

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 474

Introduced by Chambers, 11.

Read first time January 20, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201,
2 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised
3 Statutes Cumulative Supplement, 2014; to provide for Mountain Lion
4 Protection Plates; to create the Game and Parks Commission
5 Educational Fund and provide for its use; to harmonize provisions;
6 and to repeal the original sections.

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

1 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section
4 2 of this act shall be known and may be cited as the Game Law.

5 Sec. 2. The Game and Parks Commission Educational Fund is created.
6 The fund shall consist of money credited pursuant to section 10 of this
7 act and any other money as determined by the Legislature. The commission
8 shall use the fund to provide youth education programs relating to
9 wildlife conservation practices. Any money in the fund available for
10 investment shall be invested by the state investment officer pursuant to
11 the Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.

13 Sec. 3. Section 60-301, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 60-301 Sections 60-301 to 60-3,222 and sections 9 and 10 of this act
16 shall be known and may be cited as the Motor Vehicle Registration Act.

17 Sec. 4. Section 60-393, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 60-393 Any owner who has two or more motor vehicles or trailers
20 required to be registered under the Motor Vehicle Registration Act may
21 register all such motor vehicles or trailers on a calendar-year basis or
22 on an annual basis for the same registration period beginning in a month
23 chosen by the owner. When electing to establish the same registration
24 period for all such motor vehicles or trailers, the owner shall pay the
25 registration fee, the motor vehicle tax imposed in section 60-3,185, the
26 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
27 fee imposed in section 60-3,191 on each motor vehicle for the number of
28 months necessary to extend its current registration period to the
29 registration period under which all such motor vehicles or trailers will
30 be registered. Credit shall be given for registration paid on each motor
31 vehicle or trailer when the motor vehicle or trailer has a later

1 expiration date than that chosen by the owner except as otherwise
2 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, and 60-3,128 and
3 section 10 of this act. Thereafter all such motor vehicles or trailers
4 shall be registered on an annual basis starting in the month chosen by
5 the owner.

6 Sec. 5. Section 60-395, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 60-395 (1) Except as otherwise provided in subsection (2) of this
9 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, and 60-3,128 and
10 section 10 of this act, the registration shall expire and the registered
11 owner or lessee may, by returning the registration certificate, the
12 license plates, and, when appropriate, the validation decals and by
13 either making application on a form prescribed by the department to the
14 county treasurer of the occurrence of an event described in subdivisions
15 (a) through (e) of this subsection or, in the case of a change in situs,
16 displaying to the county treasurer the registration certificate of such
17 other state as evidence of a change in situs, receive a refund of that
18 part of the unused fees and taxes on motor vehicles or trailers based on
19 the number of unexpired months remaining in the registration period from
20 the date of any of the following events:

- 21 (a) Upon transfer of ownership of any motor vehicle or trailer;
- 22 (b) In case of loss of possession because of fire, theft,
23 dismantlement, or junking;
- 24 (c) When a salvage branded certificate of title is issued;
- 25 (d) Whenever a type or class of motor vehicle or trailer previously
26 registered is subsequently declared by legislative act or court decision
27 to be illegal or ineligible to be operated or towed on the public roads
28 and no longer subject to registration fees, the motor vehicle tax imposed
29 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
30 and the alternative fuel fee imposed in section 60-3,191;
- 31 (e) Upon a trade-in or surrender of a motor vehicle under a lease;

1 or

2 (f) In case of a change in the situs of a motor vehicle or trailer
3 to a location outside of this state.

4 (2) If the date of the event falls within the same calendar month in
5 which the motor vehicle or trailer is acquired, no refund shall be
6 allowed for such month.

7 (3) If the transferor or lessee acquires another motor vehicle at
8 the time of the transfer, trade-in, or surrender, the transferor or
9 lessee shall have the credit provided for in this section applied toward
10 payment of the motor vehicle fees and taxes then owing. Otherwise, the
11 transferor or lessee shall file a claim for refund with the county
12 treasurer upon an application form prescribed by the department.

13 (4) The registered owner or lessee shall make a claim for refund or
14 credit of the fees and taxes for the unexpired months in the registration
15 period within sixty days after the date of the event or shall be deemed
16 to have forfeited his or her right to such refund or credit.

