

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 718

Introduced by Fischer, 43.

Read first time January 04, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 sections 37-1284, 37-1285, 60-154, 60-166, 60-168,
3 60-169, 60-180, and 60-3,198, Reissue Revised Statutes of
4 Nebraska, and section 37-1283, Revised Statutes
5 Cumulative Supplement, 2010; to change provisions
6 relating to certificates of title and the distribution of
7 titling fees; to change penalty provisions; to change
8 provisions relating to registration fees for fleet
9 vehicles; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-1283, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

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

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

16 Sec. 2. Section 37-1284, Reissue Revised Statutes of
17 Nebraska, is amended to read:

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

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

1 the department for cancellation.

2 Sec. 3. Section 37-1285, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-1285 Each owner of a motorboat and each person
5 mentioned as owner in the last certificate of title, when the
6 motorboat is dismantled, destroyed, or changed in such a manner that
7 it loses its character as a motorboat or changed in such a manner
8 that it is not the motorboat described in the certificate of title,
9 shall surrender his or her certificate of title to ~~the~~any county
10 clerk or designated county official ~~of the county where the~~
11 ~~certificate of title was issued or, if issued by the Department of~~
12 ~~Motor Vehicles, to the department.~~or to the Department of Motor
13 Vehicles. If the certificate of title is surrendered to ~~the~~a county
14 clerk or designated county official, he or she shall, with the
15 consent of any holders of any liens noted on the certificate, enter a
16 cancellation upon ~~his or her~~the records and shall notify the
17 department of the cancellation. If the certificate is surrendered to
18 the department, it shall, with the consent of any holder of any lien
19 noted on the certificate, enter a cancellation upon its records. Upon
20 cancellation of a certificate of title in the manner prescribed by
21 this section, the county clerk or designated county official and the
22 department may cancel and destroy all certificates and all memorandum
23 certificates in that chain of title.

24 Sec. 4. Section 60-154, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-154 (1)(a) For each original certificate of title
2 issued by a county for a motor vehicle or trailer, the fee shall be
3 ten dollars. Three dollars and twenty-five cents shall be retained by
4 the county. Four dollars shall be remitted to the State Treasurer for
5 credit to the Department of Motor Vehicles Cash Fund. Two dollars
6 shall be remitted to the State Treasurer for credit to the General
7 Fund. Seventy-five cents shall be remitted to the State Treasurer for
8 credit as follows: Twenty cents to the Motor Vehicle Fraud Cash Fund;
9 forty-five cents to the Nebraska State Patrol Cash Fund; and ten
10 cents to the Nebraska Motor Vehicle Industry Licensing Fund.

11 (b) For each original certificate of title issued by a
12 county for an all-terrain vehicle, a utility-type vehicle, or a
13 minibike, the fee shall be ten dollars. Three dollars and twenty-five
14 cents shall be retained by the county. Four dollars shall be remitted
15 to the State Treasurer for credit to the Department of Motor Vehicles
16 Cash Fund. Two dollars shall be remitted to the State Treasurer for
17 credit to the General Fund. Seventy-five cents shall be remitted to
18 the State Treasurer for credit as follows: Twenty cents to the Motor
19 Vehicle Fraud Cash Fund; and fifty-five cents to the Nebraska State
20 Patrol Cash Fund.

21 (2) For each original certificate of title issued by the
22 department for a vehicle except as provided in section 60-159.01, the
23 fee shall be ten dollars. Four dollars shall be remitted to the State
24 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
25 Six dollars, ~~which~~ shall be remitted to the State Treasurer for

1 credit to the Motor Carrier Division Cash Fund.

2 Sec. 5. Section 60-166, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-166 (1) In the event of (a) the transfer of ownership
5 of a vehicle by operation of law as upon inheritance, devise, or
6 bequest, order in bankruptcy, insolvency, replevin, or execution sale
7 or as provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to
8 60-1911, and 60-2401 to 60-2411, (b) the engine of a vehicle being
9 replaced by another engine, (c) a vehicle being sold to satisfy
10 storage or repair charges, or (d) repossession being had upon default
11 in performance of the terms of a chattel mortgage, trust receipt,
12 conditional sales contract, or other like agreement, the county clerk
13 or designated county official of any county or the department, ~~if the~~
14 ~~last certificate of title was issued by the department,~~ upon the
15 surrender of the prior certificate of title or the manufacturer's or
16 importer's certificate, or when that is not possible, upon
17 presentation of satisfactory proof of ownership and right of
18 possession to such vehicle, and upon payment of the appropriate fee
19 and the presentation of an application for certificate of title, may
20 issue to the applicant a certificate of title thereto. If the prior
21 certificate of title issued for such vehicle provided for joint
22 ownership with right of survivorship, a new certificate of title
23 shall be issued to a subsequent purchaser upon the assignment of the
24 prior certificate of title by the surviving owner and presentation of
25 satisfactory proof of death of the deceased owner. Only an affidavit

