

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 832**

Introduced by Morfeld, 46.

Read first time January 08, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Public Service Commission; to amend  
2 section 75-309.01, Reissue Revised Statutes of Nebraska; to declare  
3 that transportation of household goods for hire without a  
4 certificate is a public nuisance; to provide for seizure and sale of  
5 a motor vehicle in violation; to provide duties for the commission;  
6 and to repeal the original section.

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

1 Section 1. Section 75-309.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 75-309.01 (1) Each motor vehicle owned, used, or attempted to be  
4 used by any person as a common or contract carrier to transport  
5 passengers or household goods for hire in violation of section 75-309 is  
6 declared to be a public nuisance and subject to seizure and confiscation  
7 by any person charged with the enforcement of this section. Any motor  
8 vehicle which is owned, used, or attempted to be used by any person as a  
9 common or contract carrier to transport passengers or household goods for  
10 hire in violation of section 75-309 may be seized upon the arrest of the  
11 person who uses or owns the motor vehicle, and upon the conviction of the  
12 person for the violation of such section, the motor vehicle shall, as a  
13 part of the element of the violation, at the discretion of the court, be  
14 forfeited to the state and delivered to the commission to be disposed of  
15 as provided by law. The sale shall be subject to any liens of record. The  
16 commission shall remit the proceeds of the sale to the State Treasurer  
17 for distribution in accordance with Article VII, section 5, of the  
18 Constitution of Nebraska credit to the permanent school fund.

19 (2) Any seizure of a motor vehicle under subsection (1) of this  
20 section shall not include seizure or sale of any household goods being  
21 transported for hire. If any motor vehicle seized is carrying or hauling  
22 household goods for hire at the time of seizure, the commission shall  
23 take custody of such household goods and safely secure the same on behalf  
24 of the identified owner or owners.

25 (3) The commission shall adopt and promulgate rules and regulations  
26 to carry out the purposes of this section.

27 Sec. 2. Original section 75-309.01, Reissue Revised Statutes of  
28 Nebraska, is repealed.