17 (5) For purposes of this section, the date of the event shall be:
18 (a) In the case of a transfer or loss, the date of the transfer or loss;
19 (b) in the case of a change in the situs, the date of registration in
20 another state; (c) in the case of a trade-in or surrender under a lease,
21 the date of trade-in or surrender; (d) in the case of a legislative act,
22 the effective date of the act; and (e) in the case of a court decision,
23 the date the decision is rendered.

24 (6) Application for registration or for reassignment of license
25 plates and, when appropriate, validation decals to another motor vehicle
26 or trailer shall be made within thirty days of the date of purchase.

27 (7) If a motor vehicle or trailer was reported stolen under section
28 60-178, a refund under this section shall not be reduced for a lost plate
29 charge and a credit under this section may be reduced for a lost plate
30 charge but the applicant shall not be required to pay the plate fee for
31 new plates.

1 (8) The county treasurer shall refund the motor vehicle fee and
2 registration fee from the fees which have not been transferred to the
3 State Treasurer. The county treasurer shall make payment to the claimant
4 from the undistributed motor vehicle taxes of the taxing unit where the
5 tax money was originally distributed. No refund of less than two dollars
6 shall be paid.

7 Sec. 6. Section 60-396, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 60-396 Whenever the registered owner files an application with the
10 county treasurer showing that a motor vehicle or trailer is disabled and
11 has been removed from service, the registered owner may, by returning the
12 registration certificate, the license plates, and, when appropriate, the
13 validation decals or, in the case of the unavailability of such
14 registration certificate or certificates, license plates, or validation
15 decals, then by making an affidavit to the county treasurer of such
16 disablement and removal from service, receive a credit for a portion of
17 the registration fee from the fee deposited with the State Treasurer at
18 the time of registration based upon the number of unexpired months
19 remaining in the registration year except as otherwise provided in
20 sections 60-3,121, 60-3,122.02, 60-3,122.04, and 60-3,128 and section 10
21 of this act. The owner shall also receive a credit for the unused portion
22 of the motor vehicle tax and fee based upon the number of unexpired
23 months remaining in the registration year. When the owner registers a
24 replacement motor vehicle or trailer at the time of filing such
25 affidavit, the credit may be immediately applied against the registration
26 fee and the motor vehicle tax and fee for the replacement motor vehicle
27 or trailer. When no such replacement motor vehicle or trailer is so
28 registered, the county treasurer shall forward the application and
29 affidavit, if any, to the State Treasurer who shall determine the amount,
30 if any, of the allowable credit for the registration fee and issue a
31 credit certificate to the owner. For the motor vehicle tax and fee, the

1 county treasurer shall determine the amount, if any, of the allowable
2 credit and issue a credit certificate to the owner. When such motor
3 vehicle or trailer is removed from service within the same month in which
4 it was registered, no credits shall be allowed for such month. The
5 credits may be applied against taxes and fees for new or replacement
6 motor vehicles or trailers incurred within one year after cancellation of
7 registration of the motor vehicle or trailer for which the credits were
8 allowed. When any such motor vehicle or trailer is reregistered within
9 the same registration year in which its registration has been canceled,
10 the taxes and fees shall be that portion of the registration fee and the
11 motor vehicle tax and fee for the remainder of the registration year.

12 Sec. 7. Section 60-3,104, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 60-3,104 The department shall issue the following types of license
15 plates:

16 (1) Amateur radio station license plates issued pursuant to section
17 60-3,126;

18 (2) Apportionable vehicle license plates issued pursuant to section
19 60-3,203;

20 (3) Boat dealer license plates issued pursuant to section 60-379;

21 (4) Bus license plates issued pursuant to section 60-3,144;

22 (5) Commercial motor vehicle license plates issued pursuant to
23 section 60-3,147;

24 (6) Dealer or manufacturer license plates issued pursuant to
25 sections 60-3,114 and 60-3,115;

26 (7) Disabled veteran license plates issued pursuant to section
27 60-3,124;

28 (8) Farm trailer license plates issued pursuant to section 60-3,151;

29 (9) Farm truck license plates issued pursuant to section 60-3,146;

30 (10) Farm trucks with a gross weight of over sixteen tons license
31 plates issued pursuant to section 60-3,146;

