

AMENDMENTS TO LB768

Introduced by Transportation and Telecommunications.

1 1. Insert the following new section:

2 Sec. 31. Section 75-369.03, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 75-369.03 (1) The Superintendent of Law Enforcement and Public
5 Safety may issue an order imposing a civil penalty against a motor
6 carrier transporting persons or property in interstate commerce for a
7 violation of sections 75-392 to 75-399 or against a motor carrier
8 transporting persons or property in intrastate commerce for a violation
9 or violations of section 75-363 or 75-364 based upon an inspection
10 conducted pursuant to section 75-366 in an amount which shall not exceed
11 eight hundred dollars for any single violation in any proceeding or
12 series of related proceedings against any person or motor carrier as
13 defined in 49 C.F.R. 390.5 as adopted in section 75-363.

14 (2) The superintendent shall issue an order imposing a civil penalty
15 in an amount not to exceed sixteen thousand four hundred fifty-three
16 ~~fifteen thousand seven hundred twenty-seven~~ dollars against a motor
17 carrier transporting persons or property in interstate commerce for a
18 violation of subdivision (2)(e) of section 60-4,162 based upon a
19 conviction of such a violation.

20 (3) The superintendent shall issue an order imposing a civil penalty
21 against a driver operating a commercial motor vehicle, as defined in
22 section 60-465, that requires a commercial driver's license or CLP-
23 commercial learner's permit, in violation of an out-of-service order. The
24 civil penalty shall be in an amount not less than three thousand one
25 hundred seventy-four ~~thirty-four~~ dollars for a first violation and not
26 less than six thousand three hundred forty-eight ~~sixty-eight~~ dollars for
27 a second or subsequent violation.

1 (4) The superintendent shall issue an order imposing a civil penalty
2 against a motor carrier who knowingly allows, requires, permits, or
3 authorizes the operation of a commercial motor vehicle, as defined in
4 section 60-465, that requires a commercial driver's license or CLP-
5 commercial learner's permit, in violation of an out-of-service order. The
6 civil penalty shall be not less than five thousand seven hundred thirty-
7 two ~~four hundred seventy-nine~~ dollars but not more than thirty one
8 thousand seven ~~thousand three~~ hundred thirty-seven dollars per violation.

9 (5) Upon the discovery of any violation by a motor carrier
10 transporting persons or property in interstate commerce of section
11 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
12 inspection conducted pursuant to section 75-366, the superintendent shall
13 immediately refer such violation to the appropriate federal agency for
14 disposition, and upon the discovery of any violation by a motor carrier
15 transporting persons or property in intrastate commerce of section 75-307
16 based upon such inspection, the superintendent shall refer such violation
17 to the Public Service Commission for disposition.

18 2. Renumber the remaining sections and correct the repealer
19 accordingly.