

AMENDMENTS TO LB461

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 75-109.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 75-109.01 Except as otherwise specifically provided by law, the
6 Public Service Commission shall have jurisdiction, as prescribed, over
7 the following subjects:

8 (1) Common carriers, generally, pursuant to sections 75-101 to
9 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
11 Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles pursuant to the
13 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

14 (4) Modular housing units pursuant to the Nebraska Uniform Standards
15 for Modular Housing Units Act;

16 (5) Motor carrier registration, licensure, and safety pursuant to
17 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

18 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
19 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
20 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
21 the provisions of the Major Oil Pipeline Siting Act, the provisions of
22 the Major Oil Pipeline Siting Act control;

23 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
24 74-1323, and 75-401 to 75-430;

25 (8) Telecommunications carriers pursuant to the Automatic Dialing-
26 Announcing Devices Act, the Emergency Telephone Communications Systems
27 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call

1 Regulation Act, the Nebraska Telecommunications Regulation Act, the
2 Nebraska Telecommunications Universal Service Fund Act, the
3 Telecommunications Relay System Act, the Telephone Consumer Slamming
4 Prevention Act, and sections 86-574 to 86-580;

5 (9) Transmission lines and rights-of-way pursuant to sections 70-301
6 and 75-702 to 75-724;

7 (10) Water service pursuant to the Water Service Regulation Act; and

8 (11) Jurisdictional utilities governed by the State Natural Gas
9 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
10 provisions of the State Natural Gas Regulation Act, the provisions of the
11 State Natural Gas Regulation Act control.

12 Sec. 2. Section 75-118, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-118 The commission shall:

15 (1) Fix all necessary rates, charges, and regulations governing and
16 regulating the transportation, ~~storage, or handling~~ of household goods
17 ~~and~~ passengers by any common carrier in Nebraska intrastate commerce;

18 (2) Authorize the transportation of household goods under a license
19 issued pursuant to section 75-304.02 ~~Make all necessary classifications~~
20 ~~of household goods that may be transported, stored, or handled by any~~
21 ~~common carrier in Nebraska intrastate commerce, such classifications~~
22 ~~applying to and being the same for all common carriers;~~

23 (3) Prevent and correct the unjust discriminations set forth in
24 section 75-126;

25 (4) Enforce all statutes and commission regulations pertaining to
26 rates and, if necessary, institute actions in the appropriate court of
27 any county in which the common carrier involved operates except actions
28 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits
29 shall be brought and penalties recovered in the name of the state by or
30 under the direction of the Attorney General; and

31 (5) Enforce the Major Oil Pipeline Siting Act and the State Natural

1 Gas Regulation Act.

2 Sec. 3. Section 75-124, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 75-124 The commission may compile and reproduce tariffs containing
5 the schedules of rates and charges for transportation of persons ~~and~~
6 ~~property~~ and may make a charge for copies of such tariffs to cover the
7 cost of reproducing, supplementing, and mailing the same. Every common
8 carrier shall reproduce, keep for public inspection, and file with the
9 commission in the manner prescribed by the commission, schedules showing
10 the rates, fares, and charges for the transportation of passengers ~~and~~
11 ~~household goods~~ which have been fixed and established as provided in
12 Chapter 75, articles 1 and 3, and which are in force at the time with
13 respect to such common carrier.

14 Sec. 4. Section 75-301, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 75-301 (1) It is the policy of the Legislature to comply with the
17 laws of the United States, to promote uniformity of regulation, to
18 prevent motor vehicle accidents, deaths, and injuries, to protect the
19 public safety, to reduce redundant regulation, to promote financial
20 responsibility on the part of all motor carriers operating in and through
21 the state, and to foster the development, coordination, and preservation
22 of a safe, sound, adequate, and productive motor carrier system which is
23 vital to the economy of the state.