1 (11) Fertilizer trailer license plates issued pursuant to section
2 60-3,151;

3 (12) Film vehicle license plates issued pursuant to section 60-383;

4 (13) Gold Star Family license plates issued pursuant to sections
5 60-3,122.01 and 60-3,122.02;

6 (14) Handicapped or disabled person license plates issued pursuant
7 to section 60-3,113;

8 (15) Historical vehicle license plates issued pursuant to sections
9 60-3,130 to 60-3,134;

10 (16) Local truck license plates issued pursuant to section 60-3,145;

11 (17) Military Honor Plates issued pursuant to sections 60-3,122.03
12 and 60-3,122.04;

13 (18) Minitruck license plates issued pursuant to section 60-3,100;

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

17 (20) Motor vehicles exempt pursuant to section 60-3,107;

18 (21) Motorcycle license plates issued pursuant to section 60-3,100;

19 (22) Mountain Lion Protection Plates issued pursuant to sections 9
20 and 10 of this act;

21 (23 22) Nebraska Cornhusker Spirit Plates issued pursuant to
22 sections 60-3,127 to 60-3,129;

23 (24 23) Nonresident owner thirty-day license plates issued pursuant
24 to section 60-382;

25 (25 24) Passenger car having a seating capacity of ten persons or
26 less and not used for hire issued pursuant to section 60-3,143;

27 (26 25) Passenger car having a seating capacity of ten persons or
28 less and used for hire issued pursuant to section 60-3,143;

29 (27 26) Pearl Harbor license plates issued pursuant to section
30 60-3,122;

31 (28 27) Personal-use dealer license plates issued pursuant to

1 section 60-3,116;

2 (29 28) Personalized message license plates for motor vehicles and
3 cabin trailers, except commercial motor vehicles registered for over ten
4 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

5 (30 29) Prisoner-of-war license plates issued pursuant to section
6 60-3,123;

7 (31 30) Purple Heart license plates issued pursuant to section
8 60-3,125;

9 (32 31) Recreational vehicle license plates issued pursuant to
10 section 60-3,151;

11 (33 32) Repossession license plates issued pursuant to section
12 60-375;

13 (34 33) Special interest motor vehicle license plates issued
14 pursuant to section 60-3,135.01;

15 (35 34) Specialty license plates issued pursuant to sections
16 60-3,104.01 and 60-3,104.02;

17 (36 35) Trailer license plates issued for trailers owned or operated
18 by the state, counties, municipalities, or school districts issued
19 pursuant to section 60-3,106;

20 (37 36) Trailer license plates issued pursuant to section 60-3,100;

21 (38 37) Trailers exempt pursuant to section 60-3,108;

22 (39 38) Transporter license plates issued pursuant to section
23 60-378;

24 (40 39) Trucks or combinations of trucks, truck-tractors, or
25 trailers which are not for hire and engaged in soil and water
26 conservation work and used for the purpose of transporting pipe and
27 equipment exclusively used by such contractors for soil and water
28 conservation construction license plates issued pursuant to section
29 60-3,149;

30 (41 40) Utility trailer license plates issued pursuant to section
31 60-3,151; and

1 (42 41) Well-boring apparatus and well-servicing equipment license
2 plates issued pursuant to section 60-3,109.

3 Sec. 8. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 60-3,130.04 (1) An owner of a historical vehicle eligible for
6 registration under section 60-3,130 may use a license plate or plates
7 designed by this state in the year corresponding to the model year when
8 the vehicle was manufactured in lieu of the plates designed pursuant to
9 section 60-3,130.03 subject to the approval of the department. The
10 department shall inspect the plate or plates and may approve the plate or
11 plates if it is determined that the model-year license plate or plates
12 are legible and serviceable and that the license plate numbers do not
13 conflict with or duplicate other numbers assigned and in use. An
14 original-issued license plate or plates that have been restored to
15 original condition may be used when approved by the department.

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

19 (3) If only one license plate is used on the vehicle, the license
20 plate shall be placed on the rear of the vehicle. The owner of a
21 historical vehicle may use only one plate on the vehicle even for years
22 in which two license plates were issued for vehicles in general.

