

AMENDMENTS TO LB977

Introduced by Transportation and Telecommunications.

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

3           Section 1. Section 13-1209, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           13-1209 (1) A public transportation assistance program is hereby  
6 established to provide state assistance for the capital acquisition and  
7 operating costs ~~operation~~ of public transportation systems.

8           (2) Any municipality, county, transit authority, or qualified  
9 public-purpose organization shall be eligible to receive financial  
10 assistance for the eligible capital acquisition and operating costs of a  
11 public transportation system, whether the applicant directly operates  
12 such system or contracts for its operation. A qualified public-purpose  
13 organization shall not be eligible for financial assistance under the  
14 Nebraska Public Transportation Act if such organization is currently  
15 receiving state funds for a program which includes transportation  
16 services and such funding and services would be duplicated by the act.  
17 Eligible operating costs ~~shall~~ include those expenses incurred in the  
18 operation of a public transportation system which exceed the amount of  
19 operating revenue and which are not otherwise eligible for reimbursement  
20 from any available federal programs other than those administered by the  
21 United States Department of the Treasury. Eligible capital acquisition  
22 costs include investments in the purchase, replacement, and rebuilding of  
23 buses and other vehicles used for public transportation.

24           (3) The state grant to an applicant shall not exceed fifty percent  
25 of the eligible capital acquisition or operating costs of the public  
26 transportation system as provided for in subsection (2) of this section.  
27 The amount of state funds shall be matched by an equal amount of local

1 funds in support of capital acquisition or operating costs.

2 Sec. 2. Section 13-1210, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 13-1210 (1) The Department of Roads shall annually certify the  
5 amount of capital acquisition and operating costs eligible for funding  
6 under the public transportation assistance program established under  
7 section 13-1209.

8 (2) The department shall submit an annual report to the chairperson  
9 of the Appropriations Committee of the Legislature on or before December  
10 1 of each year regarding funds requested by each applicant for eligible  
11 capital acquisition and operating costs in the current fiscal year  
12 pursuant to subsection (2) of section 13-1209 and the total amount of  
13 state grants projected to be awarded in the current fiscal year pursuant  
14 to the public transportation assistance program. The report submitted to  
15 the committee shall be submitted electronically. The report shall  
16 separate into two categories the requests and grants awarded for  
17 handicapped vans, otherwise known as paratransit vehicles, and requests  
18 and grants awarded for handicapped-accessible fixed-route bus systems.

19 Sec. 3. Section 13-1212, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 13-1212 (1) The Department of Roads shall administer sections  
22 13-1209 to 13-1212, and may adopt and promulgate ~~issue~~ such rules and  
23 regulations pursuant to the Administrative Procedure Act as are  
24 necessary, including but not limited to defining eligible capital  
25 acquisition and operating costs, establishing contractual and other  
26 requirements including standardized accounting and reporting  
27 requirements, which shall include the applicant's proposed service area,  
28 the type of service proposed, all routes and schedules, and any further  
29 information needed for recipients to ensure ~~insure~~ the maximum feasible  
30 coordination and use of state funds, establishing application procedures,  
31 and developing a policy for apportioning funds made available for this

1 program should they be insufficient to cover all eligible projects.  
2 Priority on the allocation of all funds shall be given to those proposed  
3 projects best suited to serve the needs of the elderly and handicapped  
4 and to proposed projects with federal funding participation.

5 (2) Any public-purpose organization proposing to provide public  
6 transportation denied financial assistance as a result of a determination  
7 by the Department of Roads that an area is adequately served by existing  
8 transportation services may submit a petition to the department  
9 requesting the department to reclassify the proposed service area as not  
10 being adequately served by existing public transportation services. The  
11 petition submitted to the department by the public-purpose organization  
12 shall bear the signatures of at least fifty registered voters residing in  
13 the proposed service area. Upon receipt of the petition the department  
14 shall hold a public hearing in the proposed service area and after such  
15 hearing shall determine whether the proposed service area is already  
16 adequately served. In carrying out its duties under this section the  
17 department shall comply with the provisions of the Administrative  
18 Procedure Act. The department shall not be required to conduct a  
19 reevaluation hearing for an area more frequently than once a year.

20 Sec. 4. Section 60-301, Revised Statutes Supplement, 2015, is  
21 amended to read:

22 60-301 Sections 60-301 to 60-3,225 and sections 8 and 9 of this act  
23 shall be known and may be cited as the Motor Vehicle Registration Act.

24 Sec. 5. Section 60-3,104, Revised Statutes Supplement, 2015, is  
25 amended to read:

26 60-3,104 The department shall issue the following types of license  
27 plates:

28 (1) Amateur radio station license plates issued pursuant to section  
29 60-3,126;

30 (2) Apportionable vehicle license plates issued pursuant to section  
31 60-3,203;

- 1           (3) Autocycle license plates issued pursuant to section 60-3,100;  
2           (4) Boat dealer license plates issued pursuant to section 60-379;  
3           (5) Breast Cancer Awareness Plates issued pursuant to sections 8 and  
4 9 of this act;  
5           (6 5) Bus license plates issued pursuant to section 60-3,144;  
6           (7 6) Commercial motor vehicle license plates issued pursuant to  
7 section 60-3,147;  
8           (8 7) Dealer or manufacturer license plates issued pursuant to  
9 sections 60-3,114 and 60-3,115;  
10          (9 8) Disabled veteran license plates issued pursuant to section  
11 60-3,124;  
12          (10 9) Farm trailer license plates issued pursuant to section  
13 60-3,151;  
14          (11 10) Farm truck license plates issued pursuant to section  
15 60-3,146;  
16          (12 11) Farm trucks with a gross weight of over sixteen tons license  
17 plates issued pursuant to section 60-3,146;  
18          (13 12) Fertilizer trailer license plates issued pursuant to section  
19 60-3,151;  
20          (14 13) Gold Star Family license plates issued pursuant to sections  
21 60-3,122.01 and 60-3,122.02;  
22          (15 14) Handicapped or disabled person license plates issued  
23 pursuant to section 60-3,113;  
24          (16 15) Historical vehicle license plates issued pursuant to  
25 sections 60-3,130 to 60-3,134;  
26          (17 16) Local truck license plates issued pursuant to section  
27 60-3,145;  
28          (18 17) Military Honor Plates issued pursuant to sections  
29 60-3,122.03 and 60-3,122.04;  
30          (19 18) Minitruck license plates issued pursuant to section  
31 60-3,100;

1           (20 ~~19~~) Motor vehicle license plates for motor vehicles owned or  
2 operated by the state, counties, municipalities, or school districts  
3 issued pursuant to section 60-3,105;

4           (21 ~~20~~) Motor vehicles exempt pursuant to section 60-3,107;

5           (22 ~~21~~) Motorcycle license plates issued pursuant to section  
6 60-3,100;

7           (23 ~~22~~) Nebraska Cornhusker Spirit Plates issued pursuant to  
8 sections 60-3,127 to 60-3,129;

9           (24 ~~23~~) Nebraska 150 Sesquicentennial Plates issued pursuant to  
10 sections 60-3,223 to 60-3,225;

11           (25 ~~24~~) Nonresident owner thirty-day license plates issued pursuant  
12 to section 60-382;

13           (26 ~~25~~) Passenger car having a seating capacity of ten persons or  
14 less and not used for hire issued pursuant to section 60-3,143 other than  
15 autocycles;

16           (27 ~~26~~) Passenger car having a seating capacity of ten persons or  
17 less and used for hire issued pursuant to section 60-3,143 other than  
18 autocycles;

19           (28 ~~27~~) Pearl Harbor license plates issued pursuant to section  
20 60-3,122;

21           (29 ~~28~~) Personal-use dealer license plates issued pursuant to  
22 section 60-3,116;

23           (30 ~~29~~) Personalized message license plates for motor vehicles and  
24 cabin trailers, except commercial motor vehicles registered for over ten  
25 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

