

AMENDMENTS TO LB461

(Amendments to Standing Committee amendments, AM2205)

Introduced by Friesen, 34.

1 1. Strike amendment 1 and insert the following new amendment:

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

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

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

9 (1) Common carriers, generally, pursuant to sections 75-101 to  
10 75-158;

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

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

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

17 (5) Motor carrier registration, licensure, and safety pursuant to  
18 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371 and section 9 of  
19 this act;

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

25 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,  
26 74-1323, and 75-401 to 75-430;

1 (8) Telecommunications carriers pursuant to the Automatic Dialing-  
2 Announcing Devices Act, the Emergency Telephone Communications Systems  
3 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call  
4 Regulation Act, the Nebraska Telecommunications Regulation Act, the  
5 Nebraska Telecommunications Universal Service Fund Act, the  
6 Telecommunications Relay System Act, the Telephone Consumer Slamming  
7 Prevention Act, and sections 86-574 to 86-580;

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

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

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

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

17 75-118 The commission shall:

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

21 (2) Authorize the transportation of employees of a railroad carrier  
22 under a license issued pursuant to section 9 of this act or household  
23 goods under a license issued pursuant to section 75-304.02 ~~Make all~~  
24 ~~necessary classifications of household goods that may be transported,~~  
25 ~~stored, or handled by any common carrier in Nebraska intrastate commerce,~~  
26 ~~such classifications applying to and being the same for all common~~  
27 ~~carriers;~~

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

30 (4) Enforce all statutes and commission regulations pertaining to  
31 rates and, if necessary, institute actions in the appropriate court of

1 any county in which the common carrier involved operates except actions  
2 instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits  
3 shall be brought and penalties recovered in the name of the state by or  
4 under the direction of the Attorney General; and

5 (5) Enforce the Major Oil Pipeline Siting Act and the State Natural  
6 Gas Regulation Act.

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

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

19 Sec. 4. Section 75-156, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 75-156 (1) In addition to other penalties and relief provided by  
22 law, the Public Service Commission may, upon a finding that the violation  
23 is proven by clear and convincing evidence, assess a civil penalty of up  
24 to ten thousand dollars per day against any person, motor carrier,  
25 regulated motor carrier, common carrier, contract carrier, licensee,  
26 grain dealer, or grain warehouseman for each violation of (a) any  
27 provision of the laws of this state within the jurisdiction of the  
28 commission as enumerated in section 75-109.01, (b) any term, condition,  
29 or limitation of any certificate, permit, license, or authority issued by  
30 the commission pursuant to the laws of this state within the jurisdiction  
31 of the commission as enumerated in section 75-109.01, or (c) any rule,

1 regulation, or order of the commission issued under authority delegated  
2 to the commission pursuant to the laws of this state within the  
3 jurisdiction of the commission as enumerated in section 75-109.01.

4 (2) In addition to other penalties and relief provided by law, the  
5 Public Service Commission may, upon a finding that the violation is  
6 proven by clear and convincing evidence, assess a civil penalty not less  
7 than one hundred dollars and not more than one thousand dollars against  
8 any jurisdictional utility for each violation of (a) any provision of the  
9 State Natural Gas Regulation Act, (b) any rule, regulation, order, or  
10 lawful requirement issued by the commission pursuant to the act, (c) any  
11 final judgment or decree made by any court upon appeal from any order of  
12 the commission, or (d) any term, condition, or limitation of any  
13 certificate issued by the commission issued under authority delegated to  
14 the commission pursuant to the act. The amount of the civil penalty  
15 assessed in each case shall be based on the severity of the violation  
16 charged. The commission may compromise or mitigate any penalty prior to  
17 hearing if all parties agree. In determining the amount of the penalty,  
18 the commission shall consider the appropriateness of the penalty in light  
19 of the gravity of the violation and the good faith of the violator in  
20 attempting to achieve compliance after notification of the violation is  
21 given.

22 (3) In addition to other penalties and relief provided by law, the  
23 Public Service Commission may, upon a finding that the violation is  
24 proven by clear and convincing evidence, assess a civil penalty of up to  
25 ten thousand dollars per day against any wireless carrier for each  
26 violation of the Enhanced Wireless 911 Services Act or any rule,  
27 regulation, or order of the commission issued under authority delegated  
28 to the commission pursuant to the act.