23 (4) License plates used pursuant to this section corresponding to
24 the year of manufacture of the vehicle shall not be personalized message
25 license plates, Pearl Harbor license plates, prisoner-of-war license
26 plates, disabled veteran license plates, Purple Heart license plates,
27 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
28 handicapped or disabled person license plates, specialty license plates,
29 special interest motor vehicle license plates, ~~or~~ Military Honor Plates,
30 or Mountain Lion Protection Plates.

31 Sec. 9. (1) The department shall design license plates to be known

1 as Mountain Lion Protection Plates. The department shall create designs
2 reflecting support for the protection of the mountain lion population.
3 The design shall be selected on the basis of limiting the manufacturing
4 cost of each plate to an amount less than or equal to the amount charged
5 for license plates pursuant to section 60-3,102. The department shall
6 make applications available for this type of plate when it is designed.
7 The department may adopt and promulgate rules and regulations to carry
8 out this section and section 10 of this act.

9 (2) One type of Mountain Lion Protection Plates shall be
10 alphanumeric plates. The department shall:

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

12 (b) Not use a county designation.

13 (3) One type of Mountain Lion Protection Plates shall be
14 personalized message plates. Such plates shall be issued subject to the
15 same conditions specified for personalized message license plates in
16 section 60-3,118, except that a maximum of five characters may be used.

17 Sec. 10. (1) A person may apply to the department for Mountain Lion
18 Protection Plates in lieu of regular license plates on an application
19 prescribed and provided by the department for any motor vehicle or cabin
20 trailer, except for a motor vehicle or cabin trailer registered under
21 section 60-3,198. An applicant receiving a Mountain Lion Protection Plate
22 for a farm truck with a gross weight of over sixteen tons shall affix the
23 appropriate tonnage decal to the plate. The department shall make forms
24 available for such applications through the county treasurers. The
25 license plates shall be issued upon payment of the license fee described
26 in subsection (2) of this section.

27 (2)(a) In addition to all other fees required for registration under
28 the Motor Vehicle Registration Act, each application for initial issuance
29 of alphanumeric Mountain Lion Protection Plates shall be accompanied by a
30 fee of five dollars. An application for renewal of such plates shall be
31 accompanied by a fee of five dollars. County treasurers collecting fees

1 pursuant to this subdivision shall remit them to the State Treasurer. The
2 State Treasurer shall credit five dollars of the fee to the Game and
3 Parks Commission Educational Fund.

4 (b) In addition to all other fees required for registration under
5 the Motor Vehicle Registration Act, each application for initial issuance
6 or renewal of personalized message Mountain Lion Protection Plates shall
7 be accompanied by a fee of forty dollars. County treasurers collecting
8 fees pursuant to this subdivision shall remit them to the State
9 Treasurer. The State Treasurer shall credit twenty-five percent of the
10 fee for initial issuance and renewal of such plates to the Department of
11 Motor Vehicles Cash Fund and seventy-five percent of the fee to the Game
12 and Parks Commission Educational Fund.

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

23 (4) The owner of a motor vehicle or cabin trailer bearing Mountain
24 Lion Protection Plates may apply to the county treasurer to have such
25 plates transferred to a motor vehicle other than the vehicle for which
26 such plates were originally purchased if such vehicle is owned by the
27 owner of the plates. The owner may have the unused portion of the fee for
28 the plates credited to the other vehicle which will bear the plates at
29 the rate of eight and one-third percent per month for each full month
30 left in the registration period. Application for such transfer shall be
31 accompanied by a fee of three dollars. Fees collected pursuant to this

1 subsection shall be remitted to the State Treasurer for credit to the
2 Department of Motor Vehicles Cash Fund.

3 (5) If the cost of manufacturing Mountain Lion Protection Plates at
4 any time exceeds the amount charged for license plates pursuant to
5 section 60-3,102, any money to be credited to the Game and Parks
6 Commission Educational Fund shall instead be credited first to the
7 Highway Trust Fund in an amount equal to the difference between the
8 manufacturing costs of Mountain Lion Protection Plates and the amount
9 charged pursuant to section 60-3,102 with respect to such plates and the
10 remainder shall be credited to the Game and Parks Commission Educational
11 Fund.

12 Sec. 11. Original sections 37-201, 60-301, 60-393, 60-395, 60-396,
13 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014,
14 are repealed.