24 (2) It is the policy of the Legislature to (a) regulate
25 transportation by motor carriers of passengers ~~and household goods~~ in
26 intrastate commerce upon the public highways of Nebraska in such manner
27 as to recognize and preserve the inherent advantages of and foster sound
28 economic conditions in such transportation and among such carriers, in
29 the public interest, (b) authorize the transportation of household goods
30 by motor carriers in intrastate commerce upon the public highways of
31 Nebraska under licenses issued pursuant to section 75-304.02, (c) promote

1 adequate economical and efficient service by motor carriers and
2 reasonable charges therefor without unjust discrimination, undue
3 preferences or advantages, and unfair or destructive competitive
4 practices, (d) ~~(e)~~ improve the relations between and coordinate
5 transportation by and regulation of such motor carriers and other
6 carriers, (e) ~~(d)~~ develop and preserve a highway transportation system
7 properly adapted to the needs of the commerce of Nebraska, (f) ~~(e)~~
8 cooperate with the several states and the duly authorized officials
9 thereof, and (g) ~~(f)~~ cooperate with the United States Government in the
10 administration and enforcement of the unified carrier registration plan
11 and agreement.

12 The commission, the Division of Motor Carrier Services, and the
13 carrier enforcement division shall enforce all provisions of section
14 75-126 and Chapter 75, article 3, so as to promote, encourage, and ensure
15 a safe, dependable, responsive, and adequate transportation system for
16 the public as a whole.

17 Sec. 5. Section 75-302, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 75-302 For purposes of sections 75-301 to 75-343 and in all rules
20 and regulations adopted and promulgated by the commission pursuant to
21 such sections, unless the context otherwise requires:

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

25 (2) Carrier enforcement division means the carrier enforcement
26 division of the Nebraska State Patrol or the Nebraska State Patrol;

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

30 (4) Civil penalty means any monetary penalty assessed by the
31 commission or carrier enforcement division due to a violation of Chapter

1 75, article 3, or section 75-126 as such section applies to any person or
2 carrier specified in Chapter 75, article 3; any term, condition, or
3 limitation of any certificate or permit issued pursuant to Chapter 75,
4 article 3; or any rule, regulation, or order of the commission, the
5 Division of Motor Carrier Services, or the carrier enforcement division
6 issued pursuant to Chapter 75, article 3;

7 (5) Commission means the Public Service Commission;

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

12 (7) Contract carrier means any motor carrier which transports
13 passengers ~~or household goods~~ for hire other than as a common carrier
14 designed to meet the distinct needs of each individual customer or a
15 specifically designated class of customers without any limitation as to
16 the number of customers it can serve within the class;

17 (8) Division of Motor Carrier Services means the Division of Motor
18 Carrier Services of the Department of Motor Vehicles;

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

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

25 (a) Arranged and paid for by the householder, including
26 transportation of property from a factory or store when the property is
27 purchased by the householder with the intent to use in his or her
28 dwelling; or

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

30 (11) Intrastate commerce means commerce between any place in this
31 state and any other place in this state and not in part through any other

1 state;

2 (12) License means a license issued pursuant to section 75-304.02 to
3 a motor carrier engaged in the intrastate transportation of household
4 goods for hire;

5 (13) ~~(12)~~ Licensed care transportation services means transportation
6 provided by an entity licensed by the Department of Health and Human
7 Services as a residential child-caring agency as defined in section
8 71-1926 or child-placing agency as defined in section 71-1926 or a child
9 care facility licensed under the Child Care Licensing Act to a client of
10 the entity or facility when the person providing transportation services
11 also assists and supervises the passenger or, if the client is a minor,
12 to a family member of a minor when it is necessary for agency or facility
13 staff to accompany or facilitate the transportation in order to provide
14 necessary services and support to the minor. Licensed care transportation
15 services must be incidental to and in furtherance of the social services
16 provided by the entity or facility to the transported client;

17 (14) ~~(13)~~ Motor carrier means any person other than a regulated
18 motor carrier who or which owns, controls, manages, operates, or causes
19 to be operated any motor vehicle used to transport passengers or property
20 over any public highway in this state;

