

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 399

Introduced by Smith, 14.

Read first time January 16, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections 75-301
2 and 75-304, Reissue Revised Statutes of Nebraska, and section
3 75-302, Revised Statutes Cumulative Supplement, 2014; to define a
4 term; to restate intent; to provide powers and duties for the Public
5 Service Commission relating to transportation network service; and
6 to repeal the original sections.

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

1 Section 1. Section 75-301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 75-301 (1) It is the policy of the Legislature to comply with the
4 laws of the United States, to promote uniformity of regulation, to
5 prevent motor vehicle accidents, deaths, and injuries, to protect the
6 public safety, to reduce redundant regulation, to promote financial
7 responsibility on the part of all motor carriers operating in and through
8 the state, and to foster the development, coordination, and preservation
9 of a safe, sound, adequate, and productive motor carrier system which is
10 vital to the economy of the state.

11 (2) It is the policy of the Legislature to (a) regulate
12 transportation by motor carriers of passengers and household goods in
13 intrastate commerce upon the public highways of Nebraska in such manner
14 as to recognize and preserve the inherent advantages of and foster sound
15 economic conditions in such transportation and among such carriers, in
16 the public interest, (b) promote adequate economical and efficient
17 service by motor carriers and reasonable charges therefor without unjust
18 discrimination, undue preferences or advantages, and unfair or
19 destructive competitive practices, (c) improve the relations between and
20 coordinate transportation by and regulation of such motor carriers and
21 other carriers, (d) regulate transportation network service, (e) develop
22 and preserve a highway transportation system properly adapted to the
23 needs of the commerce of Nebraska, (f e) cooperate with the several
24 states and the duly authorized officials thereof, and (g f) cooperate
25 with the United States Government in the administration and enforcement
26 of the unified carrier registration plan and agreement.

27 (3) The commission, the Division of Motor Carrier Services, and the
28 carrier enforcement division shall enforce all provisions of section
29 75-126 and Chapter 75, article 3, so as to promote, encourage, and ensure
30 a safe, dependable, responsive, and adequate transportation system for
31 the public as a whole.

1 Sec. 2. Section 75-302, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 75-302 For purposes of sections 75-301 to 75-322 and in all rules
4 and regulations adopted and promulgated by the commission pursuant to
5 such sections, unless the context otherwise requires:

6 (1) Attended services means an attendant or caregiver accompanying a
7 minor or a person who has a physical, mental, or developmental disability
8 and is unable to travel or wait without assistance or supervision;

9 (2) Carrier enforcement division means the carrier enforcement
10 division of the Nebraska State Patrol or the Nebraska State Patrol;

11 (3) Certificate means a certificate of public convenience and
12 necessity issued under Chapter 75, article 3, to common carriers by motor
13 vehicle;

14 (4) Civil penalty means any monetary penalty assessed by the
15 commission or carrier enforcement division due to a violation of Chapter
16 75, article 3, or section 75-126 as such section applies to any person or
17 carrier specified in Chapter 75, article 3; any term, condition, or
18 limitation of any certificate or permit issued pursuant to Chapter 75,
19 article 3; or any rule, regulation, or order of the commission, the
20 Division of Motor Carrier Services, or the carrier enforcement division
21 issued pursuant to Chapter 75, article 3;

22 (5) Commission means the Public Service Commission;

23 (6) Common carrier means any person who or which undertakes to
24 transport passengers or household goods for the general public in
25 intrastate commerce by motor vehicle for hire, whether over regular or
26 irregular routes, upon the highways of this state;

27 (7) Contract carrier means any motor carrier which transports
28 passengers or household goods for hire other than as a common carrier
29 designed to meet the distinct needs of each individual customer or a
30 specifically designated class of customers without any limitation as to
31 the number of customers it can serve within the class;

1 (8) Division of Motor Carrier Services means the Division of Motor
2 Carrier Services of the Department of Motor Vehicles;

3 (9) Highway means the roads, highways, streets, and ways in this
4 state;

5 (10) Household goods means personal effects and property used or to
6 be used in a dwelling, when a part of the equipment or supply of such
7 dwelling, and similar property as the commission may provide by
8 regulation if the transportation of such effects or property, is:

9 (a) Arranged and paid for by the householder, including
10 transportation of property from a factory or store when the property is
11 purchased by the householder with the intent to use in his or her
12 dwelling; or

13 (b) Arranged and paid for by another party;

14 (11) Intrastate commerce means commerce between any place in this
15 state and any other place in this state and not in part through any other
16 state;

