

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB977**

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**Hearing Date:** Monday February 01, 2016  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Smith  
**One Liner:** Change provisions relating to implements of husbandry on highways

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brasch, Davis, Friesen, Garrett, McCoy, Seiler, Murante, Smith  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Jim Smith  
Kyle Schneweis  
Laura Field  
Lavon Heidemann

**Representing:**

Introducer  
Nebraska Department of Roads  
Nebraska Cattlemen  
Nebraska Farm Bureau

**Opponents:**

Steve Riehle  
  
Steve Schuppan  
Larry Dix

**Representing:**

Hall County Highway Department and Nebraska Association of County Highway Superintendents  
Hall County  
Nebraska Association of County Officials

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

The bill would enact a new section of law.

Any implement of husbandry, as defined by this section, shall be exempt from vehicle weight restrictions- single axle, groups of axles, and gross weight.

Implement of husbandry, for purposes of this section, are defined to be;

Farm tractors

Self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil or crops;

An agricultural floater-spreader implement as defined by section 60-303;

A fertilizer spreader, nurse tank, or truck permanently mounted with a spreader used or manufactured to spread or inject animal manure; and

A mixer-feed truck owned and used by a livestock-raising operation designed for and used for the feeding of livestock.

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**Explanation of amendments:**

The Committee considered and adopted an amendment which substitutes for the bill.

The amendment revises the language of LB 977 as introduced and additionally adds the provisions of the following legislative bills to LB 977:

LB 799 (Bolz)- Amend provisions of the Nebraska Transportation Act;

LB 989 (Murante)- Change provisions of law related to the Department of Motor Vehicles;

LB 918 (Murante)- Allocate 1% of the motor vehicle tax to the Department of Motor Vehicles;

LB 946 (Smith)- Change provisions related to the Motor Vehicle Industry Licensing Act;

LB 996 (Friesen)- Change provisions related to the Motor Vehicle Industry Licensing Act;

LB 844 (Pansing-Brooks) Create the Breast Cancer Awareness specialty license plate; and

LB 872 (Murante) Change provisions related to blue and amber flashing lights

**Section-by-section summary:**

Section 1- Amends section 13-1209. Amends the Nebraska Transportation Act and provides that funds subject to the act may be expended for capitol acquisition costs involving the purchase, replacement, or rebuilding of vehicles utilized for public transportation. (LB 799)

Section 2- Amends section 13-1210. Adds a reference to capitol acquisition costs to the Nebraska Transportation Act. (LB 799)

Section 3- Amends section 13-1212. Adds a reference to capitol acquisition costs to the Nebraska Transportation Act. (LB 799)

Section 4- Amends section 60-301- Motor Vehicle Registration Act- title. Adds a cross reference to sections 8 and 9 of the bill. (LB 844)

Section 5- Amends section 60-3,104-Classification of motor vehicle license plates. Adds a reference to Breast Cancer Awareness License Plates. (LB 844)

Section 6- Amends section 60-3,104.02- Organization specialty license plates.

Currently this section requires a qualified organization to show a minimum of 500 pre-paid applications that will purchase the organization specialty license plate. The amendment reduces the level of required applications to 250. (LB 989)

Section 7- Amends section 60-3,130.04- Historical vehicle registration. A reference to Breast Cancer Awareness license plates is added to the section. (LB 844)

Section 8- Enacts a new provision of law- Breast Cancer Awareness license plates. Commencing January 1, 2017 the Breast Cancer Awareness specialty license plate may be issued.

The Breast Cancer Awareness plate design shall include the pink ribbon logo and the words "early detection saves lives".

One design shall be an alphanumeric plate containing 5 characters and one design shall be a message plate with no more than 5 characters.

In addition to other required fees at registration, application and renewal of the message plate shall include the payment of a fee of \$40. No additional fee is required when an alphanumeric plate is issued. (LB 884)

Section 9- Enacts a new provision of law- Breast Cancer Awareness Plates. Issuance requirements for the Breast Cancer Awareness plates. (LB 884)

Section 10- Amends section 60-3,186-motor vehicle tax. The amendment provides that prior to the distribution of the motor vehicle tax, in addition to the 1% fee that is retained by the county treasurer for administrative costs, an additional 1% of the proceeds shall be retained and distributed to the Department of Motor Vehicles. The fee shall be deposited to the Vehicle Title and Registration System Replacement and Maintenance Cash Fund.