21 (15) ~~(14)~~ Motor vehicle means any vehicle, machine, tractor,
22 trailer, or semitrailer propelled or drawn by mechanical power and used
23 upon the highways in the transportation of passengers or property but
24 does not include any vehicle, locomotive, or car operated exclusively on
25 a rail or rails;

26 (16) ~~(15)~~ Permit means a permit issued under Chapter 75, article 3,
27 to contract carriers by motor vehicle;

28 (17) ~~(16)~~ Person means any individual, firm, partnership, limited
29 liability company, corporation, company, association, or joint-stock
30 association and includes any trustee, receiver, assignee, or personal
31 representative thereof;

1 (18) ~~(17)~~ Private carrier means any motor carrier which owns,
2 controls, manages, operates, or causes to be operated a motor vehicle to
3 transport passengers or property to or from its facility, plant, or place
4 of business or to deliver to purchasers its products, supplies, or raw
5 materials (a) when such transportation is within the scope of and
6 furthers a primary business of the carrier other than transportation and
7 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply
8 to private carriers;

9 (19) ~~(18)~~ Regulated motor carrier means any person who or which
10 owns, controls, manages, operates, or causes to be operated any motor
11 vehicle used to transport passengers, other than those excepted under
12 section 75-303, ~~or household goods~~ over any public highway in this state;

13 (20) ~~(19)~~ Residential care means care for a minor or a person who is
14 physically, mentally, or developmentally disabled who resides in a
15 residential home or facility regulated by the Department of Health and
16 Human Services, including, but not limited to, a foster home, treatment
17 facility, residential child-caring agency, or shelter;

18 (21) ~~(20)~~ Residential care transportation services means
19 transportation services to persons in residential care when such
20 residential care transportation services and residential care are
21 provided as part of a services contract with the Department of Health and
22 Human Services or pursuant to a subcontract entered into incident to a
23 services contract with the department;

24 (22) ~~(21)~~ Supported transportation services means transportation
25 services to a minor or for a person who is physically, mentally, or
26 developmentally disabled when the person providing transportation
27 services also assists and supervises the passenger or transportation
28 services to a family member of a minor when it is necessary for provider
29 staff to accompany or facilitate the transportation in order to provide
30 necessary services and support to the minor. Supported transportation
31 services must be provided as part of a services contract with the

1 Department of Health and Human Services or pursuant to a subcontract
2 entered into incident to a services contract with the department, and the
3 driver must meet department requirements for (a) training or experience
4 working with minors or persons who are physically, mentally, or
5 developmentally disabled, (b) training with regard to the specific needs
6 of the client served, (c) reporting to the department, and (d) age.
7 Assisting and supervising the passenger shall not necessarily require the
8 person providing transportation services to stay with the passenger after
9 the transportation services have been provided; and

10 (23) ~~(22)~~ Transportation network company has the definition found in
11 section 75-323. A transportation network company shall not own, control,
12 operate, or manage drivers' personal vehicles.

13 Sec. 6. Section 75-303, Revised Statutes Supplement, 2019, is
14 amended to read:

15 75-303 Sections 75-301 to 75-322 shall apply to transportation by a
16 motor carrier or the transportation of passengers ~~and household goods~~ by
17 a regulated motor carrier for hire in intrastate commerce except for the
18 following:

19 (1) A motor carrier for hire in the transportation of school
20 children and teachers to and from school;

21 (2) A motor carrier for hire operated in connection with a part of a
22 streetcar system;

23 (3) A motor carrier for hire providing transportation services for
24 passengers in vehicles with a rated seating capacity of eight or more
25 passengers when (a) such services are incidental to agritourism
26 activities as defined in section 82-603, (b) the destination for such
27 agritourism activities is outside any incorporated city or village, and
28 (c) the point of origination and termination is outside a county that
29 includes a city of the metropolitan class or primary class;

30 (4) ~~(3)~~ An ambulance, ambulance owner, hearse, or automobile used
31 exclusively as an incident to conducting a funeral;