26           (31 ~~30~~) Prisoner-of-war license plates issued pursuant to section  
27 60-3,123;

28           (32 ~~31~~) Purple Heart license plates issued pursuant to section  
29 60-3,125;

30           (33 ~~32~~) Recreational vehicle license plates issued pursuant to  
31 section 60-3,151;

1           (34 33) Repossession license plates issued pursuant to section  
2 60-375;

3           (35 34) Special interest motor vehicle license plates issued  
4 pursuant to section 60-3,135.01;

5           (36 35) Specialty license plates issued pursuant to sections  
6 60-3,104.01 and 60-3,104.02;

7           (37 36) Trailer license plates issued for trailers owned or operated  
8 by the state, counties, municipalities, or school districts issued  
9 pursuant to section 60-3,106;

10          (38 37) Trailer license plates issued pursuant to section 60-3,100;

11          (39 38) Trailers exempt pursuant to section 60-3,108;

12          (40 39) Transporter license plates issued pursuant to section  
13 60-378;

14          (41 40) Trucks or combinations of trucks, truck-tractors, or  
15 trailers which are not for hire and engaged in soil and water  
16 conservation work and used for the purpose of transporting pipe and  
17 equipment exclusively used by such contractors for soil and water  
18 conservation construction license plates issued pursuant to section  
19 60-3,149;

20          (42 41) Utility trailer license plates issued pursuant to section  
21 60-3,151; and

22          (43 42) Well-boring apparatus and well-servicing equipment license  
23 plates issued pursuant to section 60-3,109.

24          Sec. 6. Section 60-3,104.02, Reissue Revised Statutes of Nebraska,  
25 is amended to read:

26          60-3,104.02 (1) ~~The On or before January 1, 2011,~~ the department  
27 shall issue ~~begin issuing~~ specialty license plates for any organization  
28 which certifies that it meets the requirements of this section. The  
29 department shall work with the organization to design the plates.

30          (2) The department shall make applications available pursuant to  
31 section 60-3,104.01 for each type of specialty license plate when it is

1 designed. The department shall not manufacture specialty license plates  
2 for an organization until the department has received two ~~five~~ hundred  
3 fifty ~~prepaid~~ applications for specialty license plates designed for that  
4 organization. The department may revoke the approval for an  
5 organization's specialty license plate if the total number of registered  
6 vehicles that obtained such plate is less than two ~~five~~ hundred fifty  
7 within three years after receiving approval.

8 (3) In order to have specialty license plates designed and  
9 manufactured, an organization shall furnish the department with the  
10 following:

11 (a) A copy of its articles of incorporation and, if the organization  
12 consists of a group of nonprofit corporations, a copy for each  
13 organization;

14 (b) A copy of its charter or bylaws and, if the organization  
15 consists of a group of nonprofit corporations, a copy for each  
16 organization;

17 (c) Any Internal Revenue Service rulings of the organization's  
18 nonprofit tax-exempt status and, if the organization consists of a group  
19 of nonprofit corporations, a copy for each organization;

20 (d) A copy of a certificate of existence on file with the Secretary  
21 of State under the Nebraska Nonprofit Corporation Act;

22 (e) Two ~~Five~~ hundred fifty ~~prepaid~~ applications for the speciality  
23 license plates; and

24 (f) A completed application for the issuance of the plates on a form  
25 provided by the department certifying that the organization meets the  
26 following requirements:

27 (i) The organization is a nonprofit corporation or a group of  
28 nonprofit corporations with a common purpose;

29 (ii) The primary activity or purpose of the organization serves the  
30 community, contributes to the welfare of others, and is not offensive or  
31 discriminatory in its purpose, nature, activity, or name;

1 (iii) The name and purpose of the organization does not promote any  
2 specific product or brand name that is on a product provided for sale;

3 (iv) The organization is authorized to use any name, logo, or  
4 graphic design suggested for the design of the plates;

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

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

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

13 Sec. 7. Section 60-3,130.04, Revised Statutes Supplement, 2015, is  
14 amended to read:

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

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

29 (3) If only one license plate is used on the vehicle, the license  
30 plate shall be placed on the rear of the vehicle. The owner of a  
31 historical vehicle may use only one plate on the vehicle even for years



1 in which two license plates were issued for vehicles in general.

2 (4) License plates used pursuant to this section corresponding to  
3 the year of manufacture of the vehicle shall not be personalized message  
4 license plates, Pearl Harbor license plates, prisoner-of-war license  
5 plates, disabled veteran license plates, Purple Heart license plates,  
6 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,  
7 handicapped or disabled person license plates, specialty license plates,  
8 special interest motor vehicle license plates, Military Honor Plates, or  
9 Nebraska 150 Sesquicentennial Plates, or Breast Cancer Awareness Plates.

10 Sec. 8. (1) The department shall design license plates to be known  
11 as Breast Cancer Awareness Plates. The design shall include a pink ribbon  
12 and the words "early detection saves lives" along the bottom of the  
13 plate.

14 (2) The design shall be selected on the basis of limiting the  
15 manufacturing cost of each plate to an amount less than or equal to the  
16 amount charged for license plates pursuant to section 60-3,102. The  
17 department shall make applications available for this type of plate when  
18 it is designed.

19 (3) One type of plate under this section shall be alphanumeric  
20 plates. The department shall:

21 (a) Assign a designation up to five characters; and

22 (b) Not use a county designation.

23 (4) One type of plate under this section shall be personalized  
24 message plates. Such plates shall be issued subject to the same  
25 conditions specified for personalized message license plates in section  
26 60-3,118.

27 Sec. 9. (1) Beginning January 1, 2017, a person may apply to the  
28 department for Breast Cancer Awareness Plates in lieu of regular license  
29 plates on an application prescribed and provided by the department for  
30 any motor vehicle, trailer, or semitrailer, except for a motor vehicle or  
31 trailer registered under section 60-3,198. An applicant receiving a plate

1 under this section for a farm truck with a gross weight of over sixteen  
2 tons shall affix the appropriate tonnage decal to the plate. The  
3 department shall make forms available for such applications through the  
4 county treasurers.

5 (2) In addition to all other fees required for registration under  
6 the Motor Vehicle Registration Act, each application for initial issuance  
7 or renewal of personalized message Breast Cancer Awareness Plates shall  
8 be accompanied by a fee of forty dollars. No such additional fee shall be  
9 due for the initial issuance or renewal of alphanumeric Breast Cancer  
10 Awareness Plates. County treasurers collecting fees pursuant to this  
11 subsection shall remit them to the State Treasurer. The State Treasurer  
12 shall credit twenty-five percent of the fee to the Highway Trust Fund and  
13 seventy-five percent of the fee to the Department of Motor Vehicles Cash  
14 Fund.

15 (3) When the department receives an application for Breast Cancer  
16 Awareness Plates, the department shall deliver the plates to the county  
17 treasurer of the county in which the motor vehicle or trailer is  
18 registered. The county treasurer shall issue plates under this section in  
19 lieu of regular license plates when the applicant complies with the other  
20 provisions of the Motor Vehicle Registration Act for registration of the  
21 motor vehicle or trailer. If Breast Cancer Awareness Plates are lost,  
22 stolen, or mutilated, the licensee shall be issued replacement license  
23 plates upon request pursuant to section 60-3,157.

24 (4) The owner of a motor vehicle or trailer bearing Breast Cancer  
25 Awareness Plates may apply to the county treasurer to have such plates  
26 transferred to a motor vehicle or trailer other than the motor vehicle or  
27 trailer for which such plates were originally purchased if such motor  
28 vehicle or trailer is owned by the owner of the plates. The owner may  
29 have the unused portion of the fee for the plates credited to the other  
30 motor vehicle or trailer which will bear the plates at the rate of eight  
31 and one-third percent per month for each full month left in the

1 registration period. Application for such transfer shall be accompanied  
2 by a fee of three dollars. Fees collected pursuant to this subsection  
3 shall be remitted to the State Treasurer for credit to the Department of  
4 Motor Vehicles Cash Fund.