This section of the bill possesses an operative date of July 1, 2016. (LB 918)

Section 11-Amends section 60-3,202- Registration of apportioned vehicles. The section is amended by striking an inappropriate reference to the term "apportionable". (LB 989)

Section 12- Amends section 60-462- Motor Vehicle Operator's License Act- title. Adds a reference to section 14. (LB 989)

Section 13- Amends section 60-4,131- Commercial Driver's License issuance. The section is amended by striking language which became obsolete July 8, 2015. (LB 989)

Section 14- Enacts a new provision of law. Authorizes the Department of Motor Vehicles to develop and offer original, renewal and replacement Commercial Driver's Licenses electronically. (LB 989)

Section 15-Amends section 60-4,146. Inserts a cross-reference to section 14. (LB 989)

Section 16- Amends 60-4,148. Inserts a cross-reference to section 14. (LB 989)

Section 17- Amends section 60-4,149- Commercial Driver's License, examination and issuance. The section is amended authorizing electronic issuance of the Commercial Driver's license. (LB 989)

Section 18-Amends section 60-4,150-Commercial Driver's license, replacement license issuance. Authorizes the issuance of replacement CDLs electronically, except for name change purposes. (LB 989)

Section 19-Amends section 60-601- Title section- Nebraska Rules of the Road. A reference to section 20 is added to the section. (LB 977)

Section 20- Enacts a new provision of law. This section is the operative section of LB 977 as introduced.

The section remains as introduced with the following changes:

- 1) a new subsection is added which provides that when an implement of husbandry crosses any bridge or culvert, it shall not be exempt from vehicle weight requirements; and
- 2) Adds "self-propelled farm equipment" to the definition of implement of husbandry and modifies the definition of "farm

tractor to "farm tractor with or without a towed farm implement".  
(LB 977)

Section 21- Section 60-6,144 is amended- use of freeways. The section is amended by adding a cross-reference to section 20. (LB 977)

Section 22-Amends section 60-6,230- use of blue and amber flashing lights. Current law authorizes the Department of Roads and local authorities to use blue and amber lights on equipment used for snow removal. The section is amended to allow these entities to use blue and amber flashing lights when engaged in the inspection, construction, repair, or maintenance of highways.(LB 872)

Section 23- Amends section 60-6,294- Maximum vehicle and axle weights. The section is amended by adding a cross-reference to section 20 of the bill. (LB 977)

Section 24- Amends section 60-1438.01- Motor Vehicle Industry Licensing Board- authority of the board.

The section adds a new requirement regarding majority decisions made by the Motor Vehicle Industry Licensing Board. Language is added which states that with respect to any action taken by the board, if a controlling number of members of the board are active participants in the vehicle market in which the action is taken, the board chair (the Director of Motor Vehicles) shall review the action and may modify, alter, approve, or reject the board's action. (LB 946)

Section 25- Amends section 60-1438.01- Motor Vehicle Industry Licensing Board-prohibitions placed on manufacturers or distributors of vehicles.

The section is amended by adding an exception to prohibitions placed upon manufacturers and distributors under the Act.

Except under limited exceptions the section prohibits any vehicle manufacturer or distributor from owning an interest in, or operating or controlling a franchise, franchisee, or consumer care facility. (This general prohibition does not apply to any manufacturer of manufactured housing, recreational vehicles, or trailers)

The bill adds the following exception.

The existing prohibition does not apply to any manufacturer who owns or operates two or fewer dealer or dealership locations within the state, who owned or operated a warranty repair or service facility as of January 1, 2016, and who is engaged in the manufacture of engines installed in motor vehicles with a gross vehicle weight rating of more than 16,000 pounds. The manufacturer must provide to non-affiliated dealers, on substantially equal terms, access to all support for the completion of repairs, including parts, training, service bulletins and any other information the manufacturer provides to facilities owned, operated, or controlled by such manufacturer. (LB 996)

Section 26- Amends section 60-1505- the Motor Vehicle Title and Registration System Replacement and Maintenance Cash Fund. The section is amended to provide that the Cash Fund may receive funding from any fees collected by the Department of Motor Vehicles from participation in any multi-state electronic data security program and any funds transferred from the Motor Vehicle Tax. (LB 918)

Section 30- Adds the Emergency Clause

