of all of the owners of  
16 record of the mobile home or manufactured home;

17 (ii) A description of the mobile home or manufactured  
18 home that includes the name of the manufacturer, the year of  
19 manufacture, the model, and the manufacturer's serial number;

20 (iii) The legal description of the real estate from which  
21 the mobile home or manufactured home is to be detached and the  
22 names of all of the owners of record of the real estate;

23 (iv) A statement that the mobile home or manufactured  
24 home is to be detached from the real property;

25 (v) A statement that the certificate of title of the  
26 mobile home or manufactured home has previously been canceled;

27 (vi) The name of each holder of a lien of record against



1 the real estate from which the mobile home or manufactured home  
2 is to be detached, with the written consent of each holder to the  
3 detachment; and

4 (vii) The name and address of an owner, a financial  
5 institution, or another entity to which the certificate of title  
6 may be delivered.

7 (6) An owner of an affixed mobile home or manufactured  
8 home for which the certificate of title has previously been  
9 canceled pursuant to subsection (2) of this section shall not  
10 detach the mobile home or manufactured home from the real estate  
11 before a certificate of title for the mobile home or manufactured  
12 home is issued by the county clerk, designated county official,  
13 or department. If a certificate of title is issued by the county  
14 clerk, designated county official, or department, the mobile home  
15 or manufactured home is no longer considered part of the real  
16 property. Any lien thereon shall be perfected pursuant to section  
17 60-164. The owner of such mobile home or manufactured home may  
18 convey ownership of the mobile home or manufactured home only by  
19 way of a certificate of title.

20 (7) For purposes of this section:

21 (a) A mobile home or manufactured home is affixed to real  
22 estate if the wheels, towing hitches, and running gear are removed  
23 and it is permanently attached to a foundation or other support  
24 system; and

25 (b) Ownership interest means the fee simple interest in  
26 real estate or an interest as the lessee under a lease of the real  
27 property that has a term that continues for at least twenty years

1 after the recording of the affidavit under subsection (2) of this  
2 section.

3 (8) Upon cancellation of a certificate of title in the  
4 manner prescribed by this section, the county clerk or designated  
5 county official and the department may cancel and destroy all  
6 certificates and all memorandum certificates in that chain of  
7 title.

8 Sec. 11. Section 60-180, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 60-180 (1) A person who operates in this state a vehicle  
11 for which a certificate of title is required without having such  
12 certificate in accordance with the Motor Vehicle Certificate of  
13 Title Act or upon which the certificate of title has been canceled  
14 is guilty of a Class III misdemeanor.

15 (2) A person who is a dealer or acting on behalf of a  
16 dealer and who acquires, purchases, holds, or displays for sale a  
17 new vehicle without having obtained a manufacturer's or importer's  
18 certificate or a certificate of title therefor as provided for in  
19 the Motor Vehicle Certificate of Title Act is guilty of a Class III  
20 misdemeanor.

21 (3) A person who fails to surrender any certificate of  
22 title or any certificate of registration or license plates or tags  
23 upon cancellation of the same by the department and notice thereof  
24 as prescribed in the Motor Vehicle Certificate of Title Act is  
25 guilty of a Class III misdemeanor.

26 (4) A person who fails to surrender the certificate  
27 of title to the county clerk, ~~or~~ designated county official, or

1 department as provided in section 60-169 in case of the destruction  
2 or dismantling or change of a vehicle in such respect that it is  
3 not the vehicle described in the certificate of title is guilty of  
4 a Class III misdemeanor.

5 (5) A person who purports to sell or transfer a vehicle  
6 without delivering to the purchaser or transferee thereof a  
7 certificate of title or a manufacturer's or importer's certificate  
8 thereto duly assigned to such purchaser as provided in the  
9 Motor Vehicle Certificate of Title Act is guilty of a Class  
10 III misdemeanor.

11 (6) A person who knowingly alters or defaces a  
12 certificate of title or manufacturer's or importer's certificate is  
13 guilty of a Class III misdemeanor.

14 (7) Except as otherwise provided in section 60-179, a  
15 person who violates any of the other provisions of the Motor  
16 Vehicle Certificate of Title Act or any rules or regulations  
17 adopted and promulgated pursuant to the act is guilty of a Class  
18 III misdemeanor.

19 Sec. 12. Section 60-365, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 60-365 Any person purchasing a motor vehicle or trailer  
22 in this state other than from a licensed dealer in motor vehicles  
23 or trailers shall not operate or tow such motor vehicle or trailer  
24 in this state without registration except as provided in this  
25 section. Such purchaser may operate or tow such motor vehicle or  
26 trailer without registration for a period not to exceed thirty  
27 days. Upon demand of proper authorities, there shall be presented

1 by the person in charge of such motor vehicle or trailer, for  
2 examination, a ~~certificate~~ bill of sale showing the date of  
3 transfer or the certificate of title to such motor vehicle or  
4 trailer with assignment thereof duly executed. When such motor  
5 vehicle or trailer is purchased from a nonresident, the person  
6 in charge of such motor vehicle or trailer shall present upon  
7 demand proper evidence of ownership from the state where such motor  
8 vehicle or trailer was purchased.

9           Sec. 13. Section 60-3,113.04, Revised Statutes  
10 Supplement, 2011, is amended to read:

11           60-3,113.04 (1) This section applies beginning on the  
12 implementation date designated by the director under section  
13 60-3,113.01.

14           (2) A handicapped or disabled parking permit shall be of  
15 a design, size, configuration, color, and construction and contain  
16 such information as specified in the regulations adopted by the  
17 United States Department of Transportation in the Uniform System  
18 for Parking for Persons with Disabilities, 23 C.F.R. part 1235, as  
19 such regulations existed on January 1, ~~2011.~~ 2012.

20           (3) No handicapped or disabled parking permit shall be  
21 issued to any person or for any motor vehicle if any permit has  
22 been issued to such person or for such motor vehicle and such  
23 permit has been suspended pursuant to section 18-1741.02. At the  
24 expiration of such suspension, a permit may be renewed in the  
25 manner provided for renewal in sections 60-3,113.02, 60-3,113.03,  
26 and 60-3,113.05.

27           (4) A duplicate handicapped or disabled parking permit

1 may be provided up to two times during any single permit period if  
2 a permit is destroyed, lost, or stolen. Such duplicate permit shall  
3 be issued as provided in section 60-3,113.02 or 60-3,113.03,  
4 whichever is applicable, except that a new certification by  
5 a physician, a physician assistant, or an advanced practice  
6 registered nurse need not be provided. A duplicate permit shall be  
7 valid for the remainder of the period for which the original permit  
8 was issued. If a person has been issued two duplicate permits  
9 under this subsection and needs another permit, such person shall  
10 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,  
11 whichever is applicable.

12           Sec. 14. Section 60-3,193.01, Revised Statutes  
13 Supplement, 2011, is amended to read:

14           60-3,193.01 For purposes of the Motor Vehicle  
15 Registration Act, the International Registration Plan is adopted  
16 and incorporated by reference as the plan existed on January 1,  
17 ~~2011.~~ 2012.

18           Sec. 15. Section 60-3,198, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           60-3,198 (1) Any owner engaged in operating a fleet of  
21 apportionable vehicles in this state in interjurisdiction commerce  
22 may, in lieu of registration of such apportionable vehicles under  
23 the general provisions of the Motor Vehicle Registration Act,  
24 register and license such fleet for operation in this state  
25 by filing a statement and the application required by section  
26 60-3,203 with the Division of Motor Carrier Services of the  
27 department. The statement shall be in such form and contain such

1 information as the division requires, declaring the total mileage  
2 operated by such vehicles in all jurisdictions and in this state  
3 during the preceding year and describing and identifying each  
4 such apportionable vehicle to be operated in this state during  
5 the ensuing license year. Upon receipt of such statement and  
6 application, the division shall determine the total fee payment,  
7 which shall be equal to the amount of fees due pursuant to  
8 section 60-3,203 and the amount obtained by applying the formula  
9 provided in section 60-3,204 to a fee of thirty-two dollars per  
10 ton based upon gross vehicle weight of the empty weights of a  
11 truck or truck-tractor and the empty weights of any trailer or  
12 combination thereof with which it is to be operated in combination  
13 at any one time plus the weight of the maximum load to be  
14 carried thereon at any one time, and shall notify the applicant  
15 of the amount of payment required to be made. Mileage operated in  
16 noncontracting reciprocity jurisdictions by apportionable vehicles  
17 based in Nebraska shall be applied to the portion of the formula  
18 for determining the Nebraska injurisdiction fleet distance.

19 Temporary authority which permits the operation of a  
20 fleet or an addition to a fleet in this state while the application  
21 is being processed may be issued upon application to the division  
22 if necessary to complete processing of the application.

23 Upon completion of such processing and receipt of the  
24 appropriate fees, the division shall issue to the applicant a  
25 sufficient number of distinctive registration certificates which  
26 provide a list of the jurisdictions in which the apportionable  
27 vehicle has been apportioned, the weight for which registered,

1 and such other evidence of registration for display on the  
2 apportionable vehicle as the division determines appropriate for  
3 each of the apportionable vehicles of his or her fleet, identifying  
4 it as a part of an interjurisdiction fleet proportionately  
5 registered. All fees received as provided in this section shall be  
6 remitted to the State Treasurer for credit to the Motor Carrier  
7 Services Division Distributive Fund.

8           The apportionable vehicles so registered shall be exempt  
9 from all further registration and license fees under the Motor  
10 Vehicle Registration Act for movement or operation in the State of  
11 Nebraska except as provided in section 60-3,203. The proportional  
12 registration and licensing provision of this section shall apply  
13 to apportionable vehicles added to such fleets and operated in  
14 this state during the license year except with regard to permanent  
15 license plates issued under section 60-3,203.

16           The right of applicants to proportional registration  
17 under this section shall be subject to the terms and conditions  
18 of any reciprocity agreement, contract, or consent made by the  
19 division.

20           When a nonresident fleet owner has registered his or her  
21 apportionable vehicles, his or her apportionable vehicles shall  
22 be considered as fully registered for both interjurisdiction  
23 and intrajurisdiction commerce when the jurisdiction of base  
24 registration for such fleet accords the same consideration for  
25 fleets with a base registration in Nebraska. Each apportionable  
26 vehicle of a fleet registered by a resident of Nebraska shall  
27 be considered as fully registered for both interjurisdiction and

1 intrajurisdiction commerce.

2 (2) Mileage proportions for interjurisdiction fleets  
3 not operated in this state during the preceding year shall  
4 be determined by the division upon the application of the  
5 applicant on forms to be supplied by the division which shall  
6 show the operations of the preceding year in other jurisdictions  
7 and estimated operations in Nebraska or, if no operations were  
8 conducted the previous year, a full statement of the proposed  
9 method of operation.

10 (3) Any owner complying with and being granted  
11 proportional registration shall preserve the records on which the  
12 application is made for a period of three years following the  
13 current registration year. Upon request of the division, the owner  
14 shall make such records available to the division at its office for  
15 audit as to accuracy of computation and payments or pay the costs  
16 of an audit at the home office of the owner by a duly appointed  
17 representative of the division if the office where the records  
18 are maintained is not within the State of Nebraska. The division  
19 may enter into agreements with agencies of other jurisdictions  
20 administering motor vehicle registration laws for joint audits of  
21 any such owner. All payments received to cover the costs of an  
22 audit shall be remitted by the division to the State Treasurer  
23 for credit to the Motor Carrier Division Cash Fund. No deficiency  
24 shall be assessed and no claim for credit shall be allowed for  
25 any license registration year for which records on which the  
26 application was made are no longer required to be maintained.

27 (4) If the division claims that a greater amount of fee



1 is due under this section than was paid, the division shall notify  
2 the owner of the additional amount claimed to be due. The owner may  
3 accept such claim and pay the amount due, or he or she may dispute  
4 the claim and submit to the division any information which he or  
5 she may have in support of his or her position. If the dispute  
6 cannot otherwise be resolved within the division, the owner may  
7 petition for an appeal of the matter. The director shall appoint  
8 a hearing officer who shall hear the dispute and issue a written  
9 decision. Any appeal shall be in accordance with the Administrative  
10 Procedure Act. Upon expiration of the time for perfecting an appeal  
11 if no appeal is taken or upon final judicial determination if an  
12 appeal is taken, the division shall deny the owner the right to  
13 further registration for a fleet license until the amount finally  
14 determined to be due, together with any costs assessed against the  
15 owner, has been paid.

16 (5) Every applicant who licenses any apportionable  
17 vehicles under this section and section 60-3,203 shall have his  
18 or her registration certificates issued only after all fees under  
19 such sections are paid and, if applicable, proof has been furnished  
20 of payment, in the form prescribed by the director as directed by  
21 the United States Secretary of the Treasury, of the federal heavy  
22 vehicle use tax imposed by 26 U.S.C. 4481 of the Internal Revenue  
23 Code as defined in section 49-801.01.

24 (6) (a) In the event of the transfer of ownership of  
25 any registered apportionable vehicle, (b) in the case of loss  
26 of possession because of fire, theft, or wrecking, junking, or  
27 dismantling of any registered apportionable vehicle, (c) when a

1 salvage branded certificate of title is issued for any registered  
2 apportionable vehicle, (d) whenever a type or class of registered  
3 apportioned vehicle is subsequently declared by legislative act or  
4 court decision to be illegal or ineligible to be operated or towed  
5 on the public roads and no longer subject to registration fees and  
6 taxes, (e) upon trade-in or surrender of a registered apportionable  
7 vehicle under a lease, or (f) in case of a change in the situs of  
8 a registered apportionable vehicle to a location outside of this  
9 state, its registration shall expire, except that if the registered  
10 owner or lessee applies to the division after such transfer or loss  
11 of possession and accompanies the application with a fee of one  
12 dollar and fifty cents, he or she may have any remaining credit of  
13 vehicle fees and taxes from the previously registered apportionable  
14 vehicle applied toward payment of any vehicle fees and taxes due  
15 and owing on another registered apportionable vehicle. If such  
16 registered apportionable vehicle has a greater gross vehicle weight  
17 than that of the previously registered apportionable vehicle, the  
18 registered owner or lessee of the registered apportionable vehicle  
19 shall additionally pay only the registration fee for the increased  
20 gross vehicle weight for the remaining months of the registration  
21 year based on the factors determined by the division in the  
22 original fleet application.

23 (7) Whenever a Nebraska-based fleet owner files an  
24 application with the division to delete a registered apportionable  
25 vehicle from a fleet of registered apportionable vehicles (a)  
26 because of a transfer of ownership of the registered apportionable  
27 vehicle, (b) because of loss of possession due to fire, theft, or

1 wrecking, junking, or dismantling of the registered apportionable  
2 vehicle, (c) because a salvage branded certificate of title is  
3 issued for the registered apportionable vehicle, (d) because a type  
4 or class of registered apportioned vehicle is subsequently declared  
5 by legislative act or court decision to be illegal or ineligible to  
6 be operated or towed on the public roads and no longer subject to  
7 registration fees and taxes, (e) because of a trade-in or surrender  
8 of the registered apportionable vehicle under a lease, or (f)  
9 because of a change in the situs of the registered apportionable  
10 vehicle to a location outside of this state, the registered owner  
11 may, by returning the registration certificate or certificates  
12 and such other evidence of registration used by the division or,  
13 if such certificate or certificates or such other evidence of  
14 registration is unavailable, then by making an affidavit to the  
15 division of such transfer or loss, receive a refund of that portion  
16 of the unused registration fee based upon the number of unexpired  
17 months remaining in the registration year from the date of transfer  
18 or loss. No refund shall be allowed for any fees paid under section  
19 60-3,203. When such apportionable vehicle is transferred or lost  
20 within the same month as acquired, no refund shall be allowed for  
21 such month. Such refund may be in the form of a credit against any  
22 registration fees that have been incurred or are, at the time of  
23 the refund, being incurred by the registered apportionable vehicle  
24 owner. The Nebraska-based fleet owner shall make a claim for a  
25 refund under this subsection within the registration period or  
26 shall be deemed to have forfeited his or her right to the refund.

27 (8) Whenever a Nebraska-based fleet owner files an

1 application with the division to delete a registered apportionable  
2 vehicle from a fleet of registered apportionable vehicles because  
3 the apportionable vehicle is disabled and has been removed from  
4 service, the registered owner may, by returning the registration  
5 certificate or certificates and such other evidence of registration  
6 used by the division or, in the case of the unavailability of such  
7 certificate or certificates or such other evidence of registration,  
8 then by making an affidavit to the division of such disablement  
9 and removal from service, receive a credit for that portion  
10 of the unused registration fee deposited in the Highway Trust  
11 Fund based upon the number of unexpired months remaining in the  
12 registration year. No credit shall be allowed for any fees paid  
13 under section 60-3,203. When such apportionable vehicle is removed  
14 from service within the same month in which it was registered,  
15 no credit shall be allowed for such month. Such credit may be  
16 applied against registration fees for new or replacement vehicles  
17 incurred within one year after cancellation of registration of  
18 the apportionable vehicle for which the credit was allowed. When  
19 any such apportionable vehicle is reregistered within the same  
20 registration year in which its registration has been canceled,  
21 the fee shall be that portion of the registration fee provided  
22 to be deposited in the Highway Trust Fund for the remainder of  
23 the registration year. The Nebraska-based fleet owner shall make a  
24 claim for a credit under this subsection within the registration  
25 period or shall be deemed to have forfeited his or her right to the  
26 credit.