5 Sec. 10. Section 60-3,186, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7 60-3,186 (1) The department shall annually determine the motor  
8 vehicle tax on each motor vehicle registered pursuant to section 60-3,187  
9 and shall cause a notice of the amount to be delivered to the registrant.  
10 The notice may be delivered to the registrant at the address shown upon  
11 his or her registration certificate or the registrant's most recent  
12 address according to information received by the department from the  
13 National Change of Address program of the United States Postal Service or  
14 delivered electronically to the registrant if the registrant has provided  
15 electronic contact information to the department. The notice shall be  
16 provided on or before the first day of the last month of the registration  
17 period.

18 (2)(a) The motor vehicle tax, motor vehicle fee, registration fee,  
19 sales tax, and any other applicable taxes and fees shall be paid to the  
20 county treasurer prior to the registration of the motor vehicle for the  
21 following registration period. If the motor vehicle being registered has  
22 been transferred as a gift or for a nominal amount, any sales tax owed by  
23 the transferor on the purchase of the motor vehicle shall have been paid  
24 or be paid to the county treasurer prior to the registration of the motor  
25 vehicle for the following registration period.

26 (b) After retaining one percent of the motor vehicle tax proceeds  
27 collected for costs incurred by the county treasurer, and after  
28 transferring one percent of the motor vehicle tax proceeds collected to  
29 the State Treasurer for credit to the Vehicle Title and Registration  
30 System Replacement and Maintenance Cash Fund, the remaining motor vehicle  
31 tax proceeds shall be allocated to each county, local school system,

1 school district, city, and village in the tax district in which the motor  
2 vehicle has situs.

3 (c)(i) Twenty-two percent of the remaining motor vehicle tax  
4 proceeds shall be allocated to the county, (ii) sixty percent shall be  
5 allocated to the local school system or school district, and (iii)  
6 eighteen percent shall be allocated to the city or village, except that  
7 (A) if the tax district is not in a city or village, forty percent shall  
8 be allocated to the county, and (B) in counties containing a city of the  
9 metropolitan class, eighteen percent shall be allocated to the county and  
10 twenty-two percent shall be allocated to the city or village.

11 (d) The amount allocated to a local school system shall be  
12 distributed to school districts in the same manner as property taxes.

13 (3) Proceeds from the motor vehicle tax shall be treated as property  
14 tax revenue for purposes of expenditure limitations, matching of state or  
15 federal funds, and other purposes.

16 Sec. 11. Section 60-3,202, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 60-3,202 (1) As registration fees are received by the Division of  
19 Motor Carrier Services of the department pursuant to section 60-3,198,  
20 the division shall remit the fees to the State Treasurer, less a  
21 collection fee of three percent of thirty percent of the registration  
22 fees collected. The collection fee shall be credited to the Department of  
23 Revenue Property Assessment Division Cash Fund. The State Treasurer shall  
24 credit the remainder of the thirty percent of the fees collected to the  
25 Motor Vehicle Tax Fund and the remaining seventy percent of the fees  
26 collected to the Highway Trust Fund.

27 (2) On or before the last day of each quarter of the calendar year,  
28 the State Treasurer shall distribute all funds in the Motor Vehicle Tax  
29 Fund to the county treasurer of each county in the same proportion as the  
30 number of original motor ~~apportionable~~ vehicle registrations in each  
31 county bears to the total of all original registrations within the state

1 in the registration year immediately preceding.

2 (3) Upon receipt of motor vehicle tax funds from the State  
3 Treasurer, the county treasurer shall distribute such funds to taxing  
4 agencies within the county in the same proportion that the levy of each  
5 such taxing agency bears to the total of such levies of all taxing  
6 agencies in the county.

7 (4) In the event any taxing district has been annexed, merged,  
8 dissolved, or in any way absorbed into another taxing district, any  
9 apportionment of motor vehicle tax funds to which such taxing district  
10 would have been entitled shall be apportioned to the successor taxing  
11 district which has assumed the functions of the annexed, merged,  
12 dissolved, or absorbed taxing district.

13 (5) On or before March 1 of each year, the department shall furnish  
14 to the State Treasurer a tabulation showing the total number of original  
15 ~~motor apportionable~~ vehicle registrations in each county for the  
16 immediately preceding calendar year, which shall be the basis for  
17 computing the distribution of motor vehicle tax funds as provided in  
18 subsection (2) of this section.

19 (6) The Motor Vehicle Tax Fund is created. Any money in the fund  
20 available for investment shall be invested by the state investment  
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
22 State Funds Investment Act.

23 Sec. 12. Section 60-462, Revised Statutes Supplement, 2015, is  
24 amended to read:

25 60-462 Sections 60-462 to 60-4,189 and section 14 of this act shall  
26 be known and may be cited as the Motor Vehicle Operator's License Act.

27 Sec. 13. Section 60-4,131, Revised Statutes Cumulative Supplement,  
28 2014, is amended to read:

29 60-4,131 (1)(a) ~~This subsection applies until July 8, 2015.~~  
30 ~~Sections 60-462.01 and 60-4,132 to 60-4,172 shall apply to the operation~~  
31 ~~of any commercial motor vehicle.~~

1           ~~(b) For purposes of such sections:~~

2           ~~(i) Disqualification means:~~

3           ~~(A) The suspension, revocation, cancellation, or any other~~  
4 ~~withdrawal by a state of a person's privilege to operate a commercial~~  
5 ~~motor vehicle;~~

6           ~~(B) A determination by the Federal Motor Carrier Safety~~  
7 ~~Administration, under the rules of practice for motor carrier safety~~  
8 ~~contained in 49 C.F.R. part 386, that a person is no longer qualified to~~  
9 ~~operate a commercial motor vehicle under 49 C.F.R. part 391; or~~

10          ~~(C) The loss of qualification which automatically follows conviction~~  
11 ~~of an offense listed in 49 C.F.R. 383.51;~~

12          ~~(ii) Downgrade means the state:~~

13          ~~(A) Allows the driver of a commercial motor vehicle to change his or~~  
14 ~~her self-certification to interstate, but operating exclusively in~~  
15 ~~transportation or operation excepted from 49 C.F.R. part 391, as provided~~  
16 ~~in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;~~

17          ~~(B) Allows the driver of a commercial motor vehicle to change his or~~  
18 ~~her self-certification to intrastate only, if the driver qualifies under~~  
19 ~~a state's physical qualification requirements for intrastate only;~~

20          ~~(C) Allows the driver of a commercial motor vehicle to change his or~~  
21 ~~her certification to intrastate, but operating exclusively in~~  
22 ~~transportation or operations excepted from all or part of a state driver~~  
23 ~~qualification requirement; or~~

24          ~~(D) Removes the commercial driver's license privilege from the~~  
25 ~~operator's license;~~

26          ~~(iii) Employee means any operator of a commercial motor vehicle,~~  
27 ~~including full time, regularly employed drivers; casual, intermittent, or~~  
28 ~~occasional drivers; and leased drivers and independent, owner-operator~~  
29 ~~contractors, while in the course of operating a commercial motor vehicle,~~  
30 ~~who are either directly employed by or under lease to an employer;~~

31          ~~(iv) Employer means any person, including the United States, a~~

1 ~~state, the District of Columbia, or a political subdivision of a state,~~  
2 ~~that owns or leases a commercial motor vehicle or assigns employees to~~  
3 ~~operate a commercial motor vehicle;~~

4 ~~(v) Endorsement means an authorization to an individual's commercial~~  
5 ~~driver's license required to permit the individual to operate certain~~  
6 ~~types of commercial motor vehicles;~~

7 ~~(vi) Medical examiner means for medical examinations conducted on~~  
8 ~~and after May 21, 2014, an individual certified by the Federal Motor~~  
9 ~~Carrier Safety Administration and listed on the National Registry of~~  
10 ~~Certified Medical Examiners in accordance with 49 C.F.R. part 390,~~  
11 ~~subpart D;~~