1 ~~(5)~~ ~~(4)~~ A motor carrier exempt by subdivision (1) of this section
2 which hauls for hire (a) persons of a religious, fraternal, educational,
3 or charitable organization, (b) pupils of a school to athletic events,
4 (c) players of American Legion baseball teams when the point of origin or
5 termination is within five miles of the domicile of the carrier, and (d)
6 the elderly as defined in section 13-1203 and their spouses and
7 dependents under a contract with a municipality or county authorized in
8 section 13-1208;

9 ~~(6)~~ ~~(5)~~ A motor carrier operated by a city and engaged in the
10 transportation of passengers, and such exempt operations shall be no
11 broader than those authorized in intrastate commerce at the time the city
12 or other political subdivision assumed ownership of the operation;

13 ~~(7)~~ ~~(6)~~ A motor vehicle owned and operated by a nonprofit
14 organization which is exempt from payment of federal income taxes, as
15 provided by section 501(c)(4), Internal Revenue Code, transporting solely
16 persons over age sixty, persons who are spouses and dependents of persons
17 over age sixty, and handicapped persons;

18 ~~(8)~~ ~~(7)~~ A motor carrier engaged in the transportation of passengers
19 operated by a transit authority or regional metropolitan transit
20 authority established under and acting pursuant to the laws of the State
21 of Nebraska;

22 ~~(9)~~ A motor carrier engaged in the transportation of employees of a
23 railroad carrier engaged in interstate commerce to or from their work
24 locations;

25 ~~(10)~~ ~~(8)~~ A motor carrier operated by a municipality or county, as
26 authorized in section 13-1208, in the transportation of elderly persons;

27 ~~(11)~~ ~~(9)~~ A motor vehicle having a seating capacity of twenty or less
28 which is operated by a governmental subdivision or a qualified public-
29 purpose organization as defined in section 13-1203 engaged in the
30 transportation of passengers in the state;

31 ~~(12)~~ ~~(10)~~ A motor vehicle owned and operated by a nonprofit entity

1 organized for the purpose of furnishing electric service;

2 ~~(13)~~ ~~(11)~~ A motor carrier engaged in attended services under
3 contract or subcontract with the Department of Health and Human Services
4 or with any agency organized under the Nebraska Community Aging Services
5 Act;

6 ~~(14)~~ ~~(12)~~ A motor carrier engaged in residential care transportation
7 services if the motor carrier complies with the requirements of the
8 Department of Health and Human Services adopted, promulgated, and
9 enforced to protect the safety and well-being of the passengers,
10 including insurance, training, and age requirements;

11 ~~(15)~~ ~~(13)~~ A motor carrier engaged in supported transportation
12 services if the motor carrier complies with the requirements of the
13 Department of Health and Human Services adopted, promulgated, and
14 enforced to protect the safety and well-being of the passengers,
15 including insurance, training, and age requirements; and

16 ~~(16)~~ ~~(14)~~ A motor carrier engaged in licensed care transportation
17 services if the motor carrier files a certificate with the commission
18 that such provider meets the minimum driver standards, insurance
19 requirements, and equipment standards prescribed by the commission.
20 Insurance requirements established by the commission shall be consistent
21 with the insurance requirements established by the Department of Health
22 and Human Services for attended services, residential care transportation
23 services, and supported transportation services.

24 Sec. 7. Section 75-304.02, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 75-304.02 (1) Any mover of household goods operating in ~~a city or~~
27 ~~village~~ of this state or ~~within a radius of five miles of the corporate~~
28 ~~limits of such city or village~~ and engaged in the intrastate
29 transportation for hire of household goods shall apply to the commission
30 for a license prior to transporting household goods in intrastate
31 commerce. A license shall be issued by the commission to any qualified

1 applicant upon payment of a license fee of two hundred fifty dollars and
2 receipt of a completed application in which the applicant agrees and
3 affirms to perform the service in conformance with sections 75-301 to
4 75-322 and the rules and regulations of the commission adopted and
5 promulgated under such sections. Otherwise the application shall be
6 denied. Applications for initial and renewal licenses shall be on forms
7 prescribed by the commission. A license issued under this section shall
8 be valid for one year and may be renewed annually. A license may be
9 suspended or revoked by the commission after notice and hearing for
10 failure to comply with sections 75-101 to 75-801, any rule or regulation
11 adopted and promulgated under such sections, or any lawful order of the
12 commission in such city or village or within such five-mile radius prior
13 to January 1, 1996, may continue operations for a period of up to one
14 year after April 4, 1996, without obtaining a certificate of public
15 convenience and necessity or a permit issued by the commission
16 authorizing such operations. Beginning on and after one year after April
17 4, 1996, such mover of household goods shall be subject to sections
18 75-301 to 75-322.