27 (9) In case of addition to the registered fleet during

1 the registration year, the owner engaged in operating the fleet  
2 shall pay the proportionate registration fee from the date the  
3 vehicle was placed into service or, if the vehicle was previously  
4 registered, ~~outside of Nebraska,~~ the date the prior registration  
5 expired or the date Nebraska became the base jurisdiction for  
6 the fleet, whichever is first, for the remaining balance of the  
7 registration year. The fee for any permanent license plate issued  
8 for such addition pursuant to section 60-3,203 shall be the full  
9 fee required by such section, regardless of the number of months  
10 remaining in the license year.

11 (10) In lieu of registration under subsections (1)  
12 through (9) of this section, the title holder of record may  
13 apply to the division for special registration, to be known as an  
14 unladen-weight registration, for any commercial motor vehicle or  
15 combination of vehicles. Such registration shall be valid only for  
16 a period of thirty days and shall give no authority to operate the  
17 vehicle except when empty. The fee for such registration shall be  
18 twenty dollars for each vehicle, which fee shall be remitted to the  
19 State Treasurer for credit to the Highway Trust Fund. The issuance  
20 of such permits shall be governed by section 60-3,179.

21 (11) Any person may, in lieu of registration under  
22 subsections (1) through (9) of this section or for other  
23 jurisdictions as approved by the director, purchase a trip  
24 permit for any nonresident truck, truck-tractor, bus, or truck  
25 or truck-tractor combination. Such permit shall be valid for a  
26 period of seventy-two hours. The fee for such permit shall be  
27 twenty-five dollars for each truck, truck-tractor, bus, or truck

1 or truck-tractor combination. Such permit shall be available at  
2 weighing stations operated by the carrier enforcement division and  
3 at various vendor stations as determined appropriate by the carrier  
4 enforcement division. The carrier enforcement division shall act as  
5 an agent for the Division of Motor Carrier Services in collecting  
6 such fees and shall remit all such fees collected to the State  
7 Treasurer for credit to the Highway Cash Fund. Trip permits shall  
8 be obtained at the first available location whether that is a  
9 weighing station or a vendor station. The vendor stations shall be  
10 entitled to collect and retain an additional fee of ten percent of  
11 the fee collected pursuant to this subsection as reimbursement for  
12 the clerical work of issuing the permits.

13 Sec. 16. Section 60-3,205, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 60-3,205 (1) (a) The director may suspend, revoke, cancel,  
16 or refuse to issue or renew a registration certificate under the  
17 International Registration Plan Act:

18 (i) If the applicant or certificate holder has had his or  
19 her license issued under the International Fuel Tax Agreement Act  
20 revoked or the director refused to issue or refused to renew such  
21 license; or

22 (ii) If the applicant or certificate holder is in  
23 violation of sections 75-392 to 75-399.

24 (b) Prior to taking action under this section, the  
25 director shall notify and advise the applicant or certificate  
26 holder of the proposed action and the reasons for such action in  
27 writing, by ~~registered or certified~~ regular United States mail, to

1 his or her last-known business address as shown on the application  
2 for the certificate or renewal. The notice shall also include an  
3 advisement of the procedures in subdivision (c) of this subsection.

4 (c) The applicant or certificate holder may, within  
5 thirty days after the date of the mailing of the notice,  
6 petition the director for a hearing to contest the proposed  
7 action. The hearing shall be commenced in accordance with the rules  
8 and regulations adopted and promulgated by the department. If a  
9 petition is filed, the director shall, within twenty days after  
10 receipt of the petition, set a hearing date at which the applicant  
11 or certificate holder may show cause why the proposed action should  
12 not be taken. The director shall give the applicant or certificate  
13 holder reasonable notice of the time and place of the hearing. If  
14 the director's decision is adverse to the applicant or certificate  
15 holder, the applicant or certificate holder may appeal the decision  
16 in accordance with the Administrative Procedure Act.

17 (d) Except as provided in subsections (2) and (3) of this  
18 section, the filing of the petition shall stay any action by the  
19 director until a hearing is held and a final decision and order is  
20 issued.

21 (e) Except as provided in subsections (2) and (3) of this  
22 section, if no petition is filed at the expiration of thirty days  
23 after the date on which the notification was mailed, the director  
24 may take the proposed action described in the notice.

25 (f) If, in the judgment of the director, the applicant or  
26 certificate holder has complied with or is no longer in violation  
27 of the provisions for which the director took action under this

1 subsection, the director may reinstate the registration certificate  
2 without delay.

3 (2) (a) The director may suspend, revoke, cancel, or  
4 refuse to issue or renew a registration certificate under the  
5 International Registration Plan Act or a license under the  
6 International Fuel Tax Agreement Act if the applicant, licensee, or  
7 certificate holder has issued to the department a check or draft  
8 which has been returned because of insufficient funds, no funds, or  
9 a stop-payment order. The director may take such action no sooner  
10 than seven days after the written notice required in subdivision  
11 (1) (b) of this section has been provided. Any petition to contest  
12 such action filed pursuant to subdivision (1) (c) of this section  
13 shall not stay such action of the director.

14 (b) If the director takes an action pursuant to  
15 this subsection, the director shall reinstate the registration  
16 certificate or license without delay upon the payment of certified  
17 funds by the applicant, licensee, or certificate holder for  
18 any fees due and reasonable administrative costs, not to exceed  
19 twenty-five dollars, incurred in taking such action.

20 (c) The rules, regulations, and orders of the director  
21 and the department that pertain to hearings commenced in accordance  
22 with this section and that are in effect prior to March 17,  
23 2006, shall remain in effect, unless changed or eliminated by the  
24 director or the department, except for those portions involving a  
25 stay upon the filing of a petition to contest any action taken  
26 pursuant to this subsection, in which case this subsection shall  
27 supersede those provisions.



1           (3) Any person who receives notice from the director  
2 of action taken pursuant to subsection (1) or (2) of this  
3 section shall, within three business days, return such registration  
4 certificate and license plates to the department as provided in  
5 this section. If any person fails to return the registration  
6 certificate and license plates to the department, the department  
7 shall notify the Nebraska State Patrol that any such person is in  
8 violation of this section.

9           Sec. 17. Section 60-462.01, Revised Statutes Supplement,  
10 2011, is amended to read:

11           60-462.01 For purposes of the Motor Vehicle Operator's  
12 License Act, the following federal regulations are adopted as  
13 Nebraska law as they existed on January 1, ~~2011~~ 2012:

14           The parts, subparts, and sections of Title 49 of the  
15 Code of Federal Regulations, as referenced in the Motor Vehicle  
16 Operator's License Act.

17           Sec. 18. Section 60-479.01, Revised Statutes Supplement,  
18 2011, is amended to read:

19           60-479.01 (1) All persons handling source documents or  
20 engaged in the issuance of new, renewed, or reissued operators'  
21 licenses or state identification cards shall have periodic  
22 fraudulent document recognition training.

23           (2) This subsection applies beginning on an  
24 implementation date designated by the director on or before  
25 January 1, 2014. All persons and agents of the department involved  
26 in the recording of verified application information or verified  
27 operator's license and state identification card information,

1 involved in the manufacture or production of licenses or cards,  
2 or who have the ability to affect information on such licenses or  
3 cards shall be subject to a criminal history record information  
4 check, including a check of prior employment references, and a  
5 lawful status check as required by 6 C.F.R. part 37, as such part  
6 existed on January 1, 2012. Such persons and agents shall provide  
7 fingerprints which shall be submitted to the Federal Bureau of  
8 Investigation. The bureau shall use its records for the criminal  
9 history record information check.

10 (3) Upon receipt of a request pursuant to subsection  
11 (2) of this section, the Nebraska State Patrol shall undertake a  
12 search for criminal history record information relating to such  
13 applicant, including transmittal of the applicant's fingerprints to  
14 the Federal Bureau of Investigation for a national criminal history  
15 record information check. The criminal history record information  
16 check shall include information concerning the applicant from  
17 federal repositories of such information and repositories of such  
18 information in other states, if authorized by federal law. The  
19 Nebraska State Patrol shall issue a report to the employing public  
20 agency that shall include the criminal history record information  
21 concerning the applicant. The cost of any background check shall be  
22 borne by the employer of the person or agent.

23 (4) Any person convicted of any disqualifying offense as  
24 provided in 6 C.F.R. part 37, as such part existed on January 1,  
25 2011, 2012, shall not be involved in the recording of verified  
26 application information or verified operator's license and state  
27 identification card information, involved in the manufacture or

1 production of licenses or cards, or involved in any capacity in  
2 which such person would have the ability to affect information on  
3 such licenses or cards. Any employee or prospective employee of the  
4 department shall be provided notice that he or she will undergo  
5 such criminal history record information check prior to employment  
6 or prior to any involvement with the issuance of operators'  
7 licenses or state identification cards.

8           Sec. 19. Section 60-486, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           60-486 (1) No person shall be licensed to operate a motor  
11 vehicle by the State of Nebraska if such person has an operator's  
12 license currently under suspension or revocation in this state or  
13 any other state or jurisdiction in the United States.

14           (2) If a license is issued to a person while his or  
15 her operator's license was suspended or revoked in this state  
16 or any other state or jurisdiction, the Department of Motor  
17 Vehicles may cancel the license upon forty-five days' written  
18 notice by ~~registered or certified~~ regular United States mail to the  
19 licensee's last-known address. The cancellation may be appealed as  
20 provided in section 60-4,105.

21           (3) When such a person presents to the department an  
22 official notice from the state or jurisdiction that suspended or  
23 revoked his or her motor vehicle operator's license that such  
24 suspension or revocation has been terminated, he or she may then be  
25 licensed to operate a motor vehicle by the State of Nebraska.

26           Sec. 20. Section 60-498.01, Revised Statutes Supplement,  
27 2011, is amended to read:

1                   60-498.01 (1) Because persons who drive while under the  
2 influence of alcohol present a hazard to the health and safety of  
3 all persons using the highways, a procedure is needed for the swift  
4 and certain revocation of the operator's license of any person who  
5 has shown himself or herself to be a health and safety hazard (a)  
6 by driving with an excessive concentration of alcohol in his or her  
7 body or (b) by driving while under the influence of alcohol.

8                   (2) If a person arrested as described in subsection (2)  
9 of section 60-6,197 refuses to submit to the chemical test of  
10 blood, breath, or urine required by section 60-6,197, the test  
11 shall not be given except as provided in section 60-6,210 for the  
12 purpose of medical treatment and the arresting peace officer, as  
13 agent for the director, shall verbally serve notice to the arrested  
14 person of the intention to immediately confiscate and revoke the  
15 operator's license of such person and that the revocation will  
16 be automatic fifteen days after the date of arrest. The arresting  
17 peace officer shall within ten days forward to the director a sworn  
18 report stating (a) that the person was arrested as described in  
19 subsection (2) of section 60-6,197 and the reasons for such arrest,  
20 (b) that the person was requested to submit to the required test,  
21 and (c) that the person refused to submit to the required test. The  
22 director may accept a sworn report submitted electronically.

23                   (3) If a person arrested as described in subsection (2)  
24 of section 60-6,197 submits to the chemical test of blood or breath  
25 required by section 60-6,197, the test discloses the presence of  
26 alcohol in any of the concentrations specified in section 60-6,196,  
27 and the test results are available to the arresting peace officer

1 while the arrested person is still in custody, the arresting peace  
2 officer, as agent for the director, shall verbally serve notice  
3 to the arrested person of the intention to immediately confiscate  
4 and revoke the operator's license of such person and that the  
5 revocation will be automatic fifteen days after the date of arrest.  
6 The arresting peace officer shall within ten days forward to the  
7 director a sworn report stating (a) that the person was arrested  
8 as described in subsection (2) of section 60-6,197 and the reasons  
9 for such arrest, (b) that the person was requested to submit to  
10 the required test, and (c) that the person submitted to a test,  
11 the type of test to which he or she submitted, and that such test  
12 revealed the presence of alcohol in a concentration specified in  
13 section 60-6,196. The director may accept a sworn report submitted  
14 electronically.

15 (4) On behalf of the director, the arresting peace  
16 officer submitting a sworn report under subsection (2) or (3) of  
17 this section shall serve notice of the revocation on the arrested  
18 person, and the revocation shall be effective fifteen days after  
19 the date of arrest. The notice of revocation shall contain a  
20 statement explaining the operation of the administrative license  
21 revocation procedure. The peace officer shall also provide to the  
22 arrested person information prepared and approved by the director  
23 describing how to request an administrative license revocation  
24 hearing or apply for an ignition interlock permit from the  
25 department. A petition for an administrative license revocation  
26 hearing must be completed and delivered to the department or  
27 postmarked within ten days after the person's arrest or the

1 person's right to an administrative license revocation hearing  
2 to contest the revocation will be foreclosed. The director shall  
3 prepare and approve the information form, the application for an  
4 ignition interlock permit, and the notice of revocation and shall  
5 provide them to law enforcement agencies.

6           If the person has an operator's license, the arresting  
7 peace officer shall take possession of the license and issue  
8 a temporary operator's license valid for fifteen days. The  
9 arresting peace officer shall forward the operator's license to  
10 the department along with the sworn report made under subsection  
11 (2) or (3) of this section.

12           (5)(a) If the results of a chemical test indicate the  
13 presence of alcohol in a concentration specified in section  
14 60-6,196, the results are not available to the arresting peace  
15 officer while the arrested person is in custody, and the notice  
16 of revocation has not been served as required by subsection (4)  
17 of this section, the peace officer shall forward to the director  
18 a sworn report containing the information prescribed by subsection  
19 (3) of this section within ten days after receipt of the results of  
20 the chemical test. If the sworn report is not received within ten  
21 days, the revocation shall not take effect. The director may accept  
22 a sworn report submitted electronically.

23           (b) Upon receipt of the report, the director shall  
24 serve the notice of revocation on the arrested person by mail  
25 to the address appearing on the records of the director. If the  
26 address on the director's records differs from the address on  
27 the arresting peace officer's report, the notice shall be sent to

1 both addresses. The notice of revocation shall contain a statement  
2 explaining the operation of the administrative license revocation  
3 procedure. The director shall also provide to the arrested person  
4 information prepared and approved by the director describing how  
5 to request an administrative license revocation hearing and an  
6 application for an ignition interlock permit. A petition for an  
7 administrative license revocation hearing must be completed and  
8 delivered to the department or postmarked within ten days after the  
9 mailing of the notice of revocation or the person's right to an  
10 administrative license revocation hearing to contest the revocation  
11 will be foreclosed. The director shall prepare and approve the  
12 ignition interlock permit application and the notice of revocation.  
13 The revocation shall be effective fifteen days after the date of  
14 mailing.

15 (c) If the records of the director indicate that the  
16 arrested person possesses an operator's license, the director  
17 shall include with the notice of revocation a temporary operator's  
18 license which expires fifteen days after the date of mailing. Any  
19 arrested person who desires an administrative license revocation  
20 hearing and has been served a notice of revocation pursuant to  
21 this subsection shall return his or her operator's license with  
22 the petition requesting the hearing. If the operator's license is  
23 not included with the petition requesting the hearing, the director  
24 shall deny the petition.

25 (6) (a) An arrested person's operator's license  
26 confiscated pursuant to subsection (4) of this section shall be  
27 automatically revoked upon the expiration of fifteen days after

1 the date of arrest, and the petition requesting the hearing shall  
2 be completed and delivered to the department or postmarked within  
3 ten days after the person's arrest. An arrested person's operator's  
4 license confiscated pursuant to subsection (5) of this section  
5 shall be automatically revoked upon the expiration of fifteen days  
6 after the date of mailing of the notice of revocation by the  
7 director, and the arrested person shall postmark or return to the  
8 director a petition within ten days after the mailing of the notice  
9 of revocation if the arrested person desires an administrative  
10 license revocation hearing. The petition shall be in writing  
11 and shall state the grounds on which the person is relying to  
12 prevent the revocation from becoming effective. The hearing and any  
13 prehearing conference may be conducted in person or by telephone,  
14 television, or other electronic means at the discretion of the  
15 director, and all parties may participate by such means at the  
16 discretion of the director.

17 (b) The director shall conduct the hearing within twenty  
18 days after a petition is received by the director. Upon receipt of  
19 a petition, the director shall notify the petitioner of the date  
20 and location for the hearing by mail postmarked at least seven  
21 days prior to the hearing date. The filing of the petition shall  
22 not prevent the automatic revocation of the petitioner's operator's  
23 license at the expiration of the fifteen-day period. A continuance  
24 of the hearing to a date beyond the expiration of the temporary  
25 operator's license shall stay the expiration of the temporary  
26 license when the request for continuance is made by the director.