12 ~~(vii) Medical examiner's certificate means a form meeting the~~  
13 ~~requirements of 49 C.F.R. 391.43 issued by a medical examiner in~~  
14 ~~compliance with such regulation;~~

15 ~~(viii) Medical variance means the Federal Motor Carrier Safety~~  
16 ~~Administration has provided a driver with either an exemption letter~~  
17 ~~permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.~~  
18 ~~381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation~~  
19 ~~Certificate permitting operation of a commercial motor vehicle pursuant~~  
20 ~~to 49 C.F.R. 391.49;~~

21 ~~(ix) Representative vehicle means a motor vehicle which represents~~  
22 ~~the type of motor vehicle that a driver applicant operates or expects to~~  
23 ~~operate;~~

24 ~~(x) State means a state of the United States and the District of~~  
25 ~~Columbia;~~

26 ~~(xi) State of domicile means that state where a person has his or~~  
27 ~~her true, fixed, and permanent home and principal residence and to which~~  
28 ~~he or she has the intention of returning whenever he or she is absent;~~

29 ~~(xii) Tank vehicle means any commercial motor vehicle that is~~  
30 ~~designed to transport any liquid or gaseous materials within a tank that~~  
31 ~~is either permanently or temporarily attached to the vehicle or the~~

1 ~~chassis. Such vehicle includes, but is not limited to, a cargo tank and a~~  
2 ~~portable tank, as defined in 49 C.F.R. part 171. However, this definition~~  
3 ~~does not include a portable tank that has a rated capacity under one~~  
4 ~~thousand gallons;~~

5 ~~(xiii) United States means the fifty states and the District of~~  
6 ~~Columbia; and~~

7 ~~(xiv) Vehicle group means a class or type of vehicle with certain~~  
8 ~~operating characteristics.~~

9 ~~(1) (2)(a) This subsection applies beginning July 8, 2015. Sections~~  
10 ~~60-462.01 and 60-4,132 to 60-4,172 and section 14 of this act shall apply~~  
11 ~~to the operation of any commercial motor vehicle.~~

12 ~~(2 b) For purposes of such sections:~~

13 ~~(a i) Disqualification means:~~

14 ~~(i A) The suspension, revocation, cancellation, or any other~~  
15 ~~withdrawal by a state of a person's privilege to operate a commercial~~  
16 ~~motor vehicle;~~

17 ~~(ii B) A determination by the Federal Motor Carrier Safety~~  
18 ~~Administration, under the rules of practice for motor carrier safety~~  
19 ~~contained in 49 C.F.R. part 386, that a person is no longer qualified to~~  
20 ~~operate a commercial motor vehicle under 49 C.F.R. part 391; or~~

21 ~~(iii C) The loss of qualification which automatically follows~~  
22 ~~conviction of an offense listed in 49 C.F.R. 383.51;~~

23 ~~(b ii) Downgrade means the state:~~

24 ~~(i A) Allows the driver of a commercial motor vehicle to change his~~  
25 ~~or her self-certification to interstate, but operating exclusively in~~  
26 ~~transportation or operation excepted from 49 C.F.R. part 391, as provided~~  
27 ~~in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;~~

28 ~~(ii B) Allows the driver of a commercial motor vehicle to change his~~  
29 ~~or her self-certification to intrastate only, if the driver qualifies~~  
30 ~~under a state's physical qualification requirements for intrastate only;~~

31 ~~(iii C) Allows the driver of a commercial motor vehicle to change~~



1 his or her certification to intrastate, but operating exclusively in  
2 transportation or operations excepted from all or part of a state driver  
3 qualification requirement; or

4 (iv ~~θ~~) Removes the commercial driver's license privilege from the  
5 operator's license;

6 (c ~~iii~~) Employee means any operator of a commercial motor vehicle,  
7 including full time, regularly employed drivers; casual, intermittent, or  
8 occasional drivers; and leased drivers and independent, owner-operator  
9 contractors, while in the course of operating a commercial motor vehicle,  
10 who are either directly employed by or under lease to an employer;

11 (d ~~iv~~) Employer means any person, including the United States, a  
12 state, the District of Columbia, or a political subdivision of a state,  
13 that owns or leases a commercial motor vehicle or assigns employees to  
14 operate a commercial motor vehicle;

15 (e ~~v~~) Endorsement means an authorization to an individual's CLP-  
16 commercial learner's permit or commercial driver's license required to  
17 permit the individual to operate certain types of commercial motor  
18 vehicles;

19 (f ~~vi~~) Foreign means outside the fifty United States and the  
20 District of Columbia;

21 (g ~~vii~~) Imminent hazard means the existence of a condition relating  
22 to hazardous material that presents a substantial likelihood that death,  
23 serious illness, severe personal injury, or a substantial endangerment to  
24 health, property, or the environment may occur before the reasonably  
25 foreseeable completion date of a formal proceeding begun to lessen the  
26 risk of that death, illness, injury, or endangerment;

27 (h ~~viii~~) Issue and issuance means initial issuance, transfer,  
28 renewal, or upgrade of a CLP-commercial learner's permit, commercial  
29 driver's license, nondomiciled CLP-commercial learner's permit, or  
30 nondomiciled commercial driver's license, as described in 49 C.F.R.  
31 383.73;

1           (i ~~ix~~) Medical examiner means an individual certified by the Federal  
2 Motor Carrier Safety Administration and listed on the National Registry  
3 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,  
4 subpart D;

5           (j ~~\*~~) Medical examiner's certificate means a form meeting the  
6 requirements of 49 C.F.R. 391.43 issued by a medical examiner in  
7 compliance with such regulation;

8           (k ~~\*i~~) Medical variance means the Federal Motor Carrier Safety  
9 Administration has provided a driver with either an exemption letter  
10 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.  
11 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation  
12 Certificate permitting operation of a commercial motor vehicle pursuant  
13 to 49 C.F.R. 391.49;

14           (l ~~\*ii~~) Nondomiciled CLP-commercial learner's permit or nondomiciled  
15 commercial driver's license means a CLP-commercial learner's permit or  
16 commercial driver's license, respectively, issued by this state or other  
17 jurisdiction under either of the following two conditions:

18           (i A) To an individual domiciled in a foreign country meeting the  
19 requirements of 49 C.F.R. 383.23(b)(1); and

20           (ii B) To an individual domiciled in another state meeting the  
21 requirements of 49 C.F.R. 383.23(b)(2);

22           (m ~~\*iii~~) Representative vehicle means a motor vehicle which  
23 represents the type of motor vehicle that a driver applicant operates or  
24 expects to operate;

25           (n ~~\*iv~~) State means a state of the United States and the District of  
26 Columbia;

27           (o ~~\*v~~) State of domicile means that state where a person has his or  
28 her true, fixed, and permanent home and principal residence and to which  
29 he or she has the intention of returning whenever he or she is absent;

30           (p ~~\*vi~~) Tank vehicle means any commercial motor vehicle that is  
31 designed to transport any liquid or gaseous materials within a tank or

1 tanks that have an individual rated capacity of more than one hundred  
2 nineteen gallons and an aggregate rated capacity of one thousand gallons  
3 or more and that are either permanently or temporarily attached to the  
4 vehicle or the chassis. A commercial motor vehicle transporting an empty  
5 storage container tank, not designed for transportation, with a rated  
6 capacity of one thousand gallons or more that is temporarily attached to  
7 a flatbed trailer is not considered a tank vehicle;

8 (g ~~xvii~~) Third-party skills test examiner means a person employed by  
9 a third-party tester who is authorized by this state to administer the  
10 commercial driver's license skills tests specified in 49 C.F.R. part 383,  
11 subparts G and H;

12 (r ~~xviii~~) Third-party tester means a person, including, but not  
13 limited to, another state, a motor carrier, a private driver training  
14 facility or other private institution, or a department, agency, or  
15 instrumentality of a local government, authorized by this state to employ  
16 skills test examiners to administer the commercial driver's license  
17 skills tests specified in 49 C.F.R. part 383, subparts G and H;

18 (s ~~xix~~) United States means the fifty states and the District of  
19 Columbia; and

20 (t ~~xx~~) Vehicle group means a class or type of vehicle with certain  
21 operating characteristics.