1 by the person or agent of the person to whom possession of such
2 vehicle has so passed, setting forth facts entitling him or her to
3 such possession and ownership, together with a copy of the journal
4 entry, court order, or instrument upon which such claim of possession
5 and ownership is founded, shall be considered satisfactory proof of
6 ownership and right of possession, except that if the applicant
7 cannot produce such proof of ownership, he or she may submit to the
8 department such evidence as he or she may have, and the department
9 may thereupon, if it finds the evidence sufficient, issue the
10 certificate of title or authorize ~~the~~any county clerk or designated
11 county official to issue a certificate of title, as the case may be.

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

18 Sec. 6. Section 60-168, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-168 (1) In the event of a lost or mutilated
21 certificate of title, the owner of the vehicle or the holder of a
22 lien on the vehicle shall apply, upon a form prescribed by the
23 department, to the department, ~~if the certificate of title was issued~~
24 ~~by the department,~~ or to any county clerk or designated county
25 official for a duplicate certificate of title and shall pay the fee

1 prescribed by section 60-156. The application shall be signed and
2 sworn to by the person making the application or a person authorized
3 to sign under section 60-151. Thereupon the county clerk or
4 designated county official, with the approval of the department, or
5 the department shall issue a duplicate certificate of title to the
6 person entitled to receive the certificate of title. If the records
7 of the title have been destroyed pursuant to section 60-152, the
8 county clerk or designated county official shall issue a duplicate
9 certificate of title to the person entitled to receive the same upon
10 such showing as the county clerk or designated county official may
11 deem sufficient. If the applicant cannot produce such proof of
12 ownership, he or she may apply directly to the department and submit
13 such evidence as he or she may have, and the department may, if it
14 finds the evidence sufficient, authorize the county clerk or
15 designated county official to issue a duplicate certificate of title.
16 A duplicate certificate of title so issued shall show only those
17 unreleased liens of record. The new purchaser shall be entitled to
18 receive an original certificate of title upon presentation of the
19 assigned duplicate copy of the certificate of title, properly
20 assigned to the new purchaser, to the county clerk or designated
21 county official prescribed in section 60-144.

22 (2) Any purchaser of a vehicle for which a certificate of
23 title was lost or mutilated may at the time of purchase require the
24 seller of the same to indemnify him or her and all subsequent
25 purchasers of the vehicle against any loss which he, she, or they may

1 suffer by reason of any claim presented upon the original
2 certificate. In the event of the recovery of the original certificate
3 of title by the owner, he or she shall forthwith surrender the same
4 to the county clerk or designated county official or the department
5 for cancellation.

6 Sec. 7. Section 60-169, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-169 (1)(a) Except as otherwise provided in subdivision
9 (b) of this subsection, each owner of a vehicle and each person
10 mentioned as owner in the last certificate of title, when the vehicle
11 is dismantled, destroyed, or changed in such a manner that it loses
12 its character as a vehicle or changed in such a manner that it is not
13 the vehicle described in the certificate of title, shall surrender
14 his or her certificate of title to ~~the~~ any county clerk or designated
15 county official ~~of the county where such certificate of title was~~
16 ~~issued or, if issued by the department,~~ to the department. If the
17 certificate of title is surrendered to ~~the~~ a county clerk or
18 designated county official, he or she shall, with the consent of any
19 holders of any liens noted thereon, enter a cancellation upon ~~his or~~
20 ~~her~~ the records and shall notify the department of such cancellation.
21 If the certificate is surrendered to the department, it shall, with
22 the consent of any holder of any lien noted thereon, enter a
23 cancellation upon its records.

24 (b)(i) In the case of a mobile home or manufactured home
25 for which a certificate of title has been issued, if such mobile home

1 or manufactured home is affixed to real property in which each owner
2 of the mobile home or manufactured home has any ownership interest,
3 the certificate of title may be surrendered for cancellation to the
4 county clerk or designated county official of the county where such
5 ~~certificate of title is issued or, if issued by the department, to~~
6 ~~the department, mobile home or manufactured home is affixed to real~~
7 property if at the time of surrender the owner submits to the county
8 clerk, ~~the~~ or designated county official, ~~or the department~~ an
9 affidavit of affixture on a form provided by the department that
10 contains all of the following, as applicable:

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

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

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

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

21 (E) The written consent of each holder of a lien duly
22 noted on the certificate of title to the release of such lien and the
23 cancellation of the certificate of title;

24 (F) A copy of the certificate of title surrendered for
25 cancellation; and

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

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

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

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

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

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

1 the real estate to which it is affixed.