27 (c) At hearing the issues under dispute shall be limited



1 to:

2 (i) In the case of a refusal to submit to a chemical test  
3 of blood, breath, or urine:

4 (A) Did the peace officer have probable cause to believe  
5 the person was operating or in the actual physical control of a  
6 motor vehicle in violation of section 60-6,196 or a city or village  
7 ordinance enacted in conformance with such section; and

8 (B) Did the person refuse to submit to or fail to  
9 complete a chemical test after being requested to do so by the  
10 peace officer; or

11 (ii) If the chemical test discloses the presence of  
12 alcohol in a concentration specified in section 60-6,196:

13 (A) Did the peace officer have probable cause to believe  
14 the person was operating or in the actual physical control of a  
15 motor vehicle in violation of section 60-6,196 or a city or village  
16 ordinance enacted in conformance with such section; and

17 (B) Was the person operating or in the actual physical  
18 control of a motor vehicle while having an alcohol concentration in  
19 violation of subsection (1) of section 60-6,196.

20 (7) (a) Any arrested person who submits an application  
21 for an ignition interlock permit in lieu of a petition for an  
22 administrative license revocation hearing regarding the revocation  
23 of his or her operator's license pursuant to this section shall  
24 complete the application for an ignition interlock permit in which  
25 such person acknowledges that he or she understands that he or  
26 she will have his or her license administratively revoked pursuant  
27 to this section, that he or she waives his or her right to a

1 hearing to contest the revocation, and that he or she understands  
2 that he or she is required to have an ignition interlock permit in  
3 order to operate a motor vehicle for the period of the revocation  
4 and shall include sufficient evidence that an ignition interlock  
5 device is installed on one or more vehicles that will be operated  
6 by the arrested person. Upon the arrested person's completion of  
7 the ignition interlock permit application process, the department  
8 shall issue the person an ignition interlock permit, subject to any  
9 applicable requirements and any applicable no-drive period if the  
10 person is otherwise eligible.

11 (b) An arrested person who is issued an ignition  
12 interlock permit pursuant to this section shall receive day-for-day  
13 credit for the period he or she has a valid ignition interlock  
14 permit against the license revocation period imposed by the court  
15 arising from the same incident.

16 (c) If a person files a completed application for an  
17 ignition interlock permit, the person waives his or her right to  
18 contest the revocation of his or her operator's license.

19 (8) Any person who has not petitioned for an  
20 administrative license revocation hearing and is subject to an  
21 administrative license revocation may immediately apply for an  
22 ignition interlock permit to use during the applicable period of  
23 revocation set forth in section 60-498.02, subject to the following  
24 additional restrictions:

25 (a) If such person submitted to a chemical test which  
26 disclosed the presence of a concentration of alcohol in violation  
27 of section 60-6,196 and has no prior administrative license

1 revocations on which final orders have been issued during the  
2 immediately preceding fifteen-year period at the time the order  
3 of revocation is issued, the ignition interlock permit will be  
4 immediately available fifteen days after the date of arrest or the  
5 date notice of revocation was provided to the arrested person, as  
6 long as he or she is otherwise eligible for an ignition interlock  
7 permit, upon completion of an application process for an ignition  
8 interlock permit;

9 (b) If such person submitted to a chemical test which  
10 disclosed the presence of a concentration of alcohol in violation  
11 of section 60-6,196 and has one or more prior administrative  
12 license revocations on which final orders have been issued during  
13 the immediately preceding fifteen-year period at the time the order  
14 of revocation is issued, the ignition interlock permit will be  
15 available beginning fifteen days after the date of arrest or the  
16 date notice of revocation was provided to the arrested person  
17 plus forty-five additional days of no driving, as long as he or  
18 she is otherwise eligible for an ignition interlock permit, upon  
19 completion of an application process for an ignition interlock  
20 permit;

21 (c) If such person refused to submit to a chemical  
22 test of blood, breath, or urine as required by section 60-6,197,  
23 the ignition interlock permit will be available beginning fifteen  
24 days after the date of arrest plus ninety additional days of no  
25 driving, as long as he or she is otherwise eligible for an ignition  
26 interlock permit, upon completion of an application process for an  
27 ignition interlock permit; and

1           (d) Any person who petitions for an administrative  
2 license revocation hearing shall not be eligible for an ignition  
3 interlock permit unless ordered by the court at the time of  
4 sentencing for the related criminal proceeding.

5           (9) The director shall adopt and promulgate rules and  
6 regulations to govern the conduct of the administrative license  
7 revocation hearing and insure that the hearing will proceed in  
8 an orderly manner. The director may appoint a hearing officer to  
9 preside at the hearing, administer oaths, examine witnesses, take  
10 testimony, and report to the director. Any motion for discovery  
11 filed by the petitioner shall entitle the prosecutor to receive  
12 full statutory discovery from the petitioner upon a prosecutor's  
13 request to the relevant court pursuant to section 29-1912 in  
14 any criminal proceeding arising from the same arrest. A copy  
15 of the motion for discovery shall be filed with the department  
16 and a copy provided to the prosecutor in the jurisdiction in  
17 which the petitioner was arrested. Incomplete discovery shall not  
18 stay the hearing unless the petitioner requests a continuance.  
19 All proceedings before the hearing officer shall be recorded.  
20 Upon receipt of the arresting peace officer's sworn report, the  
21 director's order of revocation has prima facie validity and it  
22 becomes the petitioner's burden to establish by a preponderance of  
23 the evidence grounds upon which the operator's license revocation  
24 should not take effect. The director shall make a determination  
25 of the issue within seven days after the conclusion of the  
26 hearing. A person whose operator's license is revoked following a  
27 hearing requested pursuant to this section may appeal the order of

1 revocation as provided in section 60-498.04.

2 (10) Any person who tampers with or circumvents an  
3 ignition interlock device installed pursuant to sections 60-498.01  
4 to 60-498.04 or who operates a motor vehicle not equipped with  
5 a functioning ignition interlock device required pursuant to such  
6 sections or otherwise is in violation of the purposes for operation  
7 indicated on the ignition interlock permit under such sections  
8 shall, in addition to any possible criminal charges, have his or  
9 her revocation period and ignition interlock permit extended for  
10 six months beyond the end of the original revocation period.

11 (11) A person under the age of eighteen years who holds  
12 any license or permit issued under the Motor Vehicle Operator's  
13 License Act and has violated subdivision (3) (b) or (c) of section  
14 28-306, subdivision (3) (b) or (c) of section 28-394, or section  
15 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible  
16 for an ignition interlock permit.

17 Sec. 21. Section 60-498.02, Revised Statutes Supplement,  
18 2011, is amended to read:

19 60-498.02 (1) At the expiration of fifteen days after the  
20 date of arrest as described in subsection (2) of section 60-6,197  
21 or if after a hearing pursuant to section 60-498.01 the director  
22 finds that the operator's license should be revoked, the director  
23 shall (a) revoke the operator's license of a person arrested for  
24 refusal to submit to a chemical test of blood, breath, or urine  
25 as required by section 60-6,197 for a period of one year and  
26 (b) revoke the operator's license of a person who submits to a  
27 chemical test pursuant to such section which discloses the presence

1 of a concentration of alcohol specified in section 60-6,196 for  
2 a period of one hundred eighty days unless the person's driving  
3 record abstract maintained in the department's computerized records  
4 shows one or more prior administrative license revocations on which  
5 final orders have been issued during the immediately preceding  
6 fifteen-year period at the time the order of revocation is issued,  
7 in which case the period of revocation shall be one year. Except  
8 as otherwise provided in section 60-6,211.05, a new operator's  
9 license shall not be issued to such person until the period of  
10 revocation has elapsed. If the person subject to the revocation is  
11 a nonresident of this state, the director shall revoke only the  
12 nonresident's operating privilege as defined in section 60-474 of  
13 such person and shall immediately forward the operator's license  
14 and a statement of the order of revocation to the person's state  
15 of residence.

16 (2) A person operating a motor vehicle under an ignition  
17 interlock permit issued pursuant to sections 60-498.01 to 60-498.04  
18 who has no previous convictions under section 60-6,196, 60-6,197,  
19 or 60-6,197.06 and no previous administrative license revocation  
20 shall only operate the motor vehicle to and from his or her  
21 residence for purposes of his or her employment, his or her school,  
22 a substance abuse treatment program, his or her parole or probation  
23 officer, his or her continuing health care or the continuing health  
24 care of another person who is dependent upon the person, his or her  
25 court-ordered community service responsibilities, or an ignition  
26 interlock service facility. A person operating a motor vehicle  
27 under an ignition interlock permit issued pursuant to sections

1 60-498.01 to 60-498.04 who has a previous conviction under section  
2 60-6,196, 60-6,197, or 60-6,197.06 or a previous administrative  
3 license revocation shall only operate the motor vehicle equipped  
4 with an ignition interlock device to and from his or her residence,  
5 ~~for purposes of~~ his or her place of employment, his or her school,  
6 ~~or~~ a substance abuse treatment program, or an ignition interlock  
7 service facility. Such permit shall indicate for which purposes the  
8 permit may be used. All permits issued pursuant to this subsection  
9 shall indicate that the permit is not valid for the operation of  
10 any commercial motor vehicle.

11 (3) A person may have his or her eligibility for a  
12 license reinstated upon payment of a reinstatement fee as required  
13 by section 60-694.01.

14 (4) (a) A person whose operator's license is subject to  
15 revocation pursuant to subsection (3) of section 60-498.01 shall  
16 have all proceedings dismissed or his or her operator's license  
17 immediately reinstated without payment of the reinstatement fee  
18 upon receipt of suitable evidence by the director that:

19 (i) The prosecuting attorney responsible for the matter  
20 declined to file a complaint alleging a violation of section  
21 60-6,196;

22 (ii) The defendant, after trial, was found not guilty  
23 of violating section 60-6,196 or such charge was dismissed on the  
24 merits by the court; or

25 (iii) In the criminal action on the charge of a violation  
26 of section 60-6,196 arising from the same incident, the court held  
27 one of the following:

1           (A) The peace officer did not have probable cause to  
2 believe the person was operating or in the actual physical control  
3 of a motor vehicle in violation of section 60-6,196 or a city or  
4 village ordinance enacted in conformance with such section; or

5           (B) The person was not operating or in the actual  
6 physical control of a motor vehicle while having an alcohol  
7 concentration in violation of section 60-6,196 or a city or village  
8 ordinance enacted in conformance with such section.

9           (b) The director shall adopt and promulgate rules and  
10 regulations establishing standards for the presentation of suitable  
11 evidence of compliance with subdivision (a) of this subsection.

12           (c) If a criminal charge is filed or refiled for a  
13 violation of section 60-6,196 pursuant to an arrest for which all  
14 administrative license revocation proceedings were dismissed under  
15 this subsection, the director, upon notification or discovery,  
16 may reinstate an administrative license revocation under this  
17 section as of the date that the director receives notification of  
18 the filing or refiling of the charge, except that a revocation  
19 shall not be reinstated if it was dismissed pursuant to section  
20 60-498.01.

21           Sec. 22. Section 60-4,100, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           60-4,100 (1) The director shall suspend the operator's  
24 license of any resident of this state:

25           (a) Who has violated a promise to comply with the terms  
26 of a traffic citation issued by a law enforcement officer for a  
27 moving violation in any jurisdiction outside this state pursuant



1 to the Nonresident Violator Compact of 1977 until satisfactory  
2 evidence of compliance with the terms of the citation has been  
3 furnished to the director; or

4 (b) Who has violated a promise to comply with the terms  
5 of a traffic citation issued by a law enforcement officer for  
6 a moving violation in any jurisdiction inside this state until  
7 satisfactory evidence of compliance with the terms of the citation  
8 has been furnished to the director.

9 (2) The court having jurisdiction over the offense for  
10 which the citation has been issued shall notify the director of a  
11 violation of a promise to comply with the terms of the citation  
12 only after twenty working days have elapsed from the date of the  
13 failure to comply.

14 (3) Upon notice to the director that a resident has  
15 violated a promise to comply with the terms of a traffic citation  
16 as provided in this section, the director shall not suspend such  
17 resident's license until he or she has sent written notice to such  
18 resident by first-class mail to the person's last-known mailing  
19 address or, if such address is unknown, to the last-known residence  
20 address of such person as shown by the records of the Department  
21 of Motor Vehicles. Such notice shall state that such resident has  
22 twenty working days after the date of the notice to show the  
23 director that the resident has complied with the terms of such  
24 traffic citation. No suspension shall be entered by the director  
25 if the resident complies with the terms of a citation during such  
26 twenty working days. If the resident fails to comply on or before  
27 twenty working days after the date of notice, the director shall

1 summarily suspend the operator's license and issue an order. The  
2 order shall be sent by ~~registered or certified~~ regular United  
3 States mail to the person's last-known mailing address as shown by  
4 the records of the department.

5 (4) The reinstatement fee required under section  
6 60-4,100.01 shall be waived if five years have passed since  
7 issuance of the license suspension order under this section.

8 Sec. 23. Section 60-4,114, Revised Statutes Supplement,  
9 2011, is amended to read:

10 60-4,114 (1) The county treasurer may employ such  
11 additional clerical help as may be necessary to assist him or her  
12 in the performance of the ministerial duties required of him or  
13 her under the Motor Vehicle Operator's License Act and, for such  
14 additional expense, shall be reimbursed as set out in section  
15 60-4,115.

16 (2) The director may, in his or her discretion, appoint  
17 department personnel to examine all applicants who apply for an  
18 initial license or whose licenses have been revoked or canceled to  
19 ascertain such person's ability to operate a motor vehicle properly  
20 and safely.

21 (3) Except as otherwise provided in section 60-4,122, the  
22 application process, in addition to the other requisites of the  
23 act, shall include the following:

24 (a) An inquiry into the medical condition and visual  
25 ability of the applicant to operate a motor vehicle;

26 (b) An inquiry into the applicant's ability to drive and  
27 maneuver a motor vehicle; and

1           (c) An inquiry touching upon the applicant's knowledge  
2 of the motor vehicle laws of this state, which shall include  
3 sufficient questions to indicate familiarity with the provisions  
4 thereof.

5           (4) If an applicant is denied or refused a certificate  
6 for license, such applicant shall have the right to an immediate  
7 appeal to the director from the decision. It shall be the duty of  
8 the director to review the appeal and issue a final order, to be  
9 made not later than ten days after the receipt of the appeal by  
10 the director, except that if the director requests the advice of  
11 the Health Advisory Board on the matter, the director shall have  
12 up to forty-five days after the day a medical or vision problem  
13 is referred to him or her to consult with members of the board  
14 to obtain the medical opinion necessary to make a decision and  
15 shall issue a final order not later than ten days following receipt  
16 of the medical opinion. After consideration of the advice of the  
17 board, the director shall make a determination of the applicant's  
18 physical or mental ability to operate a motor vehicle and shall  
19 issue a final order. The order shall be in writing, shall be  
20 accompanied by findings of fact and conclusions of law, and shall  
21 be sent by ~~registered or certified~~ regular United States mail to  
22 the applicant's last-known address. The order may be appealed as  
23 provided in section 60-4,105.

24           Sec. 24. Section 60-4,116, Revised Statutes Supplement,  
25 2011, is amended to read:

26           60-4,116 Prior to the issuance of any original or renewal  
27 operator's license, the issuance of a replacement or duplicate

1 operator's license, or the reissuance of any such license with  
2 a change of any classification, endorsement, or restriction, the  
3 department shall:

4 (1) Check the driving record of the applicant as  
5 maintained by the department or by any other state which has  
6 issued an operator's license to the applicant;

7 (2) Contact the Commercial Driver License Information  
8 System to determine whether the applicant possesses any valid  
9 commercial driver's license issued by any other state, whether such  
10 license or the applicant's privilege to operate a commercial motor  
11 vehicle has been suspended, revoked, or canceled, or whether the  
12 applicant has been disqualified from operating a commercial motor  
13 vehicle; and

14 (3) Contact the National Driver Register to determine if  
15 the applicant (a) has been disqualified from operating any motor  
16 vehicle, (b) has had an operator's license suspended, revoked, or  
17 canceled, (c) is not eligible, or (d) is deceased.