22 Sec. 14. (1) The department may develop and offer methods for  
23 successful applicants to obtain commercial drivers' licenses  
24 electronically and for the electronic renewal and replacement of  
25 commercial drivers' licenses and CLP-commercial learners' permits.

26 (2)(a) An applicant who has successfully passed the knowledge and  
27 skills tests for a commercial driver's license pursuant to section  
28 60-4,149 and who has a digital image and digital signature preserved in  
29 the digital system that is not more than ten years old may obtain a  
30 commercial driver's license using the preserved digital image and digital  
31 signature by electronic means in a manner prescribed by the department

1 pursuant to this subsection.

2 (b) To be eligible to obtain a license pursuant to this subsection:

3 (i) There must have been no changes to the applicant's name since  
4 his or her most recent application for a CLP-commercial learner's permit;

5 (ii) The new license must not contain a hazardous materials  
6 endorsement;

7 (iii) The applicant must meet the requirements of section 60-4,144  
8 and submit the information and documentation and make the certifications  
9 required under section 60-4,144; and

10 (iv) The applicant must satisfy any other eligibility criteria that  
11 the department may prescribe pursuant to subsection (6) of this section.

12 (c) The successful applicant shall pay the fee and surcharge  
13 prescribed in section 60-4,115. Upon receipt of such fee and surcharge  
14 and an application it deems satisfactory, the department shall deliver  
15 the license by mail.

16 (3)(a) An applicant whose commercial driver's license or CLP-  
17 commercial learner's permit expires prior to his or her seventy-second  
18 birthday and who has a digital image and digital signature preserved in  
19 the digital system may, once every ten years, renew such license or  
20 permit using the preserved digital image and digital signature by  
21 electronic means in a manner prescribed by the department pursuant to  
22 this subsection.

23 (b) To be eligible for renewal under this subsection:

24 (i) The renewal must be prior to or within one year after expiration  
25 of such license or permit;

26 (ii) The driving record abstract maintained in the department's  
27 computerized records must show that such license or permit is not  
28 suspended, revoked, canceled, or disqualified;

29 (iii) There must be no changes to the applicant's name or to the  
30 class, endorsements, or restrictions on such license or permit;

31 (iv) The applicant must not hold a hazardous materials endorsement

1 or must relinquish such endorsement;

2 (v) The applicant must meet the requirements of section 60-4,144 and  
3 submit the information and documentation and make the certifications  
4 required under section 60-4,144; and

5 (vi) The applicant must satisfy any other eligibility criteria that  
6 the department may prescribe pursuant to subsection (6) of this section.

7 (c) Every applicant seeking renewal of his or her commercial  
8 driver's license or CLP-commercial learner's permit must apply for  
9 renewal in person at least once every ten years and have a new digital  
10 image and digital signature captured.

11 (d) An applicant seeking renewal under this subsection (3) shall pay  
12 the fee and surcharge prescribed in section 60-4,115. Upon receipt of  
13 such fee and surcharge and an application it deems satisfactory, the  
14 department shall deliver the renewal license or permit by mail.

15 (4)(a) Any person holding a commercial driver's license or CLP-  
16 commercial learner's permit who has a digital image and digital signature  
17 not more than ten years old preserved in the digital system and who loses  
18 his or her license or permit, who requires issuance of a replacement  
19 license or permit because of a change of address, or whose license or  
20 permit is mutilated or unreadable may obtain a replacement commercial  
21 driver's license or CLP-commercial learner's permit using the preserved  
22 digital image and digital signature by electronic means in a manner  
23 prescribed by the department pursuant to this subsection.

24 (b) To be eligible to obtain a replacement license or permit  
25 pursuant to this subsection:

26 (i) There must be no changes to the applicant's name and no changes  
27 to the class, endorsements, or restrictions on such license or permit;

28 (ii) The applicant must meet the requirements of section 60-4,144  
29 and submit the information and documentation and make the certifications  
30 required under section 60-4,144; and

31 (iii) The applicant must satisfy any other eligibility criteria that

1 the department may prescribe pursuant to subsection (6) of this section.

2 (c) An application for a replacement license or permit because of a  
3 change of address shall be made within sixty days after the change of  
4 address.

5 (d) An applicant seeking replacement under this subsection (4) shall  
6 pay the fee and surcharge prescribed in section 60-4,115. Upon receipt of  
7 such fee and surcharge and an application it deems satisfactory, the  
8 department shall deliver the replacement license or permit by mail. The  
9 replacement license or permit shall be subject to the provisions of  
10 subsection (4) of section 60-4,150.

11 (5) An application to obtain a commercial driver's license or to  
12 renew or replace a commercial driver's license or CLP-commercial  
13 learner's permit because of a change of name may not be made  
14 electronically pursuant to this section and shall be made in person at a  
15 licensing station within sixty days after the change of name.

16 (6) The department may adopt and promulgate rules and regulations  
17 governing eligibility for the use of electronic methods for successful  
18 applicants to obtain commercial drivers' licenses and for the renewal and  
19 replacement of commercial drivers' licenses and CLP-commercial learners'  
20 permits, taking into consideration medical and vision requirements,  
21 safety concerns, and any other factors consistent with the purposes of  
22 the Motor Vehicle Operator's License Act that the director deems  
23 relevant.

24 Sec. 15. Section 60-4,146, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 60-4,146 (1) In addition to certifying himself or herself under this  
27 section, an applicant shall also certify himself or herself under section  
28 60-4,144.01.

29 (2) Upon making application pursuant to section 60-4,144 or section  
30 14 of this act, any applicant who operates or expects to operate a  
31 commercial motor vehicle in interstate or foreign commerce and who is not

1 subject to 49 C.F.R. part 391 shall certify that he or she is not subject  
2 to 49 C.F.R. part 391. Any applicant making certification pursuant to  
3 this subsection shall meet the physical and vision requirements  
4 established in section 60-4,118 and shall be subject to the provisions of  
5 such section relating to the Health Advisory Board.

6 (3) Upon making application pursuant to section 60-4,144 or section  
7 14 of this act, any applicant who operates or expects to operate a  
8 commercial motor vehicle solely in intrastate commerce and who is subject  
9 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall certify  
10 that the applicant meets the qualification requirements of 49 C.F.R. part  
11 391.

12 (4) Upon making application for a CLP-commercial learner's permit or  
13 commercial driver's license, any applicant who operates or expects to  
14 operate a commercial motor vehicle solely in intrastate commerce and who  
15 is not subject to 49 C.F.R. part 391 adopted pursuant to section 75-363  
16 shall certify that he or she is not subject to 49 C.F.R. part 391. Any  
17 applicant making certification pursuant to this subsection shall meet the  
18 physical and vision requirements established in section 60-4,118 and  
19 shall be subject to the provisions of such section relating to the Health  
20 Advisory Board.

21 (5) An applicant who certifies that he or she is not subject to 49  
22 C.F.R. part 391 under subsection (2) or (4) of this section shall answer  
23 the following questions on the application:

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

27 (i) lost voluntary control or consciousness ... yes ... no

28 (ii) experienced vertigo or multiple episodes of dizziness or  
29 fainting ... yes ... no

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

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

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

2 Please explain: .....

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

7 Please explain: .....

8 (c) Since the issuance of your last driver's license/permit has your  
9 health or medical condition changed or worsened? ... yes ... no

10 Please explain, including how the above affects your ability to  
11 drive: .....

12 Sec. 16. Section 60-4,148, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 60-4,148 (1) All commercial drivers' licenses shall be issued by the  
15 department as provided in section 60-4,149 and section 14 of this act.  
16 Successful applicants shall pay the fee and surcharge prescribed in  
17 section 60-4,115.

