

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 120

Introduced by Schumacher, 22.

Read first time January 09, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to
- 2 amend section 60-3,167, Reissue Revised Statutes of Nebraska; to
- 3 provide for the seizure of license plates of certain uninsured motor
- 4 vehicles or trailers as prescribed; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3,167, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 60-3,167 (1) It shall be unlawful for any owner of a motor vehicle
4 or trailer which is being operated or towed with In Transit stickers
5 pursuant to section 60-376, which is being operated or towed pursuant to
6 section 60-365 or 60-369, or which is required to be registered in this
7 state and which is operated or towed on a public highway of this state to
8 allow the operation or towing of the motor vehicle or trailer on a public
9 highway of this state without having a current and effective automobile
10 liability policy, evidence of insurance, or proof of financial
11 responsibility. The owner shall be presumed to know of the operation or
12 towing of his or her motor vehicle or trailer on a highway of this state
13 in violation of this section when the motor vehicle or trailer is being
14 operated or towed by a person other than the owner.

15 (2) An owner of a motor vehicle or trailer who operates or tows the
16 motor vehicle or trailer or allows the operation or towing of the motor
17 vehicle or trailer in violation of subsection (1) of this section shall
18 be guilty of a Class II misdemeanor. A law enforcement officer shall
19 seize the license plates or plate on the motor vehicle or trailer at the
20 time the citation for violation of subsection (1) of this section is
21 issued, except that such seizure is not required in cases of inclement
22 weather, cases in which such seizure would be physically impractical, or
23 cases in which removal of the license plates or plate would jeopardize
24 the safety of the motor vehicle occupants or the law enforcement officer,
25 as determined by the officer. If the license plates or plate is seized,
26 the owner or operator of the motor vehicle or trailer shall retain a copy
27 of the citation which shall serve in lieu of the license plates or plate
28 for the motor vehicle or trailer for up to ten working days after
29 issuance of the citation if the owner has a current and effective
30 automobile liability policy, evidence of insurance, or proof of financial
31 responsibility for the motor vehicle or trailer. After issuance of the

1 citation, the law enforcement agency employing the officer who seized the
2 license plates or plate shall, within five working days, deliver the
3 license plates or plate, together with a copy of the citation, to the
4 county treasurer of the county that issued the license plates or plate.

5 (3) An owner of a motor vehicle or trailer who operates or tows the
6 motor vehicle or trailer or allows the operation or towing of the motor
7 vehicle or trailer in violation of subsection (1) of this section and
8 shall be advised by the court that his or her motor vehicle operator's
9 license, motor vehicle certificate of registration, and license plates or
10 plate will be suspended by the department until he or she complies with
11 sections 60-505.02 and 60-528. Upon conviction the owner shall have his
12 or her motor vehicle operator's license, motor vehicle certificate of
13 registration, and license plates or plate suspended by the department
14 until he or she complies with sections 60-505.02 and 60-528. The owner
15 shall also be required to comply with section 60-528 for a continuous
16 period of three years after the violation. Upon compliance with sections
17 60.505.02 and 60-528, the owner may retrieve the license plates or plate
18 from the county treasurer of the county that issued the license plates or
19 plate upon paying a fifty-dollar fee. The county treasurer shall retain
20 one-half of the fees for credit to the county general fund and remit one-
21 half of the fees to the State Treasurer for credit to the Nebraska State
22 Patrol Cash Fund ~~This subsection shall not apply to motor vehicles or~~
23 ~~trailers registered in another state.~~

24 (4 2) An owner who is unable to produce a current and effective
25 automobile liability policy, evidence of insurance, or proof of financial
26 responsibility upon the request of a law enforcement officer shall be
27 allowed ten working days after the date of the request to produce proof
28 to the appropriate prosecutor or county attorney that a current and
29 effective automobile liability policy or proof of financial
30 responsibility was in existence for the motor vehicle or trailer at the
31 time of such request. Upon presentation of such proof, the citation shall

1 be dismissed by the prosecutor or county attorney without cost to the
2 owner and no prosecution for the offense cited shall occur. The owner may
3 retrieve the license plates or plate from the county treasurer of the
4 county that issued the license plates or plate without assessment of the
5 fifty-dollar fee upon proof that a current and effective automobile
6 liability policy or proof of financial responsibility was in existence
7 for the motor vehicle or trailer at the time of citation.

8 (5 3) The department shall, for any person convicted for a violation
9 of this section, reinstate such person's operator's license, motor
10 vehicle certificate of registration, and license plates or plate and
11 rescind any order requiring such person to comply with section 60-528
12 without cost to such person upon presentation to the director that, at
13 the time such person was cited for a violation of this section, a current
14 and effective automobile liability policy or proof of financial
15 responsibility was in existence for the motor vehicle or trailer at the
16 time the citation was issued.

17 (6) This section shall not apply to motor vehicles or trailers
18 registered in another state.

19 Sec. 2. Original section 60-3,167, Reissue Revised Statutes of
20 Nebraska, is repealed.