18 Sec. 25. Section 60-4,118.06, Revised Statutes  
19 Supplement, 2011, is amended to read:

20 60-4,118.06 (1) Upon receipt by the director of (a)  
21 a certified copy of a court order issued pursuant to section  
22 60-6,211.05, a certified copy of an order for installation of an  
23 ignition interlock device and issuance of an ignition interlock  
24 permit pursuant to section 60-6,197.03, or a copy of an order  
25 from the Board of Pardons pursuant to section 83-1,127.02, (b)  
26 sufficient evidence that the person has surrendered his or her  
27 operator's license to the department and installed an approved

1 ignition interlock device in accordance with such order, and (c)  
2 payment of the fee provided in section 60-4,115, such person  
3 may apply for an ignition interlock permit. A person subject  
4 to administrative license revocation under sections 60-498.01 to  
5 60-498.04 shall be eligible for an ignition interlock permit as  
6 provided in such sections. The director shall issue an ignition  
7 interlock permit for the operation of a motor vehicle equipped  
8 with an ignition interlock device. Any person issued an ignition  
9 interlock permit pursuant to a court order who has no previous  
10 convictions under section 60-6,196, 60-6,197, or 60-6,197.06 and no  
11 previous administrative license revocation shall only operate the  
12 motor vehicle equipped with an ignition interlock device to and  
13 from his or her residence for purposes of his or her employment,  
14 his or her school, a substance abuse treatment program, his or her  
15 parole or probation officer, his or her continuing health care or  
16 the continuing health care of another person who is dependent  
17 upon the person, his or her court-ordered community service  
18 responsibilities, or an ignition interlock service facility. Any  
19 person issued an ignition interlock permit pursuant to a court  
20 order who has a previous conviction under section 60-6,196,  
21 60-6,197, or 60-6,197.06 ~~and no~~ or a previous administrative  
22 license revocation shall only operate the motor vehicle equipped  
23 with an ignition interlock device to and from his or her residence,  
24 ~~for purposes of~~ his or her place of employment, his or her school,  
25 ~~or~~ a substance abuse treatment program, or an ignition interlock  
26 service facility. The permit shall indicate for which purposes the  
27 permit may be used. All permits issued pursuant to this subsection

1 shall indicate that the permit is not valid for the operation of  
2 any commercial motor vehicle.

3 (2) Upon expiration of the revocation period or upon  
4 expiration of an order issued by the Board of Pardons pursuant  
5 to section 83-1,127.02, a person may apply to the department  
6 in writing for issuance of an operator's license. Regardless of  
7 whether the license surrendered by such person under subsection  
8 (1) of this section has expired, the person shall apply for a new  
9 operator's license pursuant to the Motor Vehicle Operator's License  
10 Act.

11 (3) (a) An ignition interlock permit shall not be issued  
12 under this section or sections 60-498.01 to 60-498.04 to any person  
13 except in cases of a violation of subdivision (3) (b) or (c) of  
14 section 28-306, subdivision (3) (b) or (c) of section 28-394, or  
15 section 28-1254, 60-6,196, 60-6,197, or 60-6,197.06.

16 (b) An ignition interlock permit shall only be available  
17 to a holder of a Class M or O operator's license.

18 (4) The director shall revoke a person's ignition  
19 interlock permit issued under this section or sections 60-498.01 to  
20 60-498.04 upon receipt of an (a) abstract of conviction indicating  
21 that the person had his or her operating privileges revoked or  
22 canceled or (b) administrative order revoking or canceling the  
23 person's operating privileges, if such conviction or order resulted  
24 from an incident other than the incident which resulted in the  
25 application for the ignition interlock permit.

26 Sec. 26. Section 60-4,120, Revised Statutes Supplement,  
27 2011, is amended to read:

1                   60-4,120 (1) Except as provided in subsection (4) of  
2 this section for persons temporarily out of the state, any person  
3 duly licensed or holding a valid state identification card issued  
4 under the Motor Vehicle Operator's License Act who loses his or  
5 her operator's license or card may ~~obtain a duplicate upon filing~~  
6 ~~with~~ make application to the county treasurer or the department  
7 ~~an application showing reporting~~ such loss and furnishing proof of  
8 identification in accordance with section 60-484. ~~If satisfied that~~  
9 ~~the loss is genuine, the issuer~~ The department shall cause to be  
10 issued, upon the payment of the fee prescribed in section 60-4,115,  
11 a duplicate license or card. Upon the issuance of any duplicate or  
12 replacement license or card, the license or card from which the  
13 duplicate or replacement is issued shall be void.

14                   (2) If any person changes his or her name because of  
15 marriage or divorce or by court order or a common-law name change,  
16 he or she shall apply to the ~~county treasurer~~ department for a  
17 replacement operator's license or state identification card and  
18 furnish proof of identification in accordance with section 60-484.  
19 If any person changes his or her address, the person shall apply  
20 to the ~~county treasurer~~ department for a replacement operator's  
21 license or state identification card and furnish satisfactory  
22 evidence of such change. The application shall be made within sixty  
23 days after the change of name or address. The license or card shall  
24 be issued upon payment of the fee prescribed in section 60-4,115.

25                   (3) In the event a mutilated and unreadable operator's  
26 license is held by any person duly licensed under the act or a  
27 mutilated and unreadable state identification card which was issued

1 under the act is held by a person, such person may obtain a  
2 replacement license or card upon showing the original mutilated or  
3 unreadable license or card to the ~~county treasurer,~~ department. A  
4 replacement license or card may be issued, without a photograph,  
5 to any person who is out of the state at the time of application  
6 for the replacement license or card. Such license or card shall  
7 state on its face that it shall become invalid thirty days after  
8 such person resumes residence in the state. If the ~~county treasurer~~  
9 department is satisfied that the license or card is mutilated  
10 or unreadable, the ~~county treasurer~~ department shall cause to be  
11 issued, upon the payment of the fee prescribed in section 60-4,115,  
12 a replacement license or card.

13 (4) If any person duly licensed under the act loses  
14 his or her operator's license or if any holder of a state  
15 identification card loses his or her card while temporarily out of  
16 the state, he or she may ~~apply~~ make application to the department  
17 for a duplicate operator's license or card without a photograph  
18 by ~~filing with the county treasurer an application and affidavit~~  
19 ~~showing~~ applying to the department and reporting such loss. Upon  
20 ~~the officer being satisfied that the loss is genuine,~~ receipt of  
21 a correctly completed application, ~~the officer~~ department shall  
22 cause to be issued, upon the payment of the fee prescribed in  
23 section 60-4,115, a duplicate operator's license or card without  
24 a photograph. Upon the issuance of the duplicate, the original  
25 license or card shall be void.

26 (5) Any person holding a valid operator's license or  
27 state identification card without a photograph shall surrender such



1 license or card to the ~~treasurer of his or her county of residence~~  
2 department within thirty days after resuming residency in this  
3 state. After the thirty-day period, such license or card shall be  
4 considered invalid. Upon the timely surrender of the license or  
5 card and payment of the fee prescribed in section 60-4,115, such  
6 person shall be issued an operator's license or card with a color  
7 photograph or digital image of the licensee included.

8 (6) An application form for a replacement or duplicate  
9 operator's license or state identification card shall include a  
10 voter registration portion pursuant to section 32-308 and the  
11 following specific question: Do you wish to register to vote as  
12 part of this application process?

13 (7) An applicant may obtain a replacement or duplicate  
14 operator's license or state identification card pursuant to  
15 subsection (1), (3), or (4) of this section by electronic means  
16 in a manner prescribed by the department. If the applicant has  
17 a digital image and digital signature preserved in the digital  
18 system, the replacement or duplicate shall be issued with the  
19 preserved digital image and digital signature.

20 Sec. 27. Section 60-4,120.02, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-4,120.02 (1) Any person convicted of violating  
23 a provisional operator's permit issued pursuant to section  
24 60-4,120.01 by operating a motor vehicle in violation of subsection  
25 (3) of such section shall be guilty of an infraction and may  
26 have his or her provisional operator's permit revoked by the  
27 court pursuant to section 60-496 for a time period specified by

1 the court. Before such person applies for another provisional  
2 operator's permit, he or she shall pay a reinstatement fee as  
3 provided in section 60-499.01 after the period of revocation has  
4 expired.

5 (2) A copy of an abstract of the court's conviction,  
6 including an adjudication, shall be transmitted to the director  
7 pursuant to sections 60-497.01 to 60-497.04.

8 (3) Any person who holds a provisional operator's permit  
9 and has violated subdivision (3)(b) or (c) of section 28-306,  
10 subdivision (3)(b) or (c) of section 28-394, or section 28-1254,  
11 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible for an  
12 ignition interlock permit.

13 ~~(3)~~ (4) For purposes of this section, conviction includes  
14 any adjudication of a juvenile.

15 Sec. 28. Section 60-4,124, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 60-4,124 (1) A person who is younger than sixteen years  
18 and three months of age but is older than fourteen years and two  
19 months of age may be issued a school permit if such person lives a  
20 distance of one and one-half miles or more from the school he or  
21 she attends and either resides outside a city of the metropolitan,  
22 primary, or first class or attends a school which is outside a city  
23 of the metropolitan, primary, or first class and if such person  
24 has held an LPE-learner's permit for two months. A school permit  
25 shall not be issued until such person has demonstrated that he or  
26 she is capable of successfully operating a motor vehicle, moped, or  
27 motorcycle and has in his or her possession an issuance certificate

1 authorizing the county treasurer to issue a school permit. In order  
2 to obtain an issuance certificate, the applicant shall present  
3 (a) proof of successful completion of a department-approved driver  
4 safety course which includes behind-the-wheel driving specifically  
5 emphasizing (i) the effects of the consumption of alcohol on a  
6 person operating a motor vehicle, (ii) occupant protection systems,  
7 (iii) risk assessment, and (iv) railroad crossing safety and (b) (i)  
8 proof of successful completion of a written examination and driving  
9 test administered by a driver safety course instructor or (ii)  
10 a certificate in a form prescribed by the department, signed by  
11 a parent, guardian, or licensed driver at least twenty-one years  
12 of age, verifying that the applicant has completed fifty hours  
13 of lawful motor vehicle operation, under conditions that reflect  
14 department-approved driver safety course curriculum, with a parent,  
15 guardian, or adult at least twenty-one years of age, who has a  
16 current Nebraska operator's license or who is licensed in another  
17 state. The department may waive the written examination if the  
18 applicant has been issued an LPE-learner's permit or LPD-learner's  
19 permit and if such permit is valid or has expired no more than  
20 one year prior to application. The written examination shall not  
21 be waived if the permit being applied for contains a class or  
22 endorsement which is different from the class or endorsement of the  
23 LPE-learner's permit.

24 (2) A person holding a school permit may operate a motor  
25 vehicle, moped, or motorcycle:

26 (a) To and from where he or she attends school and  
27 between schools of enrollment over the most direct and accessible

1 route by the nearest highway from his or her place of residence  
2 to transport such person or any family member who resides with  
3 such person to attend duly scheduled courses of instruction and  
4 extracurricular or school-related activities at the school he or  
5 she attends; or

6 (b) Under the personal supervision of a licensed  
7 operator. Such licensed operator shall be at least twenty-one years  
8 of age and licensed by this state or another state and shall  
9 actually occupy the seat beside the permitholder or, in the case of  
10 a motorcycle or moped, if the permitholder is within visual contact  
11 of and under the supervision of, in the case of a motorcycle, a  
12 licensed motorcycle operator or, in the case of a moped, a licensed  
13 motor vehicle operator.

14 (3) The holder of a school permit shall not use any  
15 type of interactive wireless communication device while operating a  
16 motor vehicle on the highways of this state. Enforcement of this  
17 subsection shall be accomplished only as a secondary action when  
18 the holder of the school permit has been cited or charged with a  
19 violation of some other law.

20 (4) A person who is younger than sixteen years of age  
21 but is over fourteen years of age may be issued an LPE-learner's  
22 permit, which permit shall be valid for a period of three months.  
23 An LPE-learner's permit shall not be issued until such person  
24 successfully completes a written examination prescribed by the  
25 department and demonstrates that he or she has sufficient powers of  
26 eyesight to safely operate a motor vehicle, moped, or motorcycle.

27 (5) (a) While holding the LPE-learner's permit, the person

1 may operate a motor vehicle on the highways of this state if he  
2 or she has seated next to him or her a person who is a licensed  
3 operator or, in the case of a motorcycle or moped, if he or she is  
4 within visual contact of and is under the supervision of a person  
5 who, in the case of a motorcycle, is a licensed motorcycle operator  
6 or, in the case of a moped, is a licensed motor vehicle operator.  
7 Such licensed motor vehicle or motorcycle operator shall be at  
8 least twenty-one years of age and licensed by this state or another  
9 state.

10 (b) The holder of an LPE-learner's permit shall not  
11 use any type of interactive wireless communication device while  
12 operating a motor vehicle on the highways of this state.  
13 Enforcement of this subdivision shall be accomplished only as a  
14 secondary action when the holder of the LPE-learner's permit has  
15 been cited or charged with a violation of some other law.

16 (6) The county treasurer shall collect the fee and  
17 surcharge prescribed in section 60-4,115 from each successful  
18 applicant for a school or LPE-learner's permit. All school permits  
19 shall be subject to impoundment or revocation under the terms of  
20 section 60-496. Any person who violates the terms of a school  
21 permit shall be guilty of an infraction and shall not be eligible  
22 for another school, farm, LPD-learner's, or LPE-learner's permit  
23 until he or she has attained the age of sixteen years.

24 (7) Any person who holds a permit issued under this  
25 section and has violated subdivision (3)(b) or (c) of section  
26 28-306, subdivision (3)(b) or (c) of section 28-394, or section  
27 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible

1 for an ignition interlock permit.

2           Sec. 29. Section 60-4,125, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           60-4,125 (1) For any minor convicted or adjudicated of  
5 violating the terms of an LPD-learner's permit issued pursuant  
6 to section 60-4,123 or an LPE-learner's permit issued pursuant  
7 to section 60-4,124, the court shall, in addition to any other  
8 penalty or disposition, order the impoundment or revocation of such  
9 learner's permit and order that such minor shall not be eligible  
10 for another operator's license or school, farm, LPD-learner's, or  
11 LPE-learner's permit until he or she has attained the age of  
12 sixteen years.

13           (2) Any person who holds an LPD-learner's permit issued  
14 pursuant to section 60-4,123 or an LPE-learner's permit issued  
15 pursuant to section 60-4,124 and has violated subdivision (3) (b) or  
16 (c) of section 28-306, subdivision (3) (b) or (c) of section 28-394,  
17 or section 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be  
18 eligible for an ignition interlock permit.

19           (3) A copy of the court's abstract or adjudication shall  
20 be transmitted to the director who shall place in an impound  
21 status or revoke the LPD-learner's or LPE-learner's permit of such  
22 minor in accordance with the order of the court and not again  
23 issue another operator's license or school, farm, LPD-learner's, or  
24 LPE-learner's permit to such minor until such minor has attained  
25 the age of sixteen years.

26           Sec. 30. Section 60-4,126, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1                   60-4,126 (1) Any person who is younger than sixteen years  
2 of age but is over thirteen years of age and resides upon a  
3 farm in this state or is fourteen years of age or older and is  
4 employed for compensation upon a farm in this state may obtain a  
5 farm permit authorizing the operation of farm tractors, minitrucks,  
6 and other motorized implements of farm husbandry upon the highways  
7 of this state if the applicant for such farm permit furnishes  
8 satisfactory proof of age and satisfactorily demonstrates that he  
9 or she has knowledge of the operation of such equipment and of  
10 the rules of the road and laws respecting the operation of motor  
11 vehicles upon the highways of this state. Any person under sixteen  
12 years of age but not less than thirteen years of age may obtain a  
13 temporary permit to operate such equipment for a six-month period  
14 after presentation to the department of a request for the temporary  
15 permit signed by the person's parent or guardian and payment of  
16 the fee and surcharge prescribed in section 60-4,115. After the  
17 expiration of the six-month period, it shall be unlawful for such  
18 person to operate such equipment upon the highways of this state  
19 unless he or she has been issued a farm permit under this section.  
20 The fee for an original, renewal, or duplicate farm permit shall  
21 be the fee and surcharge prescribed in section 60-4,115. All farm  
22 permits shall be subject to revocation under the terms of section  
23 60-496. Any person who violates the terms of a farm permit shall  
24 be guilty of an infraction and shall not be eligible for another  
25 school, farm, LPD-learner's, or LPE-learner's permit until he or  
26 she has attained the age of sixteen years.

27                   (2) Any person who holds a permit issued under this

1 section and has violated subdivision (3) (b) or (c) of section  
2 28-306, subdivision (3) (b) or (c) of section 28-394, or section  
3 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible  
4 for an ignition interlock permit.

5           Sec. 31. Section 60-4,130.03, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           60-4,130.03 (1) Any person less than twenty-one years of  
8 age who holds an operator's license or a provisional operator's  
9 permit and who has accumulated, within any twelve-month period,  
10 a total of six or more points on his or her driving record  
11 pursuant to section 60-4,182 shall be notified by the Department of  
12 Motor Vehicles of that fact and ordered to attend and successfully  
13 complete a driver improvement course consisting of at least eight  
14 hours of department-approved instruction. Notice shall be sent by  
15 regular United States mail to the last-known address as shown in  
16 the records of the department. If such person fails to complete  
17 the driver improvement course within three months after the date of  
18 notification, he or she shall have his or her operator's license  
19 suspended by the department.