18 (2) Any person making application to add or remove a class of  
19 commercial motor vehicle, any endorsement, or any restriction to or from  
20 a previously issued and outstanding commercial driver's license shall pay  
21 the fee and surcharge prescribed in section 60-4,115. The fee for an  
22 original or renewal seasonal permit to revalidate the restricted  
23 commercial motor vehicle operating privilege to a previously issued and  
24 outstanding restricted commercial driver's license shall be the fee and  
25 surcharge prescribed in section 60-4,115.

26 Sec. 17. Section 60-4,149, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 60-4,149 (1) The examination for commercial drivers' licenses by the  
29 department shall occur in and for each county of the State of Nebraska.  
30 Each county shall furnish office space for the administration of the  
31 examinations, except that two or more counties may, with the permission



1 of the director, establish a separate facility to jointly conduct the  
2 examinations for such licenses.

3 (2)(a) The segments of the driving skills examination shall be  
4 administered and successfully completed in the following order: Pre-trip  
5 inspection, basic vehicle control skills, and on-road skills. If an  
6 applicant fails one segment of the driving skills examination:

7 (i) The applicant cannot continue to the next segment of the  
8 examination; and

9 (ii) Scores for the passed segments of the examination are only  
10 valid during initial issuance of a CLP-commercial learner's permit. If a  
11 CLP-commercial learner's permit is renewed, all three segments of the  
12 skills examination must be retaken.

13 (b) Passing scores for the knowledge and skills tests must meet the  
14 standards contained in 49 C.F.R. 383.135.

15 (3) Except as provided for in sections 60-4,157 and 60-4,158, all  
16 commercial driver's license examinations shall be conducted by department  
17 personnel designated by the director. Each successful applicant shall be  
18 issued a certificate entitling the applicant to secure a commercial  
19 driver's license. If department personnel refuse to issue such  
20 certificate for cause, he or she shall state such cause in writing and  
21 deliver the same to the applicant. Department personnel shall not be  
22 required to hold a commercial driver's license to administer a driving  
23 skills examination and occupy the seat beside an applicant for a  
24 commercial driver's license.

25 (4) The successful applicant shall, within ten days after renewal or  
26 within twenty-four hours after initial issuance, present his or her  
27 issuance certificate and pay the fee and surcharge as provided in section  
28 60-4,115. A receipt with driving privileges which is valid for up to  
29 thirty days shall be issued. The commercial driver's license shall be  
30 delivered to the applicant as provided in section 60-4,113.

31 (5) In lieu of proceeding under subsection (4) of this section, the

1 successful applicant may pay the fee and surcharge as provided in section  
2 60-4,115 and electronically submit an application prescribed by the  
3 department in a manner prescribed by the department, pursuant to section  
4 14 of this act.

5 Sec. 18. Section 60-4,150, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:

7 60-4,150 (1) Any person holding a commercial driver's license or  
8 CLP-commercial learner's permit who loses his or her license or permit,  
9 who requires issuance of a replacement license or permit because of a  
10 change of name or address, or whose license or permit is mutilated or  
11 unreadable may obtain a replacement commercial driver's license or CLP-  
12 commercial learner's permit by filing an application pursuant to this  
13 section and by furnishing proof of identification in accordance with  
14 section 60-4,144. Any person seeking a replacement license or permit for  
15 such reasons, except because of a change of name, may also obtain a  
16 replacement license or permit by submitting an electronic application  
17 pursuant to section 14 of this act.

18 (2) ~~An~~ The application for a replacement license or permit because  
19 of a change of name or address shall be made within sixty days after the  
20 change of name or address.

21 (3) A replacement commercial driver's license or CLP-commercial  
22 learner's permit issued pursuant to this section shall be delivered to  
23 the applicant as provided in section 60-4,113 after the county treasurer  
24 collects the fee and surcharge prescribed in section 60-4,115 and issues  
25 the applicant a receipt with driving privileges which is valid for up to  
26 thirty days.

27 ~~(4)~~ Replacement commercial drivers' licenses or CLP-commercial learners'  
28 permits issued pursuant to this section shall be issued in the manner  
29 provided for the issuance of original and renewal commercial drivers'  
30 licenses or permits as provided for by section 60-4,149.

31 (4) Upon issuance of any replacement commercial driver's license or

1 permit, the commercial driver's license or CLP-commercial learner's  
2 permit for which the replacement license or permit is issued shall be  
3 void.

4 ~~(5)~~ Each replacement commercial driver's license shall be issued with the  
5 same expiration date as the license for which the replacement is issued.  
6 The replacement license shall also state the new issuance date.

7 Sec. 19. Section 60-601, Revised Statutes Supplement, 2015, is  
8 amended to read:

9 60-601 Sections 60-601 to 60-6,382 and section 20 of this act shall  
10 be known and may be cited as the Nebraska Rules of the Road.

11 Sec. 20. (1) An implement of husbandry being operated on any  
12 highway of this state, except the National System of Interstate and  
13 Defense Highways, shall be exempt from the weight and load limitations of  
14 subsections (2), (3), and (4) of section 60-6,294.

15 (2) An implement of husbandry being operated on any highway of this  
16 state shall not cross any bridge or culvert in which the vehicle axle,  
17 axle groupings, or gross weight exceeds the limits established in  
18 subsections (2), (3), and (4) of section 60-6,294, or weight limits  
19 established by bridge postings.

20 (3) For purposes of this section, an implement of husbandry includes  
21 (a) a farm tractor with or without a towed farm implement, (b) a self-  
22 propelled farm implement, (c) self-propelled equipment designed and used  
23 exclusively to carry and apply fertilizer, chemicals, or related products  
24 to agricultural soil or crops, (d) an agricultural floater-spreader  
25 implement as defined in section 60-303, (e) a fertilizer spreader, nurse  
26 tank, or truck permanently mounted with a spreader used for spreading or  
27 injecting water, dust, or liquid fertilizers or agricultural chemicals,  
28 (f) a truck mounted with a spreader used or manufactured to spread or  
29 inject animal manure, and (g) a mixer-feed truck owned and used by a  
30 livestock-raising operation designed for and used for the feeding of  
31 livestock.

1           Sec. 21. Section 60-6,144, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           60-6,144 Use of a freeway and entry thereon by the following shall  
4 be prohibited at all times except by permit from the Department of Roads  
5 or from the local authority in the case of freeways not under the  
6 jurisdiction of the department:

7           (1) Pedestrians except in areas specifically designated for that  
8 purpose;

9           (2) Hitchhikers or walkers;

10          (3) Vehicles not self-propelled;

11          (4) Bicycles, motor-driven cycles, motor scooters not having motors  
12 of more than ten horsepower, and electric personal assistive mobility  
13 devices;

14          (5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

15          (6) Funeral processions;

16          (7) Parades or demonstrations;

17          (8) Vehicles, except emergency vehicles, unable to maintain minimum  
18 speed as provided in the Nebraska Rules of the Road;

19          (9) Construction equipment;

20          (10) Implements of husbandry, whether self-propelled or towed,  
21 except as provided in section 20 of this act;

22          (11) Vehicles with improperly secured attachments or loads;

23          (12) Vehicles in tow, when the connection consists of a chain, rope,  
24 or cable, except disabled vehicles which shall be removed from such  
25 freeway at the nearest interchange;

26          (13) Vehicles with deflated pneumatic, metal, or solid tires or  
27 continuous metal treads except maintenance vehicles;

28          (14) Any person standing on or near a roadway for the purpose of  
29 soliciting or selling to an occupant of any vehicle; or

30          (15) Overdimensional vehicles.

31          Sec. 22. Section 60-6,230, Revised Statutes Supplement, 2015, is

1 amended to read:

2 60-6,230 (1) Except as provided in this section and sections  
3 60-6,231 to 60-6,233 and subsections (4) and (5) of this section, no  
4 person shall operate any motor vehicle or any equipment of any  
5 description on any highway in this state with any rotating or flashing  
6 light.