29 (4) In addition to other penalties and relief provided by law, the  
30 Public Service Commission may, upon a finding that the violation is  
31 proven by clear and convincing evidence, assess a civil penalty of up to

1 one thousand dollars against any person for each violation of the  
2 Nebraska Uniform Standards for Modular Housing Units Act or the Uniform  
3 Standard Code for Manufactured Homes and Recreational Vehicles or any  
4 rule, regulation, or order of the commission issued under the authority  
5 delegated to the commission pursuant to either act. Each such violation  
6 shall constitute a separate violation with respect to each modular  
7 housing unit, manufactured home, or recreational vehicle, except that the  
8 maximum penalty shall not exceed one million dollars for any related  
9 series of violations occurring within one year from the date of the first  
10 violation.

11 (5) The civil penalty assessed under this section shall not exceed  
12 two million dollars per year for each violation except as provided in  
13 subsection (4) of this section. The amount of the civil penalty assessed  
14 in each case shall be based on the severity of the violation charged. The  
15 commission may compromise or mitigate any penalty prior to hearing if all  
16 parties agree. In determining the amount of the penalty, the commission  
17 shall consider the appropriateness of the penalty in light of the gravity  
18 of the violation and the good faith of the violator in attempting to  
19 achieve compliance after notification of the violation is given.

20 (6) Upon notice and hearing in accordance with this section and  
21 section 75-157, the commission may enter an order assessing a civil  
22 penalty of up to one hundred dollars against any person, firm,  
23 partnership, limited liability company, corporation, cooperative, or  
24 association for failure to file an annual report or pay the fee as  
25 required by section 75-116 and as prescribed by commission rules and  
26 regulations or for failure to register as required by section 86-125 and  
27 as prescribed by commission rules and regulations. Each day during which  
28 the violation continues after the commission has issued an order finding  
29 that a violation has occurred constitutes a separate offense. Any party  
30 aggrieved by an order of the commission under this section may appeal.  
31 The appeal shall be in accordance with section 75-136.

1 (7) When any person or party is accused of any violation listed in  
2 this section, the commission shall notify such person or party in writing  
3 (a) setting forth the date, facts, and nature of each act or omission  
4 upon which each charge of a violation is based, (b) specifically  
5 identifying the particular statute, certificate, permit, rule,  
6 regulation, or order purportedly violated, (c) that a hearing will be  
7 held and the time, date, and place of the hearing, (d) that in addition  
8 to the civil penalty, the commission may enforce additional penalties and  
9 relief as provided by law, and (e) that upon failure to pay any civil  
10 penalty determined by the commission, the penalty may be collected by  
11 civil action in the district court of Lancaster County.

12 Sec. 5. Section 75-301, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 75-301 (1) It is the policy of the Legislature to comply with the  
15 laws of the United States, to promote uniformity of regulation, to  
16 prevent motor vehicle accidents, deaths, and injuries, to protect the  
17 public safety, to reduce redundant regulation, to promote financial  
18 responsibility on the part of all motor carriers operating in and through  
19 the state, and to foster the development, coordination, and preservation  
20 of a safe, sound, adequate, and productive motor carrier system which is  
21 vital to the economy of the state.

22 (2) It is the policy of the Legislature to (a) regulate  
23 transportation by motor carriers of passengers ~~and household goods~~ in  
24 intrastate commerce upon the public highways of Nebraska in such manner  
25 as to recognize and preserve the inherent advantages of and foster sound  
26 economic conditions in such transportation and among such carriers, in  
27 the public interest, (b) authorize upon the public highways of Nebraska  
28 the transportation in intrastate commerce of (i) employees of railroad  
29 carriers engaged in interstate commerce to or from their work locations  
30 under licenses issued pursuant to section 9 of this act and (ii)  
31 household goods by motor carriers under licenses issued pursuant to

1 section 75-304.02, (c) promote adequate economical and efficient service  
2 by motor carriers and reasonable charges therefor without unjust  
3 discrimination, undue preferences or advantages, and unfair or  
4 destructive competitive practices, (d) ~~(e)~~ improve the relations between  
5 and coordinate transportation by and regulation of such motor carriers  
6 and other carriers, (e) ~~(d)~~ develop and preserve a highway transportation  
7 system 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. 6. 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 section 9 of  
20 this act and in all rules and regulations adopted and promulgated by the  
21 commission pursuant to such sections, unless the context otherwise  
22 requires:

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

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

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

31 (4) Civil penalty means any monetary penalty assessed by the

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

8 (5) Commission means the Public Service Commission;

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

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

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

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

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

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

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

31 (11) Intrastate commerce means commerce between any place in this



1 state and any other place in this state and not in part through any other  
2 state;

3 (12) License means a license issued to a motor carrier engaged in  
4 the for-hire, intrastate transportation of (a) household goods under  
5 section 75-304.02 or (b) employees of a railroad carrier engaged in  
6 interstate commerce to or from their work locations under section 9 of  
7 this act;

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

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

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

29 (16) ~~(15)~~ Permit means a permit issued under Chapter 75, article 3,  
30 to contract carriers by motor vehicle;

31 (17) ~~(16)~~ Person means any individual, firm, partnership, limited

1 liability company, corporation, company, association, or joint-stock  
2 association and includes any trustee, receiver, assignee, or personal  
3 representative thereof;

4 (18) ~~(17)~~ Private carrier means any motor carrier which owns,  
5 controls, manages, operates, or causes to be operated a motor vehicle to  
6 transport passengers or property to or from its facility, plant, or place  
7 of business or to deliver to purchasers its products, supplies, or raw  
8 materials (a) when such transportation is within the scope of and  
9 furthers a primary business of the carrier other than transportation and  
10 (b) when not for hire. Nothing in sections 75-301 to 75-322 section 9 of  
11 this act shall apply to private carriers;

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

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

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

27 (22) ~~(21)~~ Supported transportation services means transportation  
28 services to a minor or for a person who is physically, mentally, or  
29 developmentally disabled when the person providing transportation  
30 services also assists and supervises the passenger or transportation  
31 services to a family member of a minor when it is necessary for provider

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

13 (23) ~~(22)~~ Transportation network company has the definition found in  
14 section 75-323. A transportation network company shall not own, control,  
15 operate, or manage drivers' personal vehicles.

16 Sec. 7. Section 75-303, Revised Statutes Supplement, 2019, is  
17 amended to read:

18 75-303 Sections 75-301 to 75-322 and section 9 of this act shall  
19 apply to transportation by a motor carrier or the transportation of  
20 passengers and household goods by a regulated motor carrier for hire in  
21 intrastate commerce except for the following:

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

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

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

1 includes a city of the metropolitan class or primary class;

2 ~~(4)~~ (3) An ambulance, ambulance owner, hearse, or automobile used  
3 exclusively as an incident to conducting a funeral;

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

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

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

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

25 (9) Except as provided in section 9 of this act, a motor carrier  
26 engaged in the transportation of employees of a railroad carrier engaged  
27 in interstate commerce to or from their work locations;

28 ~~(10)~~ (8) A motor carrier operated by a municipality or county, as  
29 authorized in section 13-1208, in the transportation of elderly persons;

30 ~~(11)~~ (9) A motor vehicle having a seating capacity of twenty or less  
31 which is operated by a governmental subdivision or a qualified public-

1 purpose organization as defined in section 13-1203 engaged in the  
2 transportation of passengers in the state;

3 (12) ~~(10)~~ A motor vehicle owned and operated by a nonprofit entity  
4 organized for the purpose of furnishing electric service;

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

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

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

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

27 Sec. 8. Section 75-304.02, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 75-304.02 (1) Any mover of household goods operating in ~~a city or~~  
30 ~~village of this state or within a radius of five miles of the corporate~~  
31 ~~limits of such city or village~~ and engaged in the intrastate

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

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

1 ~~regulation. The authority to engage in the transportation of household~~  
2 ~~goods shall become effective one year after April 4, 1996.~~