20           (2) The director shall issue an order summarily  
21 suspending an operator's license until the licensee turns  
22 twenty-one years of age. Such order shall be sent by ~~certified or~~  
23 ~~registered~~ regular United States mail to the last-known address  
24 as shown in the records of the department. Such person shall not  
25 have his or her operator's license reinstated until he or she (a)  
26 has successfully completed the driver improvement course or has  
27 attained the age of twenty-one years and (b) has complied with



1 section 60-4,100.01.

2           Sec. 32. Section 60-4,142, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           60-4,142 Any resident may obtain~~7~~ ~~on a form to be~~  
5 ~~prescribed by the director,~~ an LPC-learner's permit from the  
6 ~~county treasurer~~ department by making application to an examiner  
7 of the ~~Department of Motor Vehicles,~~ department. An applicant  
8 shall present proof to the examiner that he or she holds a  
9 valid Class O license or commercial driver's license or shall  
10 successfully complete the requirements for the Class O license  
11 before an LPC-learner's permit is issued. An applicant shall  
12 also successfully complete the commercial driver's license general  
13 knowledge examination under section 60-4,155. Upon application, the  
14 examination may be waived if the applicant presents a Nebraska  
15 commercial driver's license which is valid or has been expired for  
16 less than one year, presents a valid commercial driver's license  
17 from another state, or is renewing an LPC-learner's permit. The  
18 LPC-learner's permit shall be valid for a period of six months and  
19 shall be renewed only once within any two-year period. The county  
20 treasurer shall charge the fee prescribed in section 60-4,115 for  
21 the issuance or renewal of an LPC-learner's permit.

22           Sec. 33. Section 60-4,144, Revised Statutes Supplement,  
23 2011, is amended to read:

24           60-4,144 (1) An applicant for any original or renewal  
25 commercial driver's license or an applicant for a change of  
26 class of commercial motor vehicle, endorsement, or restriction  
27 shall demonstrate his or her knowledge and skills for operating

1 a commercial motor vehicle as prescribed in the Motor Vehicle  
2 Operator's License Act. An applicant for a commercial driver's  
3 license shall provide the information and documentation required  
4 by this section and sections 60-484 and 60-4,144.01 and also,  
5 beginning on an implementation date designated by the director  
6 on or before January 1, 2014, the information and documentation  
7 required by section 60-484.04. Such information and documentation  
8 shall include any additional information required by 49 C.F.R.  
9 parts 383 and 391 and also include:

10 (a) Certification that the commercial motor vehicle  
11 in which the applicant takes any driving skills examination is  
12 representative of the class of commercial motor vehicle that the  
13 applicant operates or expects to operate; and

14 (b) The names of all states where the applicant has been  
15 licensed to operate any type of motor vehicle in the ten years  
16 prior to the date of application.

17 (2) Any person applying for any commercial driver's  
18 license on or before December 31, 2011, must present the  
19 certification required pursuant to section 60-4,145 or 60-4,146.

20 (3) Any person applying for any commercial driver's  
21 license on or after January 1, 2012, must make one of the  
22 certifications in section 60-4,144.01 and any certification  
23 required under section 60-4,146 and must provide such certification  
24 certifications to the department in order to be issued a commercial  
25 driver's license.

26 (4) On or after January 1, 2012, but no later than  
27 January 30, 2014, every person who holds any commercial driver's

1 license must provide to the department medical certification  
2 as required by section 60-4,144.01. The department may provide  
3 notice and prescribe medical certification compliance requirements  
4 for all holders of commercial driver's licenses. Holders of  
5 commercial driver's licenses who fail to meet the prescribed  
6 medical certification compliance requirements may be subject to  
7 downgrade.

8 Sec. 34. Section 60-4,146, Revised Statutes Supplement,  
9 2011, is amended to read:

10 60-4,146 (1) Beginning January 1, 2012, in addition to  
11 certifying himself or herself under this section, an applicant  
12 shall also certify himself or herself under ~~subsections (2) and (4)~~  
13 ~~of~~ section 60-4,144.01.

14 (2) Upon making application pursuant to section 60-4,144,  
15 any applicant who operates or expects to operate a commercial  
16 motor vehicle in interstate or foreign commerce and who is not  
17 subject to 49 C.F.R. part 391 shall certify that he or she is not  
18 subject to 49 C.F.R. part 391. Any applicant making certification  
19 pursuant to this subsection shall meet the physical and vision  
20 requirements established in section 60-4,118 and shall be subject  
21 to the provisions of such section relating to the Health Advisory  
22 Board.

23 (3) Upon making application pursuant to section 60-4,144,  
24 any applicant who operates or expects to operate a commercial  
25 motor vehicle solely in intrastate commerce and who is subject  
26 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall  
27 certify that the applicant meets the qualification requirements of

1 49 C.F.R. part 391.

2           ~~(2)~~ (4) Upon making application pursuant to section  
3 60-4,144, any applicant who operates or expects to operate a  
4 commercial motor vehicle solely in intrastate commerce and who is  
5 not subject to 49 C.F.R. part 391 adopted pursuant to section  
6 75-363 shall certify that he or she is not subject to 49 C.F.R.  
7 part 391. Any applicant making certification pursuant to this  
8 ~~section~~ subsection shall meet the physical and vision requirements  
9 established in section 60-4,118 and shall be subject to the  
10 provisions of such section relating to the Health Advisory Board.

11           ~~(3)~~ An applicant who certifies that he or she is exempt  
12 from the physical qualifications and examination requirements of 49  
13 C.F.R. part 391 pursuant to subsection ~~(4)~~ of section 75-363 shall  
14 meet the physical and vision requirements established in section  
15 60-4,118 and shall be subject to the provisions of such section  
16 relating to the Health Advisory Board. A successful applicant  
17 shall be issued a commercial driver's license which restricts the  
18 holder to operating a commercial motor vehicle solely in intrastate  
19 commerce and which also indicates that the holder is exempt from  
20 the physical qualifications and examination requirements prescribed  
21 by 49 C.F.R. part 391. Two years after the initial issuance of  
22 such license and upon renewal, and every two years following  
23 renewal, the holder of the commercial driver's license shall  
24 present to the department upon request, on a form to be prescribed  
25 by the department, a statement from a physician detailing that  
26 based upon his or her examination of the applicant the medical  
27 or physical condition in existence prior to July 30, 1996,

1 which would otherwise render the individual not qualified under  
2 federal standards, has not significantly worsened or that another  
3 nonqualifying medical or physical condition has not developed.

4 ~~(4)~~ (5) An applicant who certifies that he or she is not  
5 subject to 49 C.F.R. part 391 under subsection (2) or (4) of this  
6 section ~~or who certifies that he or she is exempt from 49 C.F.R.~~  
7 ~~part 391 under subsection (3) of this section~~ shall answer the  
8 following questions on the application:

9 (a) Have you within the last three months (e.g. due  
10 to diabetes, epilepsy, mental illness, head injury, stroke, heart  
11 condition, neurological disease, etc.):

12 (i) lost voluntary control or consciousness ... yes ...  
13 no

14 (ii) experienced vertigo or multiple episodes of  
15 dizziness or fainting ... yes ... no

16 (iii) experienced disorientation ... yes ... no

17 (iv) experienced seizures ... yes ... no

18 (v) experienced impairment of memory, memory loss ... yes  
19 ... no

20 Please explain: .....

21 (b) Do you experience any condition which affects your  
22 ability to operate a motor vehicle? (e.g. due to loss of, or  
23 impairment of, foot, leg, hand, arm; neurological or neuromuscular  
24 disease, etc.) ... yes ... no

25 Please explain: .....

26 (c) Since the issuance of your last driver's  
27 license/permit has your health or medical condition changed or

1 worsened? ... yes ... no

2 Please explain, including how the above affects your  
3 ability to drive: .....

4 Sec. 35. Section 60-4,147.02, Revised Statutes  
5 Supplement, 2011, is amended to read:

6 60-4,147.02 No endorsement authorizing the driver to  
7 operate a commercial motor vehicle transporting hazardous materials  
8 shall be issued, renewed, or transferred by the Department of Motor  
9 Vehicles unless the endorsement is issued, renewed, or transferred  
10 in conformance with the requirements of section 1012 of the federal  
11 Uniting and Strengthening America by Providing Appropriate Tools  
12 Required to Intercept and Obstruct Terrorism Act of 2001, USA  
13 PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal  
14 regulations adopted pursuant thereto as of January 1, ~~2011~~, 2012,  
15 for the issuance of licenses to operate commercial motor vehicles  
16 transporting hazardous materials.

17 Sec. 36. Section 60-4,167, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 60-4,167 Upon receipt of a law enforcement officer's  
20 sworn report provided for in section 60-4,164, the director shall  
21 serve the notice of disqualification to the person who is the  
22 subject of the report by ~~registered or certified~~ regular United  
23 States mail to the person's last-known address appearing on the  
24 records of the director. If the address on the director's records  
25 differs from the address on the arresting officer's report, the  
26 notice of disqualification shall be sent to both addresses. The  
27 notice of disqualification shall contain a statement explaining

1 the operation of the disqualification procedure and the rights  
2 of the person. The director shall also provide to the person  
3 a self-addressed envelope and a petition form which the person  
4 may use to request a hearing before the director to contest the  
5 disqualification. The petition form shall clearly state on its face  
6 that the petition must be completed and delivered to the department  
7 or postmarked within ten days after receipt or the person's right  
8 to a hearing to contest the disqualification will be foreclosed.  
9 The director shall prescribe and approve the form for the petition,  
10 the self-addressed envelope, and the notice of disqualification.  
11 If not contested, the disqualification shall automatically take  
12 effect thirty days after the date of mailing of the notice of  
13 disqualification by the director. Any chemical test or tests made  
14 under section 60-4,164, if made in conformity with the requirements  
15 of section 60-6,201, shall be competent evidence of the alcoholic  
16 content of such person's blood or breath. The commercial driver's  
17 license of the person who is the subject of the report shall be  
18 automatically disqualified upon the expiration of thirty days after  
19 the date of the mailing of the notice of disqualification by the  
20 director. The director shall conduct the hearing in the county in  
21 which the violation occurred or in any county agreed to by the  
22 parties. Upon receipt of a petition, the director shall notify the  
23 petitioner of the date and location for the hearing by ~~certified~~  
24 ~~or registered~~ regular United States mail postmarked at least seven  
25 days prior to the hearing date.

26 After granting the petitioner an opportunity to be heard  
27 on such issue, if it is not shown to the director that the

1 petitioner's refusal to submit to such chemical test or tests  
2 was reasonable or unless it is shown to the director that the  
3 petitioner was not operating or in the actual physical control of  
4 a commercial motor vehicle with an alcoholic concentration in his  
5 or her blood or breath equal to or in excess of that specified  
6 in subsection (5) of section 60-4,164, the director shall enter  
7 an order pursuant to section 60-4,169 revoking the petitioner's  
8 commercial driver's license and privilege to operate a commercial  
9 motor vehicle in this state and disqualifying the person from  
10 operating a commercial motor vehicle for the period specified by  
11 section 60-4,168.

12           Sec. 37. Section 60-4,167.01, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           60-4,167.01 (1) The director shall reduce the decision  
15 disqualifying a commercial driver from operating a commercial  
16 motor vehicle pursuant to a hearing under section 60-4,167 to  
17 writing and the director shall notify the person in writing of  
18 the disqualification within seven days following a hearing. The  
19 decision shall set forth the period of disqualification and be  
20 served by mailing it to such person by ~~certified or registered~~  
21 regular United States mail to the address provided to the director  
22 at the hearing or, if the person does not appear at the hearing,  
23 to the address appearing on the records of the director. If the  
24 address on the director's records differs from the address on the  
25 arresting peace officer's report, the notice shall be sent to both  
26 addresses.

27           (2) If the director does not disqualify the commercial



1 driver from operating a commercial motor vehicle, the director  
2 shall notify the person in writing of the decision within seven  
3 days following a hearing. The notice shall be mailed by ~~certified~~  
4 ~~or registered~~ regular United States mail as provided in subsection  
5 (1) of this section. No reinstatement fee shall be charged.

6 Sec. 38. Section 60-4,168, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 60-4,168 (1) Except as provided in subsections (2) and  
9 (3) of this section, a person shall be disqualified from driving  
10 a commercial motor vehicle for one year upon his or her first  
11 conviction, after April 1, 1992, in this or any other state for:

12 (a) Driving a commercial motor vehicle in violation of  
13 section 60-6,196 or 60-6,197 or under the influence of a controlled  
14 substance or, beginning September 30, 2005, driving any motor  
15 vehicle in violation of section 60-6,196 or 60-6,197 or under the  
16 influence of a controlled substance;

17 (b) Driving a commercial motor vehicle in violation of  
18 section 60-4,163 or 60-4,164;

19 (c) Leaving the scene of an accident involving a  
20 commercial motor vehicle driven by the person or, beginning  
21 September 30, 2005, leaving the scene of an accident involving  
22 any motor vehicle driven by the person;

23 (d) Using a commercial motor vehicle in the commission  
24 of a felony other than a felony described in subdivision (3)(b)  
25 of this section or, beginning September 30, 2005, using any motor  
26 vehicle in the commission of a felony other than a felony described  
27 in subdivision (3)(b) of this section;

1           (e) Beginning September 30, 2005, driving a commercial  
2 motor vehicle after his or her commercial driver's license has been  
3 suspended, revoked, or canceled or the driver is disqualified from  
4 driving a commercial motor vehicle; or

5           (f) Beginning September 30, 2005, causing a fatality  
6 through the negligent or criminal operation of a commercial motor  
7 vehicle.

8           (2) Except as provided in subsection (3) of this section,  
9 if any of the offenses described in subsection (1) of this section  
10 occurred while a person was transporting hazardous material in  
11 a commercial motor vehicle which required placarding pursuant to  
12 section 75-364, the person shall, upon conviction or administrative  
13 determination, be disqualified from driving a commercial motor  
14 vehicle for three years.

15           (3) A person shall be disqualified from driving a  
16 commercial motor vehicle for life if, after April 1, 1992, he  
17 or she:

18           (a) Is convicted of or administratively determined to  
19 have committed a second or subsequent violation of any of the  
20 offenses described in subsection (1) of this section or any  
21 combination of those offenses arising from two or more separate  
22 incidents; or

23           (b) Beginning September 30, 2005, used a commercial motor  
24 vehicle in the commission of a felony involving the manufacturing,  
25 distributing, or dispensing of a controlled substance.

26           (4) (a) A person is disqualified from driving a commercial  
27 motor vehicle for a period of not less than sixty days if he or

1 she is convicted in this or any other state of two serious traffic  
2 violations, or not less than one hundred twenty days if he or she  
3 is convicted in this or any other state of three serious traffic  
4 violations, arising from separate incidents occurring within a  
5 three-year period while operating a commercial motor vehicle.

6 (b) A person is disqualified from driving a commercial  
7 motor vehicle for a period of not less than sixty days if he or  
8 she is convicted in this or any other state of two serious traffic  
9 violations, or not less than one hundred twenty days if he or she  
10 is convicted in this or any other state of three serious traffic  
11 violations, arising from separate incidents occurring within a  
12 three-year period while operating a motor vehicle other than a  
13 commercial motor vehicle if the convictions have resulted in the  
14 revocation, cancellation, or suspension of the person's operator's  
15 license or driving privileges.

16 (5)(a) A person who is convicted of operating a  
17 commercial motor vehicle in violation of a federal, state, or local  
18 law or regulation pertaining to one of the following six offenses  
19 at a highway-rail grade crossing shall be disqualified for the  
20 period of time specified in subdivision (5)(b) of this section:

21 (i) For drivers who are not required to always stop,  
22 failing to slow down and check that the tracks are clear of an  
23 approaching train;

24 (ii) For drivers who are not required to always stop,  
25 failing to stop before reaching the crossing, if the tracks are not  
26 clear;

27 (iii) For drivers who are always required to stop,

1 failing to stop before driving onto the crossing;

2 (iv) For all drivers, failing to have sufficient space to  
3 drive completely through the crossing without stopping;

4 (v) For all drivers, failing to obey a traffic control  
5 device or the directions of an enforcement official at the  
6 crossing; or

7 (vi) For all drivers, failing to negotiate a crossing  
8 because of insufficient undercarriage clearance.

9 (b) (i) A person shall be disqualified for not less  
10 than sixty days if the person is convicted of a first violation  
11 described in this subsection.

12 (ii) A person shall be disqualified for not less than one  
13 hundred twenty days if, during any three-year period, the person  
14 is convicted of a second violation described in this subsection in  
15 separate incidents.

16 (iii) A person shall be disqualified for not less than  
17 one year if, during any three-year period, the person is convicted  
18 of a third or subsequent violation described in this subsection in  
19 separate incidents.

20 (6) For purposes of this section, controlled substance  
21 has the same meaning as in section 28-401.

