

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB944

Hearing Date: Monday January 27, 2020
Committee On: Transportation and Telecommunications
Introducer: Geist
One Liner: Change provisions relating to motor vehicles

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Senator Geist
Rhonda Lahm

Representing:
Introducer
Director, Dept Motor Vehicles

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 944 is the Department of Motor Vehicles (DMV) 2020 legislative proposal that amends various sections relating to motor vehicles, and adds a new section relating to Uniform Carrier registration plan and agreement (UCRPA). Following is a section-by-section summary:

Section 1. Amends Section 18-1214 relating to municipalities and requires municipalities that implement an annual motor vehicle fee (sometimes referred to as a "wheel tax") to use plate types and weight categories listed under the Motor Vehicle Registration Act (MVRA). The municipalities must also notify DMV if they implement a new fee or change an existing fee within 10 business days after passage of the ordinance, and at least 60 days prior to the implementation of the new or modified fee.

Section 2. Amends Section 60-395, which relates to refunds of motor vehicle registration fees. It allows for refunds in case of a natural disaster leading to the loss of a registered vehicle.

Section 3. Amends Section 60-3,137 of the MVRA to provide an internal reference to new Section 20 relating to UCRPA.

Section 4. Amends Section 60-3,198 of the MVRA relating to fleet vehicle registration. The change would allow for credit or refunds for vehicles lost because of natural disasters.

Section 5. Amends Section 60-3,203 of the MVRA by deleting an application form for replacement of lost permanent license plates for fleet vehicles.

Section 6. Amends Section 60-3,205 to provide an internal reference to new Section 20 relating to the International Registration Plan Act (IRPA).

Section 7. Amends Section 60-3,212 relating to registration of snowmobiles by allowing refunds of registration fees due to loss from a natural disaster.

Section 8. Amends Section 60-3,238 relating to Wildlife Conservation license plates. It would allow DMV to issue a temporary sticker to an existing plate until the new specialty plate was received.

Section 9. Amends Section 60-3,240 relating to Prostate Cancer license plates. It would allow DMV to issue a temporary sticker to an existing plate until the new specialty plate was received.

Section 10. Amends Section 60-3,242 relating to Sammy's Superheroes license plates. It would allow DMV to issue a temporary sticker to an existing plate until the new specialty plate was received.

Section 11. Amends Section 60-4,113 of the Motor Vehicle Operator's License Act (MVOLA). This provision provides new authority for DMV with respect to delivery of operator's licenses and state identification cards. In addition to delivering to the mailing address provided by the applicant, delivery could be provided by DMV by secure electronic delivery to specified contact information at the request of the applicant.

Section 12. Amends Section 60-4,114 of the MVOLA. It allows DMV to conduct the knowledge portion of the licensing examination by remote means if the exam was proctored by an agent approved by the DMV.

Section 13. Amends Section 66-1406.02 relating to the International Fuel Tax Agreement (IFTA), and references new Section 20 of the bill.

Section 14. Amends Section 66-1424 of IFTA to provide permissive authority for DMV to estimate tax liability of a person who fails to file a fuel tax return or who has improperly purchased fuel without payment of the tax.

Section 15. Amends Section 75-369.03 by incorporating a reference to Section 20 regarding referral of UCRPA violations. Referral is to the appropriate federal agency for interstate commerce violations and to the Public Service Commission for intrastate commerce violations.

Section 16. Amends Section 75-386 relating to the Division of Motor Carrier Services of DMV and provides an internal reference to new Section 20.

Section 17. Amends Section 75-393 to provide an internal reference to new Section 20 in the definitions under UCRPA.

Section 18. Amends Section 75-398 of the UCRPA by incorporating a reference to new Section 20 in a section relating to criminal sanctions.

Section 19. Amends Section 75-399 of the UCRPA by incorporating a reference to new Section 20 in a section that excludes carriers engaged only in intrastate commerce from the provisions of the act.

Section 20. A new section of the UCRPA. It provides that the director of DMV may refuse to issue or renew or may suspend, revoke, or cancel a registration certificate issued pursuant to UCRPA if: (a) the applicant has had license revoked under IFTAA or if the director refused to issue such license; (b) IRPA registration has been suspended, revoked, or canceled or the director refused to issue or renew the registration; or (c) if the applicant is in violation of UCRPA.

The director must provide notice to the applicant or registrant prior to taking action. The applicant may, within 30 days of the postmark of the notice, petition the director for a hearing, which would be held pursuant to the Nebraska Administrative Procedure Act. Within 20 days of receiving the petition filing, the director would set a hearing date that would provide reasonable notice to the petitioner. If after the hearing the director's decision is adverse to the petitioner, the petitioner could appeal pursuant to the Administrative Procedure Act.