7 (2) Except for stop lights and directional signals, which may be  
8 red, yellow, or amber, no person shall display any color of light other  
9 than red on the rear of any motor vehicle or any equipment of any kind on  
10 any highway within this state.

11 (3) Amber rotating or flashing lights shall be displayed on vehicles  
12 of the Military Department for purpose of convoy control when on any  
13 state emergency mission.

14 (4) A single flashing white light may be displayed on the roof of  
15 school transportation vehicles during extremely adverse weather  
16 conditions.

17 (5) Blue and amber rotating or flashing lights may be displayed on  
18 (a) ~~vehicles used for the movement of snow~~ when operated by the  
19 Department of Roads or any local authority for the inspection,  
20 construction, repair, or maintenance of highways, roads, or streets or  
21 (b) vehicles owned and operated by any public utility for the  
22 construction, maintenance, and repair of utility infrastructure on or  
23 near any highway.

24 Sec. 23. Section 60-6,294, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 60-6,294 (1) Every vehicle, whether operated singly or in a  
27 combination of vehicles, and every combination of vehicles shall comply  
28 with subsections (2) and (3) of this section except as provided in  
29 sections 60-6,294.01 and 60-6,297 and section 20 of this act. The  
30 limitations imposed by this section shall be supplemental to all other  
31 provisions imposing limitations upon the size and weight of vehicles.

1 (2) No wheel of a vehicle or trailer equipped with pneumatic or  
2 solid rubber tires shall carry a gross load in excess of ten thousand  
3 pounds on any highway nor shall any axle carry a gross load in excess of  
4 twenty thousand pounds on any highway. An axle load shall be defined as  
5 the total load transmitted to the highway by all wheels the centers of  
6 which may be included between two parallel transverse vertical planes  
7 forty inches apart extending across the full width of the vehicle.

8 (3) No group of two or more consecutive axles shall carry a load in  
9 pounds in excess of the value given in the following table corresponding  
10 to the distance in feet between the extreme axles of the group, measured  
11 longitudinally to the nearest foot, except that the maximum load carried  
12 on any group of two or more axles shall not exceed eighty thousand pounds  
13 on the National System of Interstate and Defense Highways unless the  
14 Director-State Engineer pursuant to section 60-6,295 authorizes a greater  
15 weight.

16	Distance in feet	Maximum load in pounds carried					
17	between the	on any group of two or more					
18	extremes of	consecutive axles					
19	any group of						
20	two or more						
21	consecutive	Two	Three	Four	Five	Six	Seven
22	axles	Axles	Axles	Axles	Axles	Axles	Axles
23	4	34,000					
24	5	34,000					
25	6	34,000					
26	7	34,000					
27	8	34,000	42,000				
28	9	39,000	42,500				
29	10	40,000	43,500				
30	11		44,000				

1	12	45,000	50,000			
2	13	45,500	50,500			
3	14	46,500	51,500			
4	15	47,000	52,000			
5	16	48,000	52,500	58,000		
6	17	48,500	53,500	58,500		
7	18	49,500	54,000	59,000		
8	19	50,000	54,500	60,000		
9	20	51,000	55,500	60,500		
10	21	51,500	56,000	61,000		
11	22	52,500	56,500	61,500		
12	23	53,000	57,500	62,500		
13	24	54,000	58,000	63,000		
14	25	54,500	58,500	63,500	69,000	
15	26	55,500	59,500	64,000	69,500	
16	27	56,000	60,000	65,000	70,000	
17	28	57,000	60,500	65,500	71,000	
18	29	57,500	61,500	66,000	71,500	
19	30	58,500	62,000	66,500	72,000	
20	31	59,000	62,500	67,500	72,500	
21	32	60,000	63,500	68,000	73,000	
22	33		64,000	68,500	74,000	
23	34		64,500	69,000	74,500	
24	35		65,500	70,000	75,000	
25	36		66,000	70,500	75,500	
26	37		66,500	71,000	76,000	81,500
27	38		67,500	72,000	77,000	82,000
28	39		68,000	72,500	77,500	82,500
29	40		68,500	73,000	78,000	83,500

1	41	69,500	73,500	78,500	84,000
2	42	70,000	74,000	79,000	84,500
3	43	70,500	75,000	80,000	85,000
4	44	71,500	75,500	80,500	85,500
5	45	72,000	76,000	81,000	86,000
6	46	72,500	76,500	81,500	87,000
7	47	73,500	77,500	82,000	87,500
8	48	74,000	78,000	83,000	88,000
9	49	74,500	78,500	83,500	88,500
10	50	75,500	79,000	84,000	89,000
11	51	76,000	80,000	84,500	89,500
12	52	76,500	80,500	85,000	90,500
13	53	77,500	81,000	86,000	91,000
14	54	78,000	81,500	86,500	91,500
15	55	78,500	82,500	87,000	92,000
16	56	79,500	83,000	87,500	92,500
17	57	80,000	83,500	88,000	93,000
18	58		84,000	89,000	94,000
19	59		85,000	89,500	94,500
20	60		85,500	90,000	95,000

21 (4) The distance between axles shall be measured to the nearest  
22 foot. When a fraction is exactly one-half foot, the next larger whole  
23 number shall be used, except that:

24 (a) Any group of three axles shall be restricted to a maximum load  
25 of thirty-four thousand pounds unless the distance between the extremes  
26 of the first and third axles is at least ninety-six inches in fact; and

27 (b) The maximum gross load on any group of two axles, the distance  
28 between the extremes of which is more than eight feet but less than eight  
29 feet six inches, shall be thirty-eight thousand pounds.

30 (5) The limitations of subsections (2) through (4) of this section



1 shall apply as stated to all main, rural, and intercity highways but  
2 shall not be construed as inhibiting heavier axle loads in metropolitan  
3 areas, except on the National System of Interstate and Defense Highways,  
4 if such loads are not prohibited by city ordinance.

5 (6) The weight limitations of wheel and axle loads as defined in  
6 subsections (2) through (4) of this section shall be restricted to the  
7 extent deemed necessary by the Department of Roads for a reasonable  
8 period when road subgrades or pavements are weak or are materially  
9 weakened by climatic conditions.

10 (7) Two consecutive sets of tandem axles may carry a gross load of  
11 thirty-four thousand pounds each when the overall distance between the  
12 first and last axles of such consecutive sets of tandem axles is thirty-  
13 six, thirty-seven, or thirty-eight feet except as provided in section  
14 60-6,297. Such vehicles shall be subject to section 60-6,301.

15 (8) If any vehicle crosses a bridge with a total gross load in  
16 excess of the posted capacity of such bridge and as a result of such  
17 crossing any damage results to the bridge, the owner of such vehicle  
18 shall be responsible for all of such damage.

19 (9) Vehicles equipped with a greater number of axles than provided  
20 in the tables in subsection (3) of this section shall be legal if they do  
21 not exceed the maximum load upon any wheel or axle, the maximum load upon  
22 any group of two or more consecutive axles, and the total gross weight,  
23 or any of such weights as provided in subsections (2) and (3) of this  
24 section.

25 (10) Subsections (1) through (9) of this section shall not apply to  
26 a vehicle which has been issued a permit pursuant to section 60-6,299,  
27 self-propelled specialized mobile equipment with a fixed load when the  
28 requirements of subdivision (2)(i) of section 60-6,288 are met, or an  
29 emergency vehicle when the requirements of subdivision (1)(a)(v) of  
30 section 60-6,298 are met.

31 (11) Any two consecutive axles the centers of which are more than

1 forty inches and not more than ninety-six inches apart, measured to the  
2 nearest inch between any two adjacent axles in the series, shall be  
3 defined as tandem axles, and the gross weight transmitted to the road  
4 surface through such series shall not exceed thirty-four thousand pounds.  
5 No axle of the series shall exceed the maximum weight permitted under  
6 this section for a single axle.