22 (7) For purposes of this section, conviction means an  
23 unvacated adjudication of guilt, or a determination that a person  
24 has violated or failed to comply with the law, in a court of  
25 original jurisdiction or by an authorized administrative tribunal,  
26 an unvacated forfeiture of bail or collateral deposited to secure  
27 the person's appearance in court, a plea of guilty or nolo

1     contendere accepted by the court, the payment of a fine or court  
2     costs, or a violation of a condition of release without bail,  
3     regardless of whether or not the penalty is rebated, suspended, or  
4     probated.

5             (8) For purposes of this section, serious traffic  
6     violation means:

7             (a) Speeding at or in excess of fifteen miles per hour  
8     over the legally posted speed limit;

9             (b) Willful reckless driving as described in section  
10    60-6,214 or reckless driving as described in section 60-6,213;

11            (c) Improper lane change as described in section  
12    60-6,139;

13            (d) Following the vehicle ahead too closely as described  
14    in section 60-6,140;

15            (e) A violation of any law or ordinance related to  
16    motor vehicle traffic control, other than parking violations or  
17    overweight or vehicle defect violations, arising in connection with  
18    an accident or collision resulting in death to any person;

19            (f) Beginning September 30, 2005, driving a commercial  
20    motor vehicle without a commercial driver's license;

21            (g) Beginning September 30, 2005, driving a commercial  
22    motor vehicle without a commercial driver's license in the  
23    operator's possession; and

24            (h) Beginning September 30, 2005, driving a commercial  
25    motor vehicle without the proper class of commercial driver's  
26    license and any endorsements, if required, for the specific vehicle  
27    group being operated or for the passengers or type of cargo being

1 transported on the vehicle; and -

2 (i) Beginning October 27, 2013, texting while driving as  
3 described in section 45 of this act.

4 Sec. 39. Section 60-4,170, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 60-4,170 Within ten days after the revocation provided  
7 for by section 60-4,169, the director shall notify in writing the  
8 person whose commercial driver's license or privilege to operate  
9 a commercial motor vehicle has been revoked that such license or  
10 privilege has been revoked. Such notice shall: (1) Contain a list  
11 of the disqualifying convictions or administrative determinations  
12 upon which the director relies as his or her authority for the  
13 revocation, with the dates on which such disqualifying violations  
14 occurred and the dates of such convictions or administrative  
15 determinations and the trial courts or administrative agencies  
16 in which such convictions or administrative determinations were  
17 rendered; (2) state the term of revocation; (3) include a demand  
18 that the commercial driver's license be returned to the director  
19 immediately; and (4) be served by mailing the notice to such  
20 person by ~~registered or certified~~ regular United States mail to  
21 the address of such person. If any person fails to return a  
22 commercial driver's license following a demand by the director, the  
23 director shall immediately direct any peace officer or authorized  
24 representative of the director to secure possession of such license  
25 and return the license to the director. Any person refusing or  
26 failing to surrender a commercial driver's license as required by  
27 this section shall, upon conviction, be guilty of a Class III

1 misdemeanor.

2           Any person who feels himself or herself aggrieved because  
3 of a revocation pursuant to section 60-4,169 may appeal from  
4 such revocation in the manner set forth in section 60-4,105. Such  
5 appeal shall not suspend the order of revocation unless a stay  
6 of such revocation shall be allowed by the court pending a final  
7 determination of the review. The license of any person claiming to  
8 be aggrieved shall not be restored to such person, in the event of  
9 a final judgment of a court against such person, until the full  
10 time of revocation, as fixed by the director, has elapsed.

11           Sec. 40. Section 60-4,182, Revised Statutes Supplement,  
12 2011, is amended to read:

13           60-4,182 In order to prevent and eliminate successive  
14 traffic violations, there is hereby provided a point system dealing  
15 with traffic violations as disclosed by the files of the director.  
16 The following point system shall be adopted:

17           (1) Conviction of motor vehicle homicide - 12 points;

18           (2) Third offense drunken driving in violation of any  
19 city or village ordinance or of section 60-6,196, as disclosed by  
20 the records of the director, regardless of whether the trial court  
21 found the same to be a third offense - 12 points;

22           (3) Failure to stop and render aid as required under  
23 section 60-697 in the event of involvement in a motor vehicle  
24 accident resulting in the death or personal injury of another - 6  
25 points;

26           (4) Failure to stop and report as required under section  
27 60-696 or any city or village ordinance in the event of a motor

1 vehicle accident resulting in property damage - 6 points;

2 (5) Driving a motor vehicle while under the influence  
3 of alcoholic liquor or any drug or when such person has a  
4 concentration of eight-hundredths of one gram or more by weight of  
5 alcohol per one hundred milliliters of his or her blood or per two  
6 hundred ten liters of his or her breath in violation of any city or  
7 village ordinance or of section 60-6,196 - 6 points;

8 (6) Willful reckless driving in violation of any city or  
9 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

10 (7) Careless driving in violation of any city or village  
11 ordinance or of section 60-6,212 - 4 points;

12 (8) Negligent driving in violation of any city or village  
13 ordinance - 3 points;

14 (9) Reckless driving in violation of any city or village  
15 ordinance or of section 60-6,213 - 5 points;

16 (10) Speeding in violation of any city or village  
17 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

18 (a) Not more than five miles per hour over the speed  
19 limit - 1 point;

20 (b) More than five miles per hour but not more than ten  
21 miles per hour over the speed limit - 2 points;

22 (c) More than ten miles per hour but not more than  
23 thirty-five miles per hour over the speed limit - 3 points, except  
24 that one point shall be assessed upon conviction of exceeding by  
25 not more than ten miles per hour, two points shall be assessed  
26 upon conviction of exceeding by more than ten miles per hour but  
27 not more than fifteen miles per hour, and three points shall be



1 assessed upon conviction of exceeding by more than fifteen miles  
2 per hour but not more than thirty-five miles per hour the speed  
3 limits provided for in subdivision (1)(e), (f), (g), or (h) of  
4 section 60-6,186; and

5 (d) More than thirty-five miles per hour over the speed  
6 limit - 4 points;

7 (11) Failure to yield to a pedestrian not resulting in  
8 bodily injury to a pedestrian - 2 points;

9 (12) Failure to yield to a pedestrian resulting in bodily  
10 injury to a pedestrian - 4 points;

11 (13) Using a handheld wireless communication device in  
12 violation of section 60-6,179.01 or texting while driving in  
13 violation of section 45 of this act - 3 points;

14 (14) Unlawful obstruction or interference of the view of  
15 an operator in violation of section 60-6,256 - 1 point; and

16 (15) All other traffic violations involving the operation  
17 of motor vehicles by the operator for which reports to the  
18 Department of Motor Vehicles are required under sections 60-497.01  
19 and 60-497.02 - 1 point.

20 Subdivision (15) of this section does not include  
21 violations involving an occupant protection system pursuant to  
22 section 60-6,270, parking violations, violations for operating  
23 a motor vehicle without a valid operator's license in the  
24 operator's possession, muffler violations, overwidth, overheight,  
25 or overlength violations, motorcycle or moped protective helmet  
26 violations, or overloading of trucks.

27 All such points shall be assessed against the driving

1 record of the operator as of the date of the violation for which  
2 conviction was had. Points may be reduced by the department under  
3 section 60-4,188.

4 In all cases, the forfeiture of bail not vacated shall be  
5 regarded as equivalent to the conviction of the offense with which  
6 the operator was charged.

7 The point system shall not apply to persons convicted  
8 of traffic violations committed while operating a bicycle or an  
9 electric personal assistive mobility device as defined in section  
10 60-618.02.

11 Sec. 41. Section 60-4,184, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 60-4,184 Within ten days after the revocation provided  
14 for by section 60-4,183, the director shall notify in writing the  
15 person whose operator's license has been revoked that such license  
16 has been revoked. Such notice shall:

17 (1) Contain a list of the convictions for violations  
18 upon which the director relies as his or her authority for  
19 the revocation, with the dates of such violations upon which  
20 convictions were had and the dates of such convictions, the trial  
21 courts in which such judgments of conviction were rendered, and the  
22 points charged for each conviction;

23 (2) State the term of such revocation;

24 (3) Include a demand that the license be returned to the  
25 director immediately; and

26 (4) Be served by mailing it to such person by ~~either~~  
27 ~~registered or certified~~ regular United States mail to the

1 last-known residence of such person or, if such address is unknown,  
2 to the last-known business address of such person.

3           If any person fails to return his or her license to  
4 the director as demanded, the director shall immediately direct  
5 any peace officer or authorized representative of the director to  
6 secure possession of such license and return the license to the  
7 director. A refusal to surrender an operator's license on demand  
8 shall be unlawful, and any person failing to surrender his or her  
9 license as required by this section shall be guilty of a Class III  
10 misdemeanor.

11           Any person who feels aggrieved because of such revocation  
12 may appeal from such revocation in the manner set forth in section  
13 60-4,105. Such appeal shall not suspend the order of revocation of  
14 such license unless a stay of such order is allowed by a judge of  
15 such court pending a final determination of the review. The license  
16 of any person claiming to be aggrieved shall not be restored to  
17 such person, in the event the final judgment of a court finds  
18 against such person, until the full time of revocation, as fixed by  
19 the Department of Motor Vehicles, has elapsed.

20           Sec. 42. Section 60-507, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           60-507 (1) Within ninety days after the receipt by the  
23 Department of Roads of a report of a motor vehicle accident within  
24 this state which has resulted in bodily injury or death, or damage  
25 to the property of any one person, including such operator, to an  
26 apparent extent in excess of one thousand dollars, the Department  
27 of Motor Vehicles shall suspend (a) the license of each operator

1 of a motor vehicle in any manner involved in such accident and  
2 (b) the privilege, if such operator is a nonresident, of operating  
3 a motor vehicle within this state, unless such operator deposits  
4 security in a sum which shall be sufficient, in the judgment of the  
5 Department of Motor Vehicles, to satisfy any judgment or judgments  
6 for damages resulting from such accident which may be recovered  
7 against such operator and unless such operator gives proof of  
8 financial responsibility.

9 Notice of such suspension shall be sent by the Department  
10 of Motor Vehicles by first-class mail to such operator not less  
11 than twenty days prior to the effective date of such suspension  
12 at his or her last-known mailing address as shown by the records  
13 of the department and shall state the amount required as security  
14 and the requirement of proof of financial responsibility. In the  
15 event a person involved in a motor vehicle accident within this  
16 state fails to make a report to the Department of Motor Vehicles  
17 indicating the extent of his or her injuries or the damage to  
18 his or her property within thirty days after the accident, and  
19 the department does not have sufficient information on which to  
20 base an evaluation of such injury or damage, the department, after  
21 reasonable notice to such person, may not require any deposit  
22 of security for the benefit or protection of such person. If  
23 the operator fails to respond to the notice on or before twenty  
24 days after the date of the notice, the director shall summarily  
25 suspend the operator's license or privilege and issue an order of  
26 suspension.

27 (2) The order of suspension provided for in subsection

1 (1) of this section shall not be entered by the Department of Motor  
2 Vehicles if the department determines that in its judgment there is  
3 no reasonable possibility of a judgment being rendered against such  
4 operator.

5 (3) In determining whether there is a reasonable  
6 possibility of judgment being rendered against such operator, the  
7 department shall consider all reports and information filed in  
8 connection with the accident.

9 (4) The order of suspension provided for in subsection  
10 (1) of this section shall advise the operator that he or she has  
11 a right to appeal the order of suspension in accordance with the  
12 provisions set forth in section 60-503.

13 (5) The order of suspension provided for in subsection  
14 (1) of this section shall be sent by ~~registered or certified~~  
15 regular United States mail to the person's last-known mailing  
16 address as shown by the records of the department.

17 Sec. 43. Section 60-601, Revised Statutes Supplement,  
18 2011, is amended to read:

19 60-601 Sections 60-601 to 60-6,380 and section 45 of this  
20 act shall be known and may be cited as the Nebraska Rules of the  
21 Road.

22 Sec. 44. Section 60-6,179.01, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 60-6,179.01 (1) This section does not apply to an  
25 operator of a commercial motor vehicle if section 45 of this  
26 act applies.

27 ~~(1)~~ (2) Except as otherwise provided in subsection ~~(2)~~

1 (3) of this section, no person shall use a handheld wireless  
2 communication device to read a written communication, manually type  
3 a written communication, or send a written communication while  
4 operating a motor vehicle which is in motion.

5 ~~(2)~~ (3) The prohibition in subsection ~~(1)~~ (2) of this  
6 section does not apply to:

7 (a) A person performing his or her official duties as a  
8 law enforcement officer, a firefighter, an ambulance driver, or an  
9 emergency medical technician; or

10 (b) A person operating a motor vehicle in an emergency  
11 situation.

12 ~~(3)~~ (4) Enforcement of this section by state or local  
13 law enforcement agencies shall be accomplished only as a secondary  
14 action when a driver of a motor vehicle has been cited or charged  
15 with a traffic violation or some other offense.

16 ~~(4)~~ (5) Any person who violates this section shall be  
17 guilty of a traffic infraction. Any person who is found guilty of  
18 a traffic infraction under this section shall be assessed points  
19 on his or her motor vehicle operator's license pursuant to section  
20 60-4,182 and shall be fined:

21 (a) Two hundred dollars for the first offense;

22 (b) Three hundred dollars for a second offense; and

23 (c) Five hundred dollars for a third and subsequent  
24 offense.

25 ~~(5)~~ (6) For purposes of this section:

26 (a) (i) Handheld wireless communication device means any  
27 device that provides for written communication between two or more

1 parties and is capable of receiving, displaying, or transmitting  
2 written communication.

3 (ii) Handheld wireless communication device includes,  
4 but is not limited to, a mobile or cellular telephone, a text  
5 messaging device, a personal digital assistant, a pager, or a  
6 laptop computer.

7 (iii) Handheld wireless communication device does not  
8 include an electronic device that is part of the motor vehicle or  
9 permanently attached to the motor vehicle or a handsfree wireless  
10 communication device; and

11 (b) Written communication includes, but is not limited  
12 to, a text message, an instant message, electronic mail, and  
13 Internet web sites.

14 Sec. 45. (1) Beginning October 27, 2013, except as  
15 otherwise provided in subsection (2) of this section, no operator  
16 of a commercial motor vehicle shall engage in texting while  
17 driving.

18 (2) Texting while driving is permissible by an operator  
19 of a commercial motor vehicle if such texting is necessary to  
20 communicate with law enforcement officials or other emergency  
21 services.

22 (3) Any person who violates this section shall be guilty  
23 of a traffic infraction. Any person who is found guilty of  
24 a traffic infraction under this section shall be subject to  
25 disqualification as provided in section 60-4,168, shall be assessed  
26 points on his or her motor vehicle operator's license pursuant to  
27 section 60-4,182, and shall be fined:

1           (a) Two hundred dollars for the first offense;  
2           (b) Three hundred dollars for a second offense; and  
3           (c) Five hundred dollars for a third and subsequent  
4 offense.

5           (4) For purposes of this section:

6           (a) Driving means operating a commercial motor vehicle,  
7 with the motor running, including while temporarily stationary  
8 because of traffic, a traffic control device, or other momentary  
9 delays. Driving does not include operating a commercial motor  
10 vehicle with or without the motor running when the operator moves  
11 the vehicle to the side of, or off, a highway and halts in a  
12 location where the vehicle can safely remain stationary;

13           (b) Electronic device includes, but is not limited to,  
14 a cellular telephone; a personal digital assistant; a pager; a  
15 computer; or any other device used to input, write, send, receive,  
16 or read text; and

17           (c) (i) Texting means manually entering alphanumeric text  
18 into, or reading text from, an electronic device. Texting includes,  
19 but is not limited to, short message service, emailing, instant  
20 messaging, a command or request to access an Internet web page,  
21 pressing more than a single button to initiate or terminate a voice  
22 communication using a mobile telephone, or engaging in any other  
23 form of electronic text retrieval or electronic text entry for  
24 present or future communication.

25           (ii) Texting does not include:

26           (A) Inputting, selecting, or reading information on a  
27 global positioning system or navigation system;



1           (B) Pressing a single button to initiate or terminate a  
2 voice communication using a mobile telephone; or

3           (C) Using a device capable of performing multiple  
4 functions, including, but not limited to, fleet management systems,  
5 dispatching devices, smartphones, citizens band radios, and music  
6 players, for a purpose other than texting.

7           Sec. 46. Section 60-6,211.05, Revised Statutes  
8 Supplement, 2011, is amended to read:

9           60-6,211.05 (1) If an order is granted under section  
10 60-6,196 or 60-6,197 and sections 60-6,197.02 and 60-6,197.03, the  
11 court may order that the defendant install an ignition interlock  
12 device of a type approved by the Director of Motor Vehicles on  
13 each motor vehicle operated by the defendant during the period of  
14 revocation. Upon sufficient evidence of installation, the defendant  
15 may apply to the director for an ignition interlock permit pursuant  
16 to section 60-4,118.06. The device shall, without tampering or  
17 the intervention of another person, prevent the defendant from  
18 operating the motor vehicle when the defendant has an alcohol  
19 concentration greater than three-hundredths of one gram or more  
20 by weight of alcohol per one hundred milliliters of his or her  
21 blood or three-hundredths of one gram or more by weight of alcohol  
22 per two hundred ten liters of his or her breath. The Department  
23 of Motor Vehicles shall issue an ignition interlock permit to the  
24 defendant under section 60-4,118.06 only upon sufficient proof that  
25 a defendant has installed an ignition interlock device on any motor  
26 vehicle that the defendant will operate during his or her release.