17 (12) Licensed care transportation services means transportation
18 provided by an entity licensed by the Department of Health and Human
19 Services as a residential child-caring agency as defined in section
20 71-1926 or child-placing agency as defined in section 71-1926 or a child
21 care facility licensed under the Child Care Licensing Act to a client of
22 the entity or facility when the person providing transportation services
23 also assists and supervises the passenger or, if the client is a minor,
24 to a family member of a minor when it is necessary for agency or facility
25 staff to accompany or facilitate the transportation in order to provide
26 necessary services and support to the minor. Licensed care transportation
27 services must be incidental to and in furtherance of the social services
28 provided by the entity or facility to the transported client;

29 (13) Motor carrier means any person other than a regulated motor
30 carrier who or which owns, controls, manages, operates, or causes to be
31 operated any motor vehicle used to transport passengers or property over

1 any public highway in this state;

2 (14) Motor vehicle means any vehicle, machine, tractor, trailer, or
3 semitrailer propelled or drawn by mechanical power and used upon the
4 highways in the transportation of passengers or property but does not
5 include any vehicle, locomotive, or car operated exclusively on a rail or
6 rails;

7 (15) Permit means a permit issued under Chapter 75, article 3, to
8 contract carriers by motor vehicle;

9 (16) Person means any individual, firm, partnership, limited
10 liability company, corporation, company, association, or joint-stock
11 association and includes any trustee, receiver, assignee, or personal
12 representative thereof;

13 (17) Private carrier means any motor carrier which owns, controls,
14 manages, operates, or causes to be operated a motor vehicle to transport
15 passengers or property to or from its facility, plant, or place of
16 business or to deliver to purchasers its products, supplies, or raw
17 materials (a) when such transportation is within the scope of and
18 furthers a primary business of the carrier other than transportation and
19 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply
20 to private carriers;

21 (18) Regulated motor carrier means any person who or which owns,
22 controls, manages, operates, or causes to be operated any motor vehicle
23 used to transport passengers, other than those excepted under section
24 75-303, or household goods over any public highway in this state;

25 (19) Residential care means care for a minor or a person who is
26 physically, mentally, or developmentally disabled who resides in a
27 residential home or facility regulated by the Department of Health and
28 Human Services, including, but not limited to, a foster home, treatment
29 facility, residential child-caring agency, or shelter;

30 (20) Residential care transportation services means transportation
31 services to persons in residential care when such residential care

1 transportation services and residential care are provided as part of a
2 services contract with the Department of Health and Human Services or
3 pursuant to a subcontract entered into incident to a services contract
4 with the department;~~and~~

5 (21) Supported transportation services means transportation services
6 to a minor or for a person who is physically, mentally, or
7 developmentally disabled when the person providing transportation
8 services also assists and supervises the passenger or transportation
9 services to a family member of a minor when it is necessary for provider
10 staff to accompany or facilitate the transportation in order to provide
11 necessary services and support to the minor. Supported transportation
12 services must be provided as part of a services contract with the
13 Department of Health and Human Services or pursuant to a subcontract
14 entered into incident to a services contract with the department, and the
15 driver must meet department requirements for (a) training or experience
16 working with minors or persons who are physically, mentally, or
17 developmentally disabled, (b) training with regard to the specific needs
18 of the client served, (c) reporting to the department, and (d) age.
19 Assisting and supervising the passenger shall not necessarily require the
20 person providing transportation services to stay with the passenger after
21 the transportation services have been provided; and -

22 (22) Transportation network service means a corporation,
23 partnership, sole proprietorship, or other entity operating in Nebraska
24 that uses an online application or a digital network to connect riders to
25 drivers for purposes of providing transportation service.

26 Sec. 3. Section 75-304, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 75-304 (1) The commission may establish such just and reasonable
29 classifications of groups of carriers, included in the terms common
30 carrier and contract carrier, as the special nature of the services
31 performed by such carriers require and adopt and promulgate such just and

1 reasonable rules, regulations, and requirements, to be observed by the
2 carrier so classified or grouped, as the commission deems necessary or
3 desirable in the public interest and as are consistent with the
4 provisions of sections 75-301 to 75-322. All certificates and permits
5 issued by the commission shall be construed and interpreted, and the
6 operations authorized thereunder shall be tested and determined, in
7 accordance with such classification so established and any rule,
8 regulation, or requirement prescribed by the commission relating to such
9 carrier so classified.

10 (2) The commission shall adopt and promulgate rules and regulations
11 to establish just and reasonable requirements for transportation network
12 service.

13 Sec. 4. Original sections 75-301 and 75-304, Reissue Revised
14 Statutes of Nebraska, and section 75-302, Revised Statutes Cumulative
15 Supplement, 2014, are repealed.