7 (12) Dummy axles shall be disregarded in determining the lawful  
8 weight of a vehicle or vehicle combination for operation on the highway.  
9 Dummy axle shall mean an axle attached to a vehicle or vehicle  
10 combination in a manner so that it does not articulate or substantially  
11 equalize the load and does not carry at least the lesser of eight  
12 thousand pounds or eight percent of the gross weight of the vehicle or  
13 vehicle combination.

14 (13) The maximum gross weight limit and the axle weight limit for  
15 any vehicle or combination of vehicles equipped with idle reduction  
16 technology may be increased by an amount necessary to compensate for the  
17 additional weight of the idle reduction technology as provided in 23  
18 U.S.C. 127(a)(12), as such section existed on July 18, 2008. The  
19 additional amount of weight allowed by this subsection shall not exceed  
20 four hundred pounds and shall not be construed to be in addition to the  
21 five-percent-in-excess-of-maximum-load provision of subdivision (1) of  
22 section 60-6,301.

23 Sec. 24. Section 60-1403, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 60-1403 (1) The board may:

26 (a) Regulate the issuance and revocation of licenses in accordance  
27 with and subject to the Motor Vehicle Industry Regulation Act;

28 (b) Perform all acts and duties provided for in the act necessary to  
29 the administration and enforcement of the act; and

30 (c) Make and enforce rules and regulations relating to the  
31 administration of but not inconsistent with the act.

1 (2) The board shall adopt a seal, which may be either an engraved or  
2 ink stamp seal, with the words Nebraska Motor Vehicle Industry Licensing  
3 Board and such other devices as the board may desire included on the seal  
4 by which it shall authenticate the acts of its office. Copies of all  
5 records and papers in the office of the board under the hand and seal of  
6 its office shall be received in evidence in all cases equally and with  
7 like effect as the original.

8 (3) Investigators employed by the board may enter upon and inspect  
9 the facilities, the required records, and any vehicles, trailers, or  
10 motorcycles found in any licensed motor vehicle, motorcycle, or trailer  
11 dealer's established place or places of business.

12 (4) With respect to any action taken by the board, if a controlling  
13 number of the members of the board are active participants in the vehicle  
14 market in which the action is taken, the chairperson shall review the  
15 action taken and, upon completion of such review, modify, alter, approve,  
16 or reject the board's action.

17 Sec. 25. Section 60-1438.01, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 60-1438.01 (1) For purposes of this section, manufacturer or  
20 distributor includes (a) a factory representative or a distributor  
21 representative or (b) a person who is affiliated with a manufacturer or  
22 distributor or who, directly or indirectly through an intermediary, is  
23 controlled by, or is under common control with, the manufacturer or  
24 distributor. A person is controlled by a manufacturer or distributor if  
25 the manufacturer or distributor has the authority directly or indirectly,  
26 by law or by agreement of the parties, to direct or influence the  
27 management and policies of the person. A franchise agreement with a  
28 Nebraska-licensed dealer which conforms to and is subject to the Motor  
29 Vehicle Industry Regulation Act is not control for purposes of this  
30 section.

31 (2) Except as provided in this section, a manufacturer or

1 distributor shall not directly or indirectly:

2 (a) Own an interest in a franchise, franchisee, or consumer care or  
3 service facility, except that a manufacturer or distributor may hold  
4 stock in a publicly held franchise, franchisee, or consumer care or  
5 service facility so long as the manufacturer or distributor does not by  
6 virtue of holding such stock operate or control the franchise,  
7 franchisee, or consumer care or service facility;

8 (b) Operate or control a franchise, franchisee, or consumer care or  
9 service facility; or

10 (c) Act in the capacity of a franchisee or motor vehicle dealer.

11 (3) A manufacturer or distributor may own an interest in a  
12 franchisee or otherwise control a franchise for a period not to exceed  
13 twelve months after the date the manufacturer or distributor acquires the  
14 franchise if:

15 (a) The person from whom the manufacturer or distributor acquired  
16 the franchise was a franchisee; and

17 (b) The franchise is for sale by the manufacturer or distributor.

18 (4) For purposes of broadening the diversity of its franchisees and  
19 enhancing opportunities for qualified persons who lack the resources to  
20 purchase a franchise outright, but for no other purpose, a manufacturer  
21 or distributor may temporarily own an interest in a franchise if the  
22 manufacturer's or distributor's participation in the franchise is in a  
23 bona fide relationship with a franchisee and the franchisee:

24 (a) Has made a significant investment in the franchise, which  
25 investment is subject to loss;

26 (b) Has an ownership interest in the franchise; and

27 (c) Operates the franchise under a plan to acquire full ownership of  
28 the franchise within a reasonable time and under reasonable terms and  
29 conditions.

30 (5) On a showing of good cause by a manufacturer or distributor, the  
31 board may extend the time limit set forth in subsection (3) of this

1 section. An extension may not exceed twelve months. An application for an  
2 extension after the first extension is granted is subject to protest by a  
3 franchisee of the same line-make whose franchise is located in the same  
4 community as the franchise owned or controlled by the manufacturer or  
5 distributor.

6 (6) The prohibition in subdivision (2)(b) of this section shall not  
7 apply to any manufacturer of manufactured housing, recreational vehicles,  
8 or trailers.

9 (7) The prohibitions set forth in subsection (2) of this section  
10 shall not apply to a manufacturer that:

11 (a) Does not own or operate more than two such dealers or dealership  
12 locations in this state;

13 (b) Owned, operated, or controlled a warranty repair or service  
14 facility in this state as of January 1, 2016;

15 (c) Manufactures engines for installation in a motor-driven vehicle  
16 with a gross vehicle weight rating of more than sixteen thousand pounds  
17 for which motor-driven vehicle evidence of title is required as a  
18 condition precedent to registration under the laws of this state,  
19 provided that the manufacturer is not otherwise a manufacturer of motor  
20 vehicles; and

21 (d) Provides to dealers on substantially equal terms access to all  
22 support for completing repairs, including, but not limited to, parts and  
23 assemblies, training and technical service bulletins, and other  
24 information concerning repairs that the manufacturer provides to  
25 facilities owned, operated, or controlled by the manufacturer.

26 Sec. 26. Section 60-1505, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 60-1505 The Vehicle Title and Registration System Replacement and  
29 Maintenance Cash Fund is hereby created. The fund shall be administered  
30 by the Department of Motor Vehicles. Revenue credited to the fund shall  
31 include fees collected by the department from participation in any

1 multistate electronic data security program, except as otherwise  
2 specifically provided by law, and funds transferred as provided in  
3 section 60-3,186. The fund shall be used by the department to pay for  
4 costs associated with the acquisition, implementation, maintenance,  
5 support, upgrades, and replacement of the vehicle titling and  
6 registration computer system. Any money in the fund available for  
7 investment shall be invested by the state investment officer pursuant to  
8 the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act.

10 Sec. 27. Sections 10, 26, and 29 of this act become operative on  
11 July 1, 2016. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16,  
12 17, 18, 19, 20, 21, 22, 23, 24, 25, and 28 of this act become operative  
13 three calendar months after the adjournment of this legislative session.  
14 The other sections of this act become operative on their effective date.

15 Sec. 28. Original sections 13-1209, 13-1210, 13-1212, 60-3,104.02,  
16 60-4,148, 60-6,144, 60-6,294, and 60-1403, Reissue Revised Statutes of  
17 Nebraska, sections 60-3,202, 60-4,131, 60-4,146, 60-4,149, 60-4,150, and  
18 60-1438.01, Revised Statutes Cumulative Supplement, 2014, and sections  
19 60-301, 60-3,104, 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised  
20 Statutes Supplement, 2015, are repealed.

21 Sec. 29. Original sections 60-3,186 and 60-1505, Revised Statutes  
22 Cumulative Supplement, 2014, are repealed.

23 Sec. 30. Since an emergency exists, this act takes effect when  
24 passed and approved according to law.