27           (2) If the court orders installation of an ignition

1 interlock device and issuance of an ignition interlock permit  
2 pursuant to subsection (1) of this section, the court may also  
3 order the use of a continuous alcohol monitoring device and  
4 abstention from alcohol use at all times. The device shall, without  
5 tampering or the intervention of another person, test and record  
6 the alcohol consumption level of the defendant on a periodic basis  
7 and transmit such information to probation authorities.

8 (3) Any order issued by the court pursuant to this  
9 section shall not take effect until the defendant is eligible  
10 to operate a motor vehicle pursuant to subsection (8) of section  
11 60-498.01. A person shall be eligible to be issued an ignition  
12 interlock permit allowing operation of a motor vehicle equipped  
13 with an ignition interlock device if he or she is not subject to  
14 any other suspension, cancellation, required no-driving period,  
15 or period of revocation and has successfully completed the  
16 ignition interlock permit application process. The Department of  
17 Motor Vehicles shall review its records and the driving record  
18 abstract of any person who applies for an ignition interlock permit  
19 allowing operation of a motor vehicle equipped with an ignition  
20 interlock device to determine (a) the applicant's eligibility  
21 for an ignition interlock permit, (b) the applicant's previous  
22 convictions under section 60-6,196, 60-6,197, or 60-6,197.06 or  
23 any previous administrative license revocation, if any, (c) if the  
24 applicant is subject to any required no-drive periods before the  
25 ignition interlock permit may be issued, and (d) the permitted  
26 driving uses to be allowed to that person on his or her ignition  
27 interlock permit.

1                   (4) (a) If the court orders an ignition interlock device  
2 or the Board of Pardons orders an ignition interlock device under  
3 section 83-1,127.02, the court or the Board of Pardons shall order  
4 the defendant to apply for an ignition interlock permit as provided  
5 in section 60-4,118.06 which indicates that the defendant is only  
6 allowed to operate a motor vehicle equipped with an ignition  
7 interlock device.

8                   (b) Such court order shall remain in effect for a period  
9 of time as determined by the court not to exceed the maximum  
10 term of revocation which the court could have imposed according  
11 to the nature of the violation and shall allow operation by the  
12 defendant of an ignition-interlock-equipped motor vehicle only (i)  
13 if the defendant has no previous conviction under section 60-6,196,  
14 60-6,197, or 60-6,197.06 and no previous administrative license  
15 revocation, to and from his or her residence for purposes of his  
16 or her employment, his or her school, a substance abuse treatment  
17 program, his or her probation officer, his or her continuing  
18 health care or the continuing health care of another person who  
19 is dependent upon the person, his or her court-ordered community  
20 service responsibilities, or an ignition interlock service facility  
21 or (ii) if the defendant has a previous conviction under section  
22 60-6,196, 60-6,197, or 60-6,197.06 or a previous administrative  
23 license revocation, to and from his or her residence, ~~for purposes~~  
24 ~~of~~ his or her place of employment, his or her school, ~~or~~ a  
25 substance abuse treatment program, or an ignition interlock service  
26 facility.

27                   (c) Such Board of Pardons order shall remain in effect

1 for a period of time not to exceed any period of revocation the  
2 applicant is subject to at the time the application for a reprieve  
3 is made.

4 (5) Any person restricted to operating a motor vehicle  
5 equipped with an ignition interlock device, pursuant to a Board of  
6 Pardons order, who operates upon the highways of this state a motor  
7 vehicle without such device or if the device has been disabled,  
8 bypassed, or altered in any way, shall be punished as provided in  
9 subsection (3) of section 83-1,127.02.

10 (6) If a person ordered to use a continuous alcohol  
11 monitoring device and abstain from alcohol use pursuant to a court  
12 order as provided in subsection (2) of this section violates the  
13 provisions of such court order by removing, tampering with, or  
14 otherwise bypassing the continuous alcohol monitoring device or  
15 by consuming alcohol while required to use such device, he or  
16 she shall have his or her ignition interlock permit revoked and  
17 be unable to apply for reinstatement for the duration of the  
18 revocation period imposed by the court.

19 (7) The director shall adopt and promulgate rules and  
20 regulations regarding the approval of ignition interlock devices,  
21 the means of installing ignition interlock devices, and the means  
22 of administering the ignition interlock permit program.

23 (8) (a) The costs incurred in order to comply with the  
24 ignition interlock requirements of this section shall be paid  
25 directly to the ignition interlock provider by the person complying  
26 with an order for an ignition interlock permit and installation of  
27 an ignition interlock device.

1           (b) If the Department of Motor Vehicles has determined  
2 the person to be indigent and incapable of paying for the cost  
3 of installation, removal, or maintenance of the ignition interlock  
4 device in accordance with this section, such costs shall be paid  
5 out of the Department of Motor Vehicles Ignition Interlock Fund  
6 if such funds are available, according to rules and regulations  
7 adopted and promulgated by the department. Such costs shall also  
8 be paid out of the Department of Motor Vehicles Ignition Interlock  
9 Fund if such funds are available and if the court or the Board of  
10 Pardons, whichever is applicable, has determined the person to be  
11 indigent and incapable of paying for the cost of installation,  
12 removal, or maintenance of the ignition interlock device in  
13 accordance with this section. The Department of Motor Vehicles  
14 Ignition Interlock Fund is created. Any money in the fund available  
15 for investment shall be invested by the state investment officer  
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
17 State Funds Investment Act.

18           (9) (a) (i) An ignition interlock service facility shall  
19 notify the appropriate district probation office or the appropriate  
20 court, as applicable, of any evidence of tampering with or  
21 circumvention of an ignition interlock device, or any attempts  
22 to do so, when the facility becomes aware of such evidence.  
23 Failure of the facility to provide notification as provided in this  
24 subdivision is a Class V misdemeanor.

25           (ii) An ignition interlock service facility shall notify  
26 the Department of Motor Vehicles, if the ignition interlock  
27 permit is issued pursuant to sections 60-498.01 to 60-498.04,

1 of any evidence of tampering with or circumvention of an ignition  
2 interlock device, or any attempts to do so, when the facility  
3 becomes aware of such evidence. Failure of the facility to  
4 provide notification as provided in this subdivision is a Class V  
5 misdemeanor.

6 (b) If a district probation office receives evidence of  
7 tampering with or circumvention of an ignition interlock device, or  
8 any attempts to do so, from an ignition interlock service facility,  
9 the district probation office shall notify the appropriate court of  
10 such violation. The court shall immediately schedule an evidentiary  
11 hearing to be held within fourteen days after receiving such  
12 evidence, either from the district probation office or an ignition  
13 interlock service facility, and the court shall cause notice of  
14 the hearing to be given to the person operating a motor vehicle  
15 pursuant to an order under subsection (1) of this section. If  
16 the person who is the subject of such evidence does not appear  
17 at the hearing and show cause why the order made pursuant to  
18 subsection (1) of this section should remain in effect, the court  
19 shall rescind the original order. Nothing in this subsection shall  
20 apply to an order made by the Board of Pardons pursuant to section  
21 83-1,127.02.

22 (10) Notwithstanding any other provision of law, the  
23 issuance of an ignition interlock permit by the Department of Motor  
24 Vehicles under section 60-498.01 or an order for the installation  
25 of an ignition interlock device and ignition interlock permit made  
26 pursuant to subsection (1) of this section as part of a conviction,  
27 as well as the administration of such court order by the Office

1 of Probation Administration for the installation, maintenance, and  
2 removal of such device, as applicable, shall not be construed to  
3 create an order of probation when an order of probation has not  
4 been issued.

5 Sec. 47. Section 66-1406.02, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 66-1406.02 (1) The director may suspend, revoke, cancel,  
8 or refuse to issue or renew a license under the International Fuel  
9 Tax Agreement Act:

10 (a) If the applicant's or licensee's registration  
11 certificate issued pursuant to the International Registration Plan  
12 Act has been suspended, revoked, or canceled or the director  
13 refused to issue or renew such certificate;

14 (b) If the applicant or licensee is in violation of  
15 sections 75-392 to 75-399;

16 (c) If the applicant's or licensee's security has been  
17 canceled;

18 (d) If the applicant or licensee failed to provide  
19 additional security as required;

20 (e) If the applicant or licensee failed to file any  
21 report or return required by the motor fuel laws, filed an  
22 incomplete report or return required by the motor fuel laws, did  
23 not file any report or return required by the motor fuel laws  
24 electronically, or did not file a report or return required by the  
25 motor fuel laws on time;

26 (f) If the applicant or licensee failed to pay taxes  
27 required by the motor fuel laws due within the time provided;

1           (g) If the applicant or licensee filed any false report,  
2 return, statement, or affidavit, required by the motor fuel laws,  
3 knowing it to be false;

4           (h) If the applicant or licensee would no longer be  
5 eligible to obtain a license; or

6           (i) If the applicant or licensee committed any other  
7 violation of the International Fuel Tax Agreement Act or the rules  
8 and regulations adopted and promulgated under the act.

9           (2) Prior to taking any action pursuant to subsection  
10 (1) of this section, the director shall notify and advise the  
11 applicant or licensee of the proposed action and the reasons for  
12 such action in writing, by ~~registered or certified~~ regular United  
13 States mail, to his or her last-known business address as shown  
14 on the application or license. The notice shall also include an  
15 advisement of the procedures in subsection (3) of this section.

16           (3) The applicant or licensee may, within thirty days  
17 after the mailing of the notice, petition the director in writing  
18 for a hearing to contest the proposed action. The hearing shall be  
19 commenced in accordance with the rules and regulations adopted and  
20 promulgated by the Department of Motor Vehicles. If a petition is  
21 filed, the director shall, within twenty days after receipt of the  
22 petition, set a hearing date at which the applicant or licensee  
23 may show cause why the proposed action should not be taken. The  
24 director shall give the applicant or licensee reasonable notice of  
25 the time and place of the hearing. If the director's decision is  
26 adverse to the applicant or licensee, the applicant or licensee may  
27 appeal the decision in accordance with the Administrative Procedure



1 Act.

2 (4) Except as provided in subsection (2) of section  
3 60-3,205 and subsection (8) of this section, the filing of the  
4 petition shall stay any action by the director until a hearing is  
5 held and a final decision and order is issued.

6 (5) Except as provided in subsection (2) of section  
7 60-3,205 and subsection (8) of this section, if no petition is  
8 filed at the expiration of thirty days after the date on which the  
9 notification was mailed, the director may take the proposed action  
10 described in the notice.

11 (6) Except as provided in subsection (2) of section  
12 60-3,205 and subsection (8) of this section, if, in the judgment of  
13 the director, the applicant or licensee has complied with or is no  
14 longer in violation of the provisions for which the director took  
15 action under this section, the director may reinstate the license  
16 without delay. An applicant for reinstatement, issuance, or renewal  
17 of a license within three years after the date of suspension,  
18 revocation, cancellation, or refusal to issue or renew shall submit  
19 a fee of one hundred dollars to the director. The director shall  
20 remit the fee to the State Treasurer for credit to the Highway Cash  
21 Fund.

22 (7) Suspension of, revocation of, cancellation of, or  
23 refusal to issue or renew a license by the director shall not  
24 relieve any person from making or filing the reports or returns  
25 required by the motor fuel laws in the manner or within the time  
26 required.

27 (8) Any person who receives notice from the director of

1 action taken pursuant to subsection (1) of this section shall,  
2 within three business days, return such registration certificate  
3 and license plates issued pursuant to section 60-3,198 to the  
4 department. If any person fails to return the registration  
5 certificate and license plates to the department, the department  
6 shall notify the Nebraska State Patrol that any such person is in  
7 violation of this section.

8 Sec. 48. Section 71-4603, Revised Statutes Cumulative  
9 Supplement, 2010, is amended to read:

10 71-4603 For purposes of the Uniform Standard Code for  
11 Manufactured Homes and Recreational Vehicles, unless the context  
12 otherwise requires:

13 (1) Camping trailer means a vehicular portable unit  
14 mounted on wheels and constructed with collapsible partial side  
15 walls which fold for towing by another vehicle and unfold at the  
16 campsite to provide temporary living quarters for recreational,  
17 camping, or travel use;

18 (2) Commission means the Public Service Commission;

19 (3) Dealer means a person licensed by the state pursuant  
20 to the Motor Vehicle Industry Regulation Act as a dealer in  
21 manufactured homes or recreational vehicles or any other person,  
22 other than a manufacturer, who sells, offers to sell, distributes,  
23 or leases manufactured homes or recreational vehicles primarily to  
24 persons who in good faith purchase or lease a manufactured home or  
25 recreational vehicle for purposes other than resale;

26 (4) Defect means a failure to conform to an applicable  
27 construction standard that renders the manufactured home or

1 recreational vehicle or any component of the manufactured home or  
2 recreational vehicle not fit for the ordinary use for which it was  
3 intended but does not result in an unreasonable risk of injury or  
4 death to occupants;

5 (5) Distributor means any person engaged in the sale and  
6 distribution of manufactured homes or recreational vehicles for  
7 resale;

8 (6) Failure to conform means a defect, a serious defect,  
9 noncompliance, or an imminent safety hazard related to the code;

10 (7) Fifth-wheel trailer means a unit mounted on wheels,  
11 designed to provide temporary living quarters for recreational,  
12 camping, or travel use, of such size or weight as not to require  
13 a special highway movement permit, of gross trailer area not to  
14 exceed four hundred thirty square feet in the setup mode, and  
15 designed to be towed by a motorized vehicle that contains a towing  
16 mechanism that is mounted above or forward of the tow vehicle's  
17 rear axle;

18 (8) Gross trailer area means the total plan area measured  
19 on the exterior to the maximum horizontal projections of exterior  
20 wall in the setup mode and includes all siding, corner trims,  
21 moldings, storage spaces, expandable room sections regardless of  
22 height, and areas enclosed by windows but does not include roof  
23 overhangs. Storage lofts contained within the basic unit shall  
24 have ceiling heights less than five feet and shall not constitute  
25 additional square footage. Appurtenances, as defined in subdivision  
26 (2) (k) of section 60-6,288, shall not be considered in calculating  
27 the gross trailer area as provided in such subdivision;

1           (9) Imminent safety hazard means a hazard that presents  
2 an imminent and unreasonable risk of death or severe personal  
3 injury;

4           (10) Manufactured home means a structure, transportable  
5 in one or more sections, which in the traveling mode is eight body  
6 feet or more in width or forty body feet or more in length or when  
7 erected on site is three hundred twenty or more square feet and  
8 which is built on a permanent chassis and designed to be used as  
9 a dwelling with or without a permanent foundation when connected  
10 to the required utilities and includes the plumbing, heating, air  
11 conditioning, and electrical systems contained in the structure,  
12 except that manufactured home includes any structure that meets  
13 all of the requirements of this subdivision other than the size  
14 requirements and with respect to which the manufacturer voluntarily  
15 files a certification required by the United States Secretary  
16 of Housing and Urban Development and complies with the standards  
17 established under the National Manufactured Housing Construction  
18 and Safety Standards Act of 1974, as such act existed on September  
19 1, 2001, 42 U.S.C. 5401 et seq.;

20           (11) Manufactured-home construction means all activities  
21 relating to the assembly and manufacture of a manufactured home,  
22 including, but not limited to, activities relating to durability,  
23 quality, and safety;

24           (12) Manufactured-home safety means the performance of a  
25 manufactured home in such a manner that the public is protected  
26 against any unreasonable risk of the occurrence of accidents due  
27 to the design or construction of such manufactured home or any

1 unreasonable risk of death or injury to the user or to the public  
2 if such accidents do occur;

3 (13) Manufacturer means any person engaged in  
4 manufacturing, assembling, or completing manufactured homes or  
5 recreational vehicles;

6 (14) Motor home means a vehicular unit primarily designed  
7 to provide temporary living quarters which are built into an  
8 integral part of, or permanently attached to, a self-propelled  
9 motor vehicle chassis or van, containing permanently installed  
10 independent life-support systems that meet the state standard  
11 for recreational vehicles and providing at least four of  
12 the following facilities: Cooking; refrigeration or ice box;  
13 self-contained toilet; heating, air conditioning, or both; a  
14 potable water supply system including a faucet and sink; separate  
15 one-hundred-twenty-nominal-volt electrical power supply; or LP gas  
16 supply;

17 (15) Noncompliance means a failure to comply with an  
18 applicable construction standard that does not constitute a defect,  
19 a serious defect, or an imminent safety hazard;

20 (16) Park trailer means a vehicular unit which meets the  
21 following criteria:

22 (a) Built on a single chassis mounted on wheels;