A petition filing would stay any adverse action by the director. If no petition is filed within the appropriate time frame, the director may take the proposed action. If the director subsequently finds an applicant or registrant is no longer in violation for the action in which the director took action, the director may reinstate the applicant or registrant. An action for reinstatement within three years of the director's adverse action would require a fee of \$100, which would be credited to the Highway Cash Fund.

Explanation of amendments:

AM 2307 substitutes for the bill and contains the provisions of LB 944, as introduced, and in addition adds the provisions of LB 768, as amended by the committee, and LB 785, LB 831, LB 983, and LB 1067, as introduced.

The provisions of LB 944 are contained in the following sections of the committee amendment:

Section 2, pp. 2-4, Section 12, pp. 12-14, Section 14, p.15, Sections 16, 17, 18, 19, 20, 21, and 22, pp. 15-33, Sections 28 and 29, pp. 40-43, Sections 46 and 47, pp. 76-79, Sections 52, 53, 54, 55, 56, 57, and 58, pp. 95-100.

LB 768

Motion to include LB 768 (as amended with committee amendment to LB768, AM2101) as part of the Committee Amendment to LB 944.

Vote results 8-0-0-0. Voting Aye: Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes.

For a list of public hearing testifiers see the Committee Statement on LB 768

LB 768 from Bill Summary

LB 768 provides for an annual update of federal regulations related to cabin trailers, low-speed vehicles, handicapped parking, motor vehicle and trailer registration, the International Registration Plan, operator's licenses and state identification cards, DMV storage of information, commercial motor vehicles, hazardous materials, occupant protection systems, the state lemon law, motor vehicle records, motor carrier safety, and the unified carrier registration plan and agreement.

In addition, the bill incorporates recent federal amendments to the REAL ID act in Sections 1, 2, 4, 13, and 14. In Section 5, odometer law is amended to conform to a change in federal law to require odometer statements increase from 10 to 20 years after vehicle manufacture. In Sections 18 and 19, language is added to make commercial learner's permit provisions consistent with federal law. Finally, Section 27 changes packaging definitions for purposes of motor carrier safety regulations incorporated into Nebraska law.

LB 768 - Advanced with amendment

Summary of purpose and/or changes: LB 768 provides for an annual update of federal regulations related to cabin trailers, low-speed vehicles, handicapped parking, motor vehicle and trailer registration, the International Registration Plan, operator's licenses and state identification cards, DMV storage of information, commercial motor vehicles, hazardous materials, occupant protection systems, the state lemon law, motor vehicle records, motor carrier safety, and the unified carrier registration plan and agreement.

In addition, the bill incorporates recent federal amendments to the REAL ID act in Sections 1, 2, 4, 13, and 14. In Section 5, odometer law is amended to conform to a change in federal law to require odometer statements increase from 10 to 20 years after vehicle manufacture. In Sections 18 and 19, language is added to make commercial learner's permit provisions consistent with federal law. Finally, Section 27 changes packaging definitions for purposes of motor carrier safety regulations incorporated into Nebraska law in this section are changed by federal regulation and such changes may be incorporated into Nebraska law to provide consistency. The civil penalties are increased for a motor carrier who commits a railroad crossing violation, for a CDL driver in violation of an out-of-service order, and a motor carrier in violation of an out-of-service order. The committee amendment to LB 768 incorporates a new section referencing the Unified Carrier Registration Plan and Agreement into a provision relating to the Nebraska State Patrol imposition of civil penalties.

The provisions of LB 768 are contained in the following sections of the committee amendment:

Section 1, p. 1, Sections 3, 4, and 5, pp. 4-6, Sections 8, 9, 10, and 11, pp. 9-12, Section 13, pp. 14-15, Section 15, p. 15, Sections 23, 24, 25, 26, and 27, pp. 33-40, Sections 30, 31, 32, 33, 34, and 35, pp. 43-53, Sections 37, 38, and 39, pp. 55-60, Sections 44 and 45, pp. 74-76, and Sections 48, 49, 50, and 51, pp. 79-95.

LB 785

Motion to include LB 785 as part of the Committee Amendment to LB 944.

Vote results 8-0-0-0. Voting Aye: Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes.

For a list of public hearing testifiers see the Committee Statement on LB 785

LB 785 would amend the Nebraska Rules of the Road relating to weight, length, and load amendments for certain types of vehicles.