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

11 (b) The affidavit of detachment shall contain all of the
12 following:

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

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

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

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

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

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

1 the real estate from which the mobile home or manufactured home is to
2 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 may
6 be delivered.

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

1 real estate or an interest as the lessee under a lease of the real
2 property that has a term that continues for at least twenty years
3 after the recording of the affidavit under subsection (2) of this
4 section.

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

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

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

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

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

1 a Class III misdemeanor.

2 (4) A person who fails to surrender the certificate of
3 title to the county clerk, ~~or~~ designated county official, or
4 department as provided in section 60-169 in case of the destruction
5 or dismantling or change of a vehicle in such respect that it is not
6 the vehicle described in the certificate of title is guilty of a
7 Class III misdemeanor.

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

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

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

21 Sec. 9. Section 60-3,198, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-3,198 (1) Any owner engaged in operating a fleet of
24 apportionable vehicles in this state in interjurisdiction commerce
25 may, in lieu of registration of such apportionable vehicles under the

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

23 Temporary authority which permits the operation of a
24 fleet or an addition to a fleet in this state while the application
25 is being processed may be issued upon application to the division if

1 necessary to complete processing of the application.

2 Upon completion of such processing and receipt of the
3 appropriate fees, the division shall issue to the applicant a
4 sufficient number of distinctive registration certificates which
5 provide a list of the jurisdictions in which the apportionable
6 vehicle has been apportioned, the weight for which registered, and
7 such other evidence of registration for display on the apportionable
8 vehicle as the division determines appropriate for each of the
9 apportionable vehicles of his or her fleet, identifying it as a part
10 of an interjurisdiction fleet proportionately registered. All fees
11 received as provided in this section shall be remitted to the State
12 Treasurer for credit to the Motor Carrier Services Division
13 Distributive Fund.

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

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

25 When a nonresident fleet owner has registered his or her

1 apportionable vehicles, his or her apportionable vehicles shall be
2 considered as fully registered for both interjurisdiction and
3 intrajurisdiction commerce when the jurisdiction of base registration
4 for such fleet accords the same consideration for fleets with a base
5 registration in Nebraska. Each apportionable vehicle of a fleet
6 registered by a resident of Nebraska shall be considered as fully
7 registered for both interjurisdiction and intrajurisdiction commerce.

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

15 (3) Any owner complying with and being granted
16 proportional registration shall preserve the records on which the
17 application is made for a period of three years following the current
18 registration year. Upon request of the division, the owner shall make
19 such records available to the division at its office for audit as to
20 accuracy of computation and payments or pay the costs of an audit at
21 the home office of the owner by a duly appointed representative of
22 the division if the office where the records are maintained is not
23 within the State of Nebraska. The division may enter into agreements
24 with agencies of other jurisdictions administering motor vehicle
25 registration laws for joint audits of any such owner. All payments

1 received to cover the costs of an audit shall be remitted by the
2 division to the State Treasurer for credit to the Motor Carrier
3 Division Cash Fund. No deficiency shall be assessed and no claim for
4 credit shall be allowed for any license registration year for which
5 records on which the application was made are no longer required to
6 be maintained.

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

22 (5) Every applicant who licenses any apportionable
23 vehicles under this section and section 60-3,203 shall have his or
24 her registration certificates issued only after all fees under such
25 sections are paid and, if applicable, proof has been furnished of

1 payment, in the form prescribed by the director as directed by the
2 United States Secretary of the Treasury, of the federal heavy vehicle
3 use tax imposed by 26 U.S.C. 4481 of the Internal Revenue Code as
4 defined in section 49-801.01.

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

1 or lessee of the registered apportionable vehicle shall additionally
2 pay only the registration fee for the increased gross vehicle weight
3 for the remaining months of the registration year based on the
4 factors determined by the division in the original fleet application.

5 (7) Whenever a Nebraska-based fleet owner files an
6 application with the division to delete a registered apportionable
7 vehicle from a fleet of registered apportionable vehicles (a) because
8 of a transfer of ownership of the registered apportionable vehicle,
9 (b) because of loss of possession due to fire, theft, or wrecking,
10 junking, or dismantling of the registered apportionable vehicle, (c)
11 because a salvage branded certificate of title is issued for the
12 registered apportionable vehicle, (d) because a type or class of
13 registered apportioned vehicle is subsequently declared by
14 legislative act or court decision to be illegal or ineligible to be
15 operated or towed on the public roads and no longer subject to
16 registration fees and taxes, (e) because of a trade-in or surrender
17 of the registered apportionable vehicle under a lease, or (f) because
18 of a change in the situs of the registered apportionable vehicle to a
19 location outside of this state, the registered owner may, by
20 returning the registration certificate or certificates and such other
21 evidence of registration used by the division or, if such certificate
22 or certificates or such other evidence of registration is
23 unavailable, then by making an affidavit to the division of such
24 transfer or loss, receive a refund of that portion of the unused
25 registration fee based upon the number of unexpired months remaining