23 (b) Designed to provide seasonal or temporary living  
24 quarters which may be connected to utilities necessary for  
25 operation of installed fixtures and appliances;

26 (c) Constructed to permit setup by persons without  
27 special skills using only hand tools which may include lifting,

1 pulling, and supporting devices; and

2 (d) Having a gross trailer area not exceeding four  
3 hundred thirty square feet when in the setup mode;

4 (17) Person means any individual, partnership, limited  
5 liability company, company, corporation, or association engaged in  
6 manufacturing, selling, offering to sell, or leasing manufactured  
7 homes or recreational vehicles;

8 (18) Purchaser means the first person purchasing a  
9 manufactured home or recreational vehicle in good faith for  
10 purposes other than resale;

11 (19) Recreational vehicle means a vehicular type unit  
12 primarily designed as temporary living quarters for recreational,  
13 camping, or travel use, which unit either has its own motive power  
14 or is mounted on or towed by another vehicle. Recreational vehicle  
15 includes, but is not limited to, travel trailer, park trailer,  
16 camping trailer, truck camper, motor home, and van conversion;

17 (20) Seal means a device or insignia issued by the  
18 Department of Health and Human Services Regulation and Licensure  
19 prior to May 1, 1998, or by the Public Service Commission on  
20 or after May 1, 1998, to be displayed on the exterior of a  
21 manufactured home or recreational vehicle to evidence compliance  
22 with state standards. The federal manufactured-home label shall be  
23 recognized as a seal;

24 (21) Serious defect means a failure to conform to an  
25 applicable construction standard that renders the manufactured home  
26 or recreational vehicle or any component of the manufactured home  
27 or recreational vehicle not fit for the ordinary use for which it

1 was intended and which results in an unreasonable risk of injury or  
2 death to the occupants;

3 (22) Travel trailer means a vehicular unit mounted  
4 on wheels, designed to provide temporary living quarters for  
5 recreational, camping, or travel use of such size or weight as  
6 not to require special highway movement permits when towed by a  
7 motorized vehicle and of gross trailer area less than four hundred  
8 thirty square feet;

9 (23) Truck camper means a portable unit constructed to  
10 provide temporary living quarters for recreational, travel, or  
11 camping use, consisting of a roof, floor, and sides and designed to  
12 be loaded onto and unloaded from the bed of a pickup truck; and

13 (24) Van conversion means a completed vehicle permanently  
14 altered cosmetically, structurally, or both which has been  
15 recertified by the state as a multipurpose passenger vehicle  
16 but which does not conform to or otherwise meet the definition  
17 of a motor home in this section and which contains at  
18 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
19 electrical component subject to the provisions of the state  
20 standard for recreational vehicles. Van conversion does not  
21 include any such vehicle that lacks any plumbing, heating, or  
22 one-hundred-twenty-nominal-volt electrical system but contains an  
23 extension of the low-voltage automotive circuitry.

24 Sec. 49. Section 75-363, Revised Statutes Supplement,  
25 2011, is amended to read:

26 75-363 (1) The parts, subparts, and sections of Title  
27 49 of the Code of Federal Regulations listed below, as modified

1 in this section, or any other parts, subparts, and sections  
2 referred to by such parts, subparts, and sections, in existence and  
3 effective as of January 1, ~~2011~~, 2012, are adopted as Nebraska law.

4 (2) Except as otherwise provided in this section, the  
5 regulations shall be applicable to:

6 (a) All motor carriers, drivers, and vehicles to which  
7 the federal regulations apply; and

8 (b) All motor carriers transporting persons or property  
9 in intrastate commerce to include:

10 (i) All vehicles of such motor carriers with a gross  
11 vehicle weight rating, gross combination weight rating, gross  
12 vehicle weight, or gross combination weight over ten thousand  
13 pounds;

14 (ii) All vehicles of such motor carriers designed or  
15 used to transport more than eight passengers, including the driver,  
16 for compensation, or designed or used to transport more than  
17 fifteen passengers, including the driver, and not used to transport  
18 passengers for compensation;

19 (iii) All vehicles of such motor carriers transporting  
20 hazardous materials required to be placarded pursuant to section  
21 75-364; and

22 (iv) All drivers of such motor carriers if the drivers  
23 are operating a commercial motor vehicle as defined in section  
24 60-465 which requires a commercial driver's license.

25 (3) The Legislature hereby adopts, as modified in this  
26 section, the following parts of Title 49 of the Code of Federal  
27 Regulations:



- 1 (a) Part 382 - Controlled Substances And Alcohol Use And  
2 Testing;
- 3 (b) Part 385 - Safety Fitness Procedures;
- 4 (c) Part 386 - Rules Of Practice For Motor Carrier,  
5 Intermodal Equipment Provider, Broker, Freight Forwarder, And  
6 Hazardous Materials Proceedings;
- 7 (d) Part 387 - Minimum Levels of Financial Responsibility  
8 for Motor Carriers;
- 9 (e) Part 390 - Federal Motor Carrier Safety Regulations;  
10 General;
- 11 (f) Part 391 - Qualifications Of Drivers And Longer  
12 Combination Vehicle (LCV) Driver Instructors;
- 13 (g) Part 392 - Driving Of Commercial Motor Vehicles;
- 14 (h) Part 393 - Parts And Accessories Necessary For Safe  
15 Operation;
- 16 (i) Part 395 - Hours Of Service Of Drivers;
- 17 (j) Part 396 - Inspection, Repair, And Maintenance;
- 18 (k) Part 397 - Transportation Of Hazardous Materials;  
19 Driving And Parking Rules; and
- 20 (l) Part 398 - Transportation Of Migrant Workers.
- 21 (4) The provisions of subpart E - Physical Qualifications  
22 And Examinations of 49 C.F.R. part 391 - Qualifications Of Drivers  
23 And Longer Combination Vehicle (LCV) Driver Instructors shall not  
24 apply to any driver subject to this section who: (a) Operates a  
25 commercial motor vehicle exclusively in intrastate commerce; and  
26 (b) holds, or has held, a commercial driver's license issued by  
27 this state prior to July 30, 1996.

1           (5) The regulations adopted in subsection (3) of this  
2 section shall not apply to farm trucks registered pursuant to  
3 section 60-3,146 with a gross weight of sixteen tons or less. The  
4 following parts and sections of 49 C.F.R. chapter III shall not  
5 apply to drivers of farm trucks registered pursuant to section  
6 60-3,146 and operated solely in intrastate commerce:

7           (a) All of part 391;

8           (b) Section 395.8 of part 395; and

9           (c) Section 396.11 of part 396.

10          (6) Part 393 - Parts And Accessories Necessary For Safe  
11 Operation and Part 396 - Inspection, Repair, And Maintenance shall  
12 not apply to fertilizer and agricultural chemical application and  
13 distribution equipment transported in units with a capacity of  
14 three thousand five hundred gallons or less.

15          (7) For purposes of this section, intrastate motor  
16 carriers shall not include any motor carrier or driver excepted  
17 from 49 C.F.R. chapter III by section 390.3(f) of part 390.

18          (8) (a) Part 395 - Hours Of Service Of Drivers shall apply  
19 to motor carriers and drivers who engage in intrastate commerce as  
20 defined in section 75-362, except that no motor carrier who engages  
21 in intrastate commerce shall permit or require any driver used by  
22 it to drive nor shall any driver drive:

23           (i) More than twelve hours following eight consecutive  
24 hours off duty; or

25           (ii) For any period after having been on duty sixteen  
26 hours following eight consecutive hours off duty.

27          (b) No motor carrier who engages in intrastate commerce

1 shall permit or require a driver of a commercial motor vehicle,  
2 regardless of the number of motor carriers using the driver's  
3 services, to drive, nor shall any driver of a commercial motor  
4 vehicle drive, for any period after:

5 (i) Having been on duty seventy hours in any seven  
6 consecutive days if the employing motor carrier does not operate  
7 every day of the week; or

8 (ii) Having been on duty eighty hours in any period of  
9 eight consecutive days if the employing motor carrier operates  
10 motor vehicles every day of the week.

11 (9) Part 395 - Hours Of Service Of Drivers, as adopted  
12 in subsections (3) and (8) of this section, shall not apply to  
13 drivers transporting agricultural commodities or farm supplies for  
14 agricultural purposes when the transportation of such commodities  
15 or supplies occurs within a one-hundred-air-mile radius of  
16 the source of the commodities or the distribution point for  
17 the supplies when such transportation occurs during the period  
18 beginning on February 15 up to and including December 15 of each  
19 calendar year.

20 (10) 49 C.F.R. 390.21 - ~~Marking Of Commercial Motor~~  
21 ~~Vehicles~~ Self-Propelled CMVs And Intermodal Equipment shall not  
22 apply to farm trucks and farm truck-tractors registered pursuant to  
23 section 60-3,146 and operated solely in intrastate commerce.

24 (11) 49 C.F.R. 392.9a - Operating Authority shall  
25 not apply to Nebraska motor carriers operating commercial motor  
26 vehicles solely in intrastate commerce.

27 (12) No motor carrier shall permit or require a driver

1 of a commercial motor vehicle to violate, and no driver of a  
2 commercial motor vehicle shall violate, any out-of-service order.

3 Sec. 50. Section 75-364, Revised Statutes Supplement,  
4 2011, is amended to read:

5 75-364 The parts, subparts, and sections of Title 49 of  
6 the Code of Federal Regulations listed below, or any other parts,  
7 subparts, and sections referred to by such parts, subparts, and  
8 sections, in existence and effective as of January 1, ~~2011~~, 2012,  
9 are adopted as part of Nebraska law and shall be applicable to  
10 all motor carriers whether engaged in interstate or intrastate  
11 commerce, drivers of such motor carriers, and vehicles of such  
12 motor carriers:

13 (1) Part 107 - Hazardous Materials Program Procedures,  
14 subpart F-Registration of Cargo Tank and Cargo Tank Motor Vehicle  
15 Manufacturers, Assemblers, Repairers, Inspectors, Testers, and  
16 Design Certifying Engineers;

17 (2) Part 107 - Hazardous Materials Program Procedures,  
18 subpart G-Registration of Persons Who Offer or Transport Hazardous  
19 Materials;

20 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND  
21 DEFINITIONS;

22 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL  
23 PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE  
24 INFORMATION, ~~AND~~ TRAINING REQUIREMENTS, AND SECURITY PLANS;

25 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR  
26 SHIPMENTS AND PACKAGINGS;

27 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

- 1                   (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and  
2                   (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE  
3 OF PACKAGINGS.

4                   Sec. 51. Section 75-366, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6                   75-366 ~~For the purpose of enforcing Chapter 75, article~~  
7 ~~3, any officer of the carrier enforcement division of the Nebraska~~  
8 ~~State Patrol or any officer of the Nebraska State Patrol may,~~  
9 ~~upon demand, inspect the accounts, records, and equipment of any~~  
10 ~~carrier or shipper. The carrier enforcement division shall enforce~~  
11 ~~the provisions of Chapter 75, article 3. To promote uniformity~~  
12 ~~of enforcement, the carrier enforcement division shall cooperate~~  
13 ~~and consult with the Public Service Commission and the Division~~  
14 ~~of Motor Carrier Services. For the purpose of enforcing sections~~  
15 ~~75-363 and 75-364, any officer of the carrier enforcement division~~  
16 ~~of the Nebraska State Patrol or any officer of the Nebraska State~~  
17 ~~Patrol shall have the authority of special agents of the Federal~~  
18 ~~Motor Carrier Safety Administration.~~

19                   For the purpose of enforcing Chapter 75, article 3, any  
20 officer of the Nebraska State Patrol may, upon demand, inspect  
21 the accounts, records, and equipment of any motor carrier or  
22 shipper. Any officer of the Nebraska State Patrol shall have the  
23 authority to enforce the federal motor carrier safety regulations,  
24 as such regulations existed on January 1, 2012, and federal  
25 hazardous materials regulations, as such regulations existed on  
26 January 1, 2012, and is authorized to enter upon, inspect, and  
27 examine any and all lands, buildings, and equipment of any motor

1 carrier, any shipper, and any other person subject to the federal  
2 Interstate Commerce Act, the federal Department of Transportation  
3 Act, and other related federal laws and to inspect and copy any  
4 and all accounts, books, records, memoranda, correspondence, and  
5 other documents of a motor carrier, a shipper, and any other  
6 person subject to Chapter 75, article 3. To promote uniformity  
7 of enforcement, the carrier enforcement division of the Nebraska  
8 State Patrol shall cooperate and consult with the Public Service  
9 Commission and the Division of Motor Carrier Services.

10           Sec. 52. Section 75-393, Revised Statutes Supplement,  
11 2011, is amended to read:

12           75-393 The director may participate in the unified  
13 carrier registration plan and agreement pursuant to the Unified  
14 Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act  
15 existed on January 1, ~~2011~~, 2012, and may file on behalf of this  
16 state the plan required by such plan and agreement for enforcement  
17 of the act in this state.

18           Sec. 53. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15,  
19 16, 19, 20, 22, 23, 27, 28, 29, 30, 31, 36, 37, 39, 41, 42, 47,  
20 48, 56, and 57 of this act become operative three calendar months  
21 after the adjournment of this legislative session. Sections 24, 26,  
22 32, and 55 of this act become operative on May 1, 2012. The other  
23 sections of this act become operative on their effective date.

24           Sec. 54. Original sections 60-4,168, 60-6,179.01, and  
25 75-366, Reissue Revised Statutes of Nebraska, and sections  
26 18-1739, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-498.02,  
27 60-4,118.06, 60-4,144, 60-4,146, 60-4,147.02, 60-4,182, 60-601,

1 60-6,211.05, 75-363, 75-364, and 75-393, Revised Statutes  
2 Supplement, 2011, are repealed.

3 Sec. 55. Original section 60-4,142, Reissue Revised  
4 Statutes of Nebraska, and sections 60-4,116 and 60-4,120, Revised  
5 Statutes Supplement, 2011, are repealed.

6 Sec. 56. Original sections 37-1284, 37-1285, 60-105,  
7 60-154, 60-166, 60-168, 60-169, 60-180, 60-365, 60-3,198, 60-3,205,  
8 60-486, 60-4,100, 60-4,120.02, 60-4,124, 60-4,125, 60-4,126,  
9 60-4,130.03, 60-4,167, 60-4,167.01, 60-4,170, 60-4,184, 60-507, and  
10 66-1406.02, Reissue Revised Statutes of Nebraska, sections 37-1283,  
11 43-287, and 71-4603, Revised Statutes Cumulative Supplement, 2010,  
12 and sections 60-498.01 and 60-4,114, Revised Statutes Supplement,  
13 2011, are repealed.

14 Sec. 57. The following sections are outright repealed:  
15 Sections 60-3,163 and 60-485, Reissue Revised Statutes of Nebraska.

16 Sec. 58. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.

18 2. On page 1, strike beginning with "motor" in  
19 line 1 through line 11 and insert "transportation; to amend  
20 sections 37-1284, 37-1285, 60-105, 60-154, 60-166, 60-168, 60-169,  
21 60-180, 60-365, 60-3,198, 60-3,205, 60-486, 60-4,100, 60-4,120.02,  
22 60-4,124, 60-4,125, 60-4,126, 60-4,130.03, 60-4,142, 60-4,167,  
23 60-4,167.01, 60-4,168, 60-4,170, 60-4,184, 60-507, 60-6,179.01,  
24 66-1406.02, and 75-366, Reissue Revised Statutes of Nebraska,  
25 sections 37-1283, 43-287, and 71-4603, Revised Statutes Cumulative  
26 Supplement, 2010, and sections 18-1739, 60-3,113.04, 60-3,193.01,  
27 60-462.01, 60-479.01, 60-498.01, 60-498.02, 60-4,114, 60-4,116,

1 60-4,118.06, 60-4,120, 60-4,144, 60-4,146, 60-4,147.02, 60-4,182,  
2 60-601, 60-6,211.05, 75-363, 75-364, and 75-393, Revised Statutes  
3 Supplement, 2011; to adopt provisions of federal law; to change  
4 provisions relating to handicapped or disabled parking permits,  
5 certificates of title, distribution of fees for certificates  
6 of title, motor vehicle registration, registration fees for  
7 fleet vehicles, mailing requirements of the Department of Motor  
8 Vehicles, operation of ignition-interlock-equipped motor vehicles,  
9 eligibility for ignition interlock permits, application for and  
10 issuance of certain operators' licenses and permits and state  
11 identification cards, criminal history record information checks,  
12 and commercial driver qualifications; to prohibit texting while  
13 driving a commercial motor vehicle; to change the definitions of  
14 certain trailers under the Uniform Standard Code for Manufactured  
15 Homes and Recreational Vehicles; to eliminate provisions relating  
16 to denial of registration of a motor vehicle or an operator's  
17 license to a person with an outstanding warrant for arrest; to  
18 change and provide penalties; to provide operative dates; to repeal  
19 the original sections; to outright repeal sections 60-3,163 and  
20 60-485, Reissue Revised Statutes of Nebraska; and to declare an  
21 emergency.".