Section 1 would amend Section 60-6,290 to provide additional exceptions to the general 65-foot length limit for truck and trailer combinations for (1) stinger-steered automobile transporters; and (2) towaway trailer transporter combination. A stinger-steered automobile transporter, which is used for the transport of assembled highway vehicles, could not exceed 80 feet in length, inclusive of a front overhang of less than four feet and a rear overhang of less than six feet. A towaway trailer transporter combination, which is a combination of vehicles consisting of a trailer transporter towing unit and two trailers not exceeding 26,000 pounds, could not exceed 82 feet.

Section 2 would amend Section 60-6,294 to provide additional exceptions to the general gross weight limit of 80,000 pounds for four-axle vehicle combinations on the Interstate highway system. The first exception would be for electric battery-powered vehicles, which could exceed the weight limitation by up to 2,000 pounds. The second exception would be for emergency vehicles, which could exceed the gross load limits but could not exceed 86,000 pounds. The emergency vehicles could not exceed 24,000 pounds on a single steering axle, 33,500 pounds on a single drive axle, 62,000 pounds on a tandem axle, or 52,000 pounds on a tandem rear drive steer axle.

Section 3 would amend Section 60-6,297 which relates to disabled vehicles. An exemption would be added to the length and weight limits to allow a covered heavy-duty tow and recovery vehicle to tow a single vehicle to a place of repair or point of storage if the tow and recovery vehicle has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

The provisions of LB 785 are contained in the following sections of the committee amendment:

Sections 40, 41, and 42, pp. 60-71.

LB 831

Motion to include LB 831 as part of the Committee Amendment to LB 944.

Vote results 8-0-0-0. Voting Aye: Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes.

For a list of public hearing testifiers see the Committee Statement on LB 831

LB 831 amends Sections 60-142.01 and 60-144 in the Motor Vehicle Certificate of Title Act. The bill would allow the Director of the Department of Motor Vehicles to issue a salvage title for a vehicle manufactured prior to 1940 if the previous title was a junk title, and it was shown to the director that no major component part had been replaced, the vehicle had been inspected, and the vehicle had been restored to its original specifications.

The issuance of a title pursuant to this provision could only be done by the DMV director, and not by any county treasurer.

The provisions of LB 831 are contained in the following sections of the committee amendment:

Sections 6 and 7, pp. 6-9.

LB 983

Motion to include LB 983 as part of the Committee Amendment to LB 944.

Vote results 7-1-0-0

Voting Aye: Senators Albrecht, Bostelman, Cavanaugh, Friesen, Geist, Hilgers, Hughes.

Voting Nay: Senator DeBoer

Public Hearing (January 27th, 2020) testifiers

Proponents:

Senator Crawford, Introducer

Greg Geist, Self

Rose Godinez, ACLU of Nebraska

Gregory Lauby, Self

Opponents - None

Neutral - None

LB 983 would amend Section 60-4,182 of the Nebraska Rules of the Road relating to points deducted from operator's licenses for traffic violations. This bill would eliminate the point deduction for speeding violations of up to five miles per hour over the speed limit. Currently, one point is deducted for violations of this magnitude.

The provisions of LB 983 are contained in the following section of the committee amendment:

Section 36, pp. 53-55.

LB 1067

Motion to include LB 1067 as part of the Committee Amendment to LB 944.

Vote results 8-0-0-0. Voting Aye: Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes.

Public Hearing (February 4, 2020) testifiers

Proponents:

Senator Erdman, Introducer

Kyle Schneewis, Director, NDOT

Opponents - None

Neutral - None

LB 1067 would amend Section 60-6,356 of the Nebraska Rules of the Road relating to operation of all-terrain vehicles (ATVs) or utility-type vehicles (UTVs). The bill would allow crossing of controlled-access highways of more than two marked lanes by ATVs and UTVs if the vehicles are being used for agricultural purposes.

The vehicles operation would be subject to the provisions of Section 60-6,356 (3). That subsection allows operation only between the hours of sunrise and sunset, requires vehicle operators to have a Class O operator's license, requires the vehicle to have liability insurance, limits operational speed to 30 mph, requires the operator to show proof of insurance to a peace officer within five days of the request from the officer, requires operation of the vehicle with headlights and taillights turned on, and requires the vehicle to have a bicycle safety flag attached to the rear with a triangular shape and a day-glow color.

The provisions of LB 1067 are contained in the following section of the committee amendment:

Section 43, pp. 71-74.

Section 59, p. 100, is the Repealer.

NOTE: There are no provisions of law repealed outright by LB 944 as introduced or as amended by the standing committee amendment.

Curt Friesen, Chairperson