3       Sec. 9. (1) Any motor carrier operating in this state engaged in  
4 the intrastate transportation for hire of employees of a railroad carrier  
5 engaged in interstate commerce to or from their work locations shall  
6 apply to the commission for a license prior to transporting such  
7 employees in intrastate commerce. A license shall be issued by the  
8 commission to any qualified applicant upon payment of a license fee of  
9 two hundred fifty dollars and receipt of a completed application in which  
10 the applicant agrees and affirms to perform the service in conformance  
11 with section 75-307 and the rules and regulations adopted and promulgated  
12 by the commission relating to driver qualifications, equipment, operating  
13 standards, and recordkeeping. Otherwise the application shall be denied.  
14 Applications for initial and renewal licenses shall be on forms  
15 prescribed by the commission. A license issued under this section shall  
16 be valid for one year and may be renewed annually for a fee of two  
17 hundred fifty dollars. A license may be suspended or revoked by the  
18 commission after notice and hearing for failure to comply with section  
19 75-307 and any rule or regulation adopted and promulgated under this  
20 section, or any lawful order of the commission.

21       (2) Any person who applies for a license pursuant to this section  
22 shall comply with the requirements of section 75-307. The commission  
23 shall have no authority to regulate the rates of any motor carrier who is  
24 issued a license under this section to engage in the transportation of  
25 such employees of such railroad carriers for hire in intrastate commerce.

26       Sec. 10. Section 75-307, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28       75-307 (1) Certificated intrastate motor carriers, including common  
29 and contract carriers, any motor carrier transporting household goods  
30 under a license issued pursuant to section 75-304.02, and any motor  
31 carrier transporting employees of a railroad carrier under a license

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

18 (2) The commission may, in its discretion and under its rules and  
19 regulations, require any certificated carrier, any motor carrier  
20 transporting household goods under a license issued pursuant to section  
21 75-304.02, and any motor carrier transporting employees of a railroad  
22 carrier under a license issued pursuant to section 9 of this act, to file  
23 a surety bond, policies of insurance, qualifications as a self-insurer,  
24 or other securities or agreements, in a sum to be determined by the  
25 commission, to be conditioned upon such carrier making compensation to  
26 shippers or consignees for all property belonging to shippers or  
27 consignees and coming into the possession of such carrier in connection  
28 with its transportation service. Any carrier which may be required by law  
29 to compensate a shipper or consignee for any loss, damage, or default for  
30 which a connecting motor common carrier is legally responsible shall be  
31 subrogated to the rights of such shipper or consignee under any such



1 bond, policies of insurance, or other securities or agreements to the  
2 extent of the sum so paid.

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

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

11 Sec. 11. Section 75-308, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 75-308 It is unlawful for a regulated motor carrier to engage in the  
14 transportation of passengers ~~or household goods~~ in intrastate commerce  
15 unless the motor carrier has filed, published, and kept open for  
16 inspection its tariff schedule as provided in section 75-124 in the  
17 manner prescribed by the commission pursuant to such section. ~~No such~~  
18 ~~motor carrier shall engage in the transportation of household goods in~~  
19 ~~intrastate commerce unless it has obtained a copy of the most current~~  
20 ~~applicable tariff, or a tariff prepared by a tariff publishing bureau or~~  
21 ~~an individual, which conforms with the rates and charges prescribed by~~  
22 ~~the commission.~~

23 Sec. 12. Section 75-311, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 75-311 (1) A certificate shall be issued to any qualified applicant  
26 authorizing the whole or any part of the operations covered by the  
27 application if it is found after notice and hearing that (a) the  
28 applicant is fit, willing, and able properly to perform the service  
29 proposed and to conform to the provisions of sections 75-301 to 75-322  
30 and the requirements, rules, and regulations of the commission under such  
31 sections and (b) the proposed service, to the extent to be authorized by

1 the certificate, whether regular or irregular, ~~passenger or household~~  
2 ~~goods~~, is or will be required by the present or future public convenience  
3 and necessity. Otherwise the application shall be denied.

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

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

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

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

16           ~~(4) (6)~~ This section shall not apply to transportation network  
17 companies holding a permit under section 75-324 or operations pursuant to  
18 a contract authorized by sections 75-303.02 and 75-303.03.

19           Sec. 13. This act becomes operative on January 1, 2021.

20           Sec. 14. Original sections 75-109.01, 75-118, 75-124, 75-156,  
21 75-301, 75-302, 75-304.02, 75-307, 75-308, and 75-311, Reissue Revised  
22 Statutes of Nebraska, and section 75-303, Revised Statutes Supplement,  
23 2019, are repealed.