

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 776**

Introduced by Hadley, 37.

Read first time January 10, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 75-392,  
2 Reissue Revised Statutes of Nebraska, section 60-336.01,  
3 Revised Statutes Cumulative Supplement, 2012, and  
4 sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01,  
5 60-4,147.02, and 75-393, Revised Statutes Supplement,  
6 2013; to adopt and update references to certain federal  
7 provisions relating to low-speed vehicles, handicapped or  
8 disabled parking permits, the International Registration  
9 Plan, operators' licenses, persons handling source  
10 documents, hazardous materials, and the unified carrier  
11 registration plan and agreement; to repeal the original  
12 sections; and to declare an emergency.

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

1                   Section 1. Section 60-336.01, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   60-336.01 Low-speed vehicle means a four-wheeled motor  
4 vehicle (1) whose speed attainable in one mile is more than twenty  
5 miles per hour and not more than twenty-five miles per hour on a  
6 paved, level surface, (2) whose gross vehicle weight rating is less  
7 than three thousand pounds, and (3) that complies with 49 C.F.R. part  
8 571, as such part existed on January 1, ~~2011~~. 2014.

9                   Sec. 2. Section 60-3,113.04, Revised Statutes Supplement,  
10 2013, 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 23 C.F.R. part 1235,  
18 UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES, as such  
19 regulations existed on January 1, ~~2013~~. 2014.

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

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

12           Sec. 3. Section 60-3,193.01, Revised Statutes Supplement,  
13 2013, is amended to read:

14           60-3,193.01 For purposes of the Motor Vehicle  
15 Registration Act, the International Registration Plan is adopted and  
16 incorporated by reference as the plan existed on January 1, ~~2013-~~  
17 2014.

18           Sec. 4. Section 60-462.01, Revised Statutes Supplement,  
19 2013, is amended to read:

20           60-462.01 For purposes of the Motor Vehicle Operator's  
21 License Act, the following federal regulations are adopted as  
22 Nebraska law as they existed on January 1, ~~2013-~~ 2014:

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

1                   Sec. 5. Section 60-479.01, Revised Statutes Supplement,  
2 2013, is amended to read:

3                   60-479.01 (1) All persons handling source documents or  
4 engaged in the issuance of new, renewed, or reissued operators'  
5 licenses or state identification cards shall have periodic fraudulent  
6 document recognition training.

7                   (2) This subsection applies beginning on an  
8 implementation date designated by the director on or before January  
9 1, 2014. All persons and agents of the department involved in the  
10 recording of verified application information or verified operator's  
11 license and state identification card information, involved in the  
12 manufacture or production of licenses or cards, or who have the  
13 ability to affect information on such licenses or cards shall be  
14 subject to a criminal history record information check, including a  
15 check of prior employment references, and a lawful status check as  
16 required by 6 C.F.R. part 37, as such part existed on January 1,  
17 ~~2013.~~2014. Such persons and agents shall provide fingerprints which  
18 shall be submitted to the Federal Bureau of Investigation. The bureau  
19 shall use its records for the criminal history record information  
20 check.

21                   (3) Upon receipt of a request pursuant to subsection (2)  
22 of this section, the Nebraska State Patrol shall undertake a search  
23 for criminal history record information relating to such applicant,  
24 including transmittal of the applicant's fingerprints to the Federal  
25 Bureau of Investigation for a national criminal history record

1 information check. The criminal history record information check  
2 shall include information concerning the applicant from federal  
3 repositories of such information and repositories of such information  
4 in other states, if authorized by federal law. The Nebraska State  
5 Patrol shall issue a report to the employing public agency that shall  
6 include the criminal history record information concerning the  
7 applicant. The cost of any background check shall be borne by the  
8 employer of the person or agent.

9 (4) Any person convicted of any disqualifying offense as  
10 provided in 6 C.F.R. part 37, as such part existed on January 1,  
11 ~~2013,~~2014, shall not be involved in the recording of verified  
12 application information or verified operator's license and state  
13 identification card information, involved in the manufacture or  
14 production of licenses or cards, or involved in any capacity in which  
15 such person would have the ability to affect information on such  
16 licenses or cards. Any employee or prospective employee of the  
17 department shall be provided notice that he or she will undergo such  
18 criminal history record information check prior to employment or  
19 prior to any involvement with the issuance of operators' licenses or  
20 state identification cards.

21 Sec. 6. Section 60-4,147.02, Revised Statutes Supplement,  
22 2013, is amended to read:

23 60-4,147.02 No endorsement authorizing the driver to  
24 operate a commercial motor vehicle transporting hazardous materials  
25 shall be issued, renewed, or transferred by the Department of Motor

1 Vehicles unless the endorsement is issued, renewed, or transferred in  
2 conformance with the requirements of section 1012 of the federal  
3 Uniting and Strengthening America by Providing Appropriate Tools  
4 Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT  
5 Act, 49 U.S.C. 5103a, including all amendments and federal  
6 regulations adopted pursuant thereto as of January 1, ~~2013,~~2014, for  
7 the issuance of licenses to operate commercial motor vehicles  
8 transporting hazardous materials.

9 Sec. 7. Section 75-392, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 75-392 For purposes of sections 75-392 to 75-399:

12 (1) Director means the Director of Motor Vehicles;

13 (2) Division means the Division of Motor Carrier Services  
14 of the Department of Motor Vehicles; and

15 (3) Unified carrier registration plan and agreement means  
16 the plan and agreement established and authorized pursuant to 49  
17 U.S.C. 14504, as such section existed on January 1, ~~2007,~~ 2014.

18 Sec. 8. Section 75-393, Revised Statutes Supplement,  
19 2013, is amended to read:

20 75-393 The director may participate in the unified  
21 carrier registration plan and agreement pursuant to the Unified  
22 Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act existed  
23 on January 1, ~~2013,~~2014, and may file on behalf of this state the  
24 plan required by such plan and agreement for enforcement of the act  
25 in this state.

1                   Sec. 9. Original section 75-392, Reissue Revised Statutes  
2 of Nebraska, section 60-336.01, Revised Statutes Cumulative  
3 Supplement, 2012, and sections 60-3,113.04, 60-3,193.01, 60-462.01,  
4 60-479.01, 60-4,147.02, and 75-393, Revised Statutes Supplement,  
5 2013, are repealed.

6                   Sec. 10. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.