19 (2) Any person who applies for a license pursuant to this section
20 shall comply with the requirements of section 75-307. The commission
21 shall have no authority to regulate the rates or service of any motor
22 carrier who is issued a license under this section to engage in the
23 transportation of household goods for hire in intrastate commerce During
24 the one-year period after April 4, 1996, the commission shall grant the
25 authority to engage in the transportation for hire of household goods in
26 such city or village or within such five-mile radius to any such mover of
27 household goods which applies to the commission and furnishes evidence of
28 its operations in a manner and form as directed by the commission by rule
29 and regulation. The authority to engage in the transportation of
30 household goods shall become effective one year after April 4, 1996.

31 Sec. 8. Section 75-307, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 75-307 (1) Certificated intrastate motor carriers, including common
3 and contract carriers, and any motor carrier transporting household goods
4 under a license issued pursuant to section 75-304.02, shall comply with
5 reasonable rules and regulations prescribed by the commission governing
6 the filing with the commission, the approval of the filings, and the
7 maintenance of proof at such carrier's principal place of business of
8 surety bonds, policies of insurance, qualifications as a self-insurer, or
9 other securities or agreements, in such reasonable amount as required by
10 the commission, conditioned to pay, within the amount of such surety
11 bonds, policies of insurance, qualifications as a self-insurer, or other
12 securities or agreements, any final judgment recovered against such motor
13 carrier for bodily injuries to or the death of any person resulting from
14 the negligent operation, maintenance, or use of motor vehicles under such
15 certificate, ~~or permit,~~ or license or for loss or damage to property of
16 others. No certificate or permit shall be issued to a common or contract
17 carrier, and no license shall be issued to a motor carrier transporting
18 household goods, or remain in force unless such carrier complies with
19 this section and the rules and regulations prescribed by the commission
20 pursuant to this section.

21 (2) The commission may, in its discretion and under its rules and
22 regulations, require any certificated carrier, and any motor carrier
23 transporting household goods under a license issued pursuant to section
24 75-304.02, to file a surety bond, policies of insurance, qualifications
25 as a self-insurer, or other securities or agreements, in a sum to be
26 determined by the commission, to be conditioned upon such carrier making
27 compensation to shippers or consignees for all property belonging to
28 shippers or consignees and coming into the possession of such carrier in
29 connection with its transportation service. Any carrier which may be
30 required by law to compensate a shipper or consignee for any loss,
31 damage, or default for which a connecting motor common carrier is legally

1 responsible shall be subrogated to the rights of such shipper or
2 consignee under any such bond, policies of insurance, or other securities
3 or agreements to the extent of the sum so paid.

4 (3) In carrying out this section, the commission may classify motor
5 carriers and regulated motor carriers taking into consideration the
6 hazards of the operations of such carriers and the value of the household
7 goods carried. Nothing contained in this section shall be construed to
8 authorize the commission to compel motor carriers other than those
9 transporting common carriers of household goods under a license issued
10 pursuant to section 75-304.02 to carry cargo insurance.

11 (4) This section does not apply to transportation network companies.