1 in the registration year from the date of transfer or loss. No refund
2 shall be allowed for any fees paid under section 60-3,203. When such
3 apportionable vehicle is transferred or lost within the same month as
4 acquired, no refund shall be allowed for such month. Such refund may
5 be in the form of a credit against any registration fees that have
6 been incurred or are, at the time of the refund, being incurred by
7 the registered apportionable vehicle owner. The Nebraska-based fleet
8 owner shall make a claim for a refund under this subsection within
9 the registration period or shall be deemed to have forfeited his or
10 her right to the refund.

11 (8) Whenever a Nebraska-based fleet owner files an
12 application with the division to delete a registered apportionable
13 vehicle from a fleet of registered apportionable vehicles because the
14 apportionable vehicle is disabled and has been removed from service,
15 the registered owner may, by returning the registration certificate
16 or certificates and such other evidence of registration used by the
17 division or, in the case of the unavailability of such certificate or
18 certificates or such other evidence of registration, then by making
19 an affidavit to the division of such disablement and removal from
20 service, receive a credit for that portion of the unused registration
21 fee deposited in the Highway Trust Fund based upon the number of
22 unexpired months remaining in the registration year. No credit shall
23 be allowed for any fees paid under section 60-3,203. When such
24 apportionable vehicle is removed from service within the same month
25 in which it was registered, no credit shall be allowed for such

1 month. Such credit may be applied against registration fees for new
2 or replacement vehicles incurred within one year after cancellation
3 of registration of the apportionable vehicle for which the credit was
4 allowed. When any such apportionable vehicle is reregistered within
5 the same registration year in which its registration has been
6 canceled, the fee shall be that portion of the registration fee
7 provided to be deposited in the Highway Trust Fund for the remainder
8 of the registration year. The Nebraska-based fleet owner shall make a
9 claim for a credit under this subsection within the registration
10 period or shall be deemed to have forfeited his or her right to the
11 credit.

12 (9) In case of addition to the registered fleet during
13 the registration year, the owner engaged in operating the fleet shall
14 pay the proportionate registration fee from the date the vehicle was
15 placed into service or, if the vehicle was previously registered,
16 ~~outside of Nebraska,~~ the date the prior registration expired or the
17 date Nebraska became the base jurisdiction for the fleet, whichever
18 is first, for the remaining balance of the registration year. The fee
19 for any permanent license plate issued for such addition pursuant to
20 section 60-3,203 shall be the full fee required by such section,
21 regardless of the number of months remaining in the license year.

22 (10) In lieu of registration under subsections (1)
23 through (9) of this section, the title holder of record may apply to
24 the division for special registration, to be known as an unladen-
25 weight registration, for any commercial motor vehicle or combination

1 of vehicles. Such registration shall be valid only for a period of
2 thirty days and shall give no authority to operate the vehicle except
3 when empty. The fee for such registration shall be twenty dollars for
4 each vehicle, which fee shall be remitted to the State Treasurer for
5 credit to the Highway Trust Fund. The issuance of such permits shall
6 be governed by section 60-3,179.

7 (11) Any person may, in lieu of registration under
8 subsections (1) through (9) of this section or for other
9 jurisdictions as approved by the director, purchase a trip permit for
10 any nonresident truck, truck-tractor, bus, or truck or truck-tractor
11 combination. Such permit shall be valid for a period of seventy-two
12 hours. The fee for such permit shall be twenty-five dollars for each
13 truck, truck-tractor, bus, or truck or truck-tractor combination.
14 Such permit shall be available at weighing stations operated by the
15 carrier enforcement division and at various vendor stations as
16 determined appropriate by the carrier enforcement division. The
17 carrier enforcement division shall act as an agent for the Division
18 of Motor Carrier Services in collecting such fees and shall remit all
19 such fees collected to the State Treasurer for credit to the Highway
20 Cash Fund. Trip permits shall be obtained at the first available
21 location whether that is a weighing station or a vendor station. The
22 vendor stations shall be entitled to collect and retain an additional
23 fee of ten percent of the fee collected pursuant to this subsection
24 as reimbursement for the clerical work of issuing the permits.

25 Sec. 10. Original sections 37-1284, 37-1285, 60-154,

1 60-166, 60-168, 60-169, 60-180, and 60-3,198, Reissue Revised
2 Statutes of Nebraska, and section 37-1283, Revised Statutes
3 Cumulative Supplement, 2010, are repealed.