12 Sec. 9. Section 75-308, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-308 It is unlawful for a regulated motor carrier to engage in the
15 transportation of passengers ~~or household goods~~ in intrastate commerce
16 unless the motor carrier has filed, published, and kept open for
17 inspection its tariff schedule as provided in section 75-124 in the
18 manner prescribed by the commission pursuant to such section. ~~No such~~
19 ~~motor carrier shall engage in the transportation of household goods in~~
20 ~~intrastate commerce unless it has obtained a copy of the most current~~
21 ~~applicable tariff, or a tariff prepared by a tariff publishing bureau or~~
22 ~~an individual, which conforms with the rates and charges prescribed by~~
23 ~~the commission.~~

24 Sec. 10. Section 75-311, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 75-311 (1) A certificate shall be issued to any qualified applicant
27 authorizing the whole or any part of the operations covered by the
28 application if it is found after notice and hearing that (a) the
29 applicant is fit, willing, and able properly to perform the service
30 proposed and to conform to the provisions of sections 75-301 to 75-322
31 and the requirements, rules, and regulations of the commission under such

1 sections and (b) the proposed service, to the extent to be authorized by
2 the certificate, whether regular or irregular, ~~passenger or household~~
3 ~~goods~~, is or will be required by the present or future public convenience
4 and necessity. Otherwise the application shall be denied.

5 (2) A permit shall be issued to any qualified applicant therefor
6 authorizing in whole or in part the operations covered by the application
7 if it appears after notice and hearing from the application or from any
8 hearing held on the application that (a) the applicant is fit, willing,
9 and able properly to perform the service of a contract carrier by motor
10 vehicle and to conform to the provisions of such sections and the lawful
11 requirements, rules, and regulations of the commission under such
12 sections and (b) the proposed operation, to the extent authorized by the
13 permit, will be consistent with the public interest by providing services
14 designed to meet the distinct needs of each individual customer or a
15 specifically designated class of customers as defined in subdivision (7)
16 of section 75-302. Otherwise the application shall be denied.

17 (3) A designation of authority shall be issued to any regulated
18 motor carrier holding a certificate under subsection (1) of this section
19 or a permit under subsection (2) of this section authorizing such carrier
20 to provide medicaid nonemergency medical transportation services pursuant
21 to a contract with (i) the Department of Health and Human Services, (ii)
22 a medicaid-managed care organization under contract with the department,
23 or (iii) another agent working on the department's behalf as provided
24 under section 75-303.01, if it is found after notice and hearing from the
25 application or from any hearing held on the application that the
26 authorization is or will be required by the present or future convenience
27 and necessity to serve the distinct needs of medicaid clients. In
28 determining whether the authorization is or will be required by the
29 present or future convenience and necessity to serve the distinct needs
30 of medicaid clients, the commission shall consult with the Director of
31 Medicaid and Long-Term Care of the Division of Medicaid and Long-Term

1 Care of the department or his or her designee.

2 ~~(4) No person shall at the same time hold a certificate as a common~~
3 ~~carrier and a permit as a contract carrier for transportation of~~
4 ~~household goods by motor vehicles over the same route or within the same~~
5 ~~territory unless the commission finds that it is consistent with the~~
6 ~~public interest and with the policy declared in section 75-301.~~

7 ~~(5) After the issuance of a certificate or permit, the commission~~
8 ~~shall review the operations of all common or contract carriers who hold~~
9 ~~authority from the commission to determine whether there are insufficient~~
10 ~~operations in the transportation of household goods to justify the~~
11 ~~commission's finding that such common or contract carrier has willfully~~
12 ~~failed to perform transportation under sections 75-301 to 75-322 and~~
13 ~~rules and regulations promulgated under such sections. If the commission~~
14 ~~determines that there are insufficient operations, then the commission~~
15 ~~shall commence proceedings under section 75-315 to revoke the certificate~~
16 ~~or permit involved.~~

17 ~~(4) (6)~~ This section shall not apply to transportation network
18 companies holding a permit under section 75-324 or operations pursuant to
19 a contract authorized by sections 75-303.02 and 75-303.03.

20 Sec. 11. This act becomes operative on January 1, 2021.

21 Sec. 12. Original sections 75-109.01, 75-118, 75-124, 75-301,
22 75-302, 75-304.02, 75-307, 75-308, and 75-311, Reissue Revised Statutes
23 of Nebraska, and section 75-303, Revised Statutes Supplement, 2019, are
24 repealed.