

Update to reflect the adoption of AM2307

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

AM2307 amends the following bills into LB944 (as introduced):

- LB768 – Including committee amendment - AM2101
- LB785 – As introduced
- LB831 – As introduced
- LB983 – As introduced
- LB1067 – As introduced

Below are the various provisions of the bills and a discussion of any estimated impact.

**LB944** makes the following changes:

- Places language in statute that would require any city or village that collects a fee as described by 18-1214 to use the plate types and weight categories when reporting information to the Vehicle Title and Registration (VTR) system. Additionally, the entities collecting the fee are required to notify the Department of Motor Vehicles (DMV) of any new fee or change in existing fee, within 10 business days after the passage of the ordinance and at least 60 days prior to the implementation of the new or changed fee.
- Adds a natural disaster as a valid reason for the refund of the unused fees and taxes on a motor vehicle, apportionable vehicle, apportionable vehicle from a fleet of apportioned vehicles, snowmobile, or trailer.
- Removes the requirement found at 60-3,203 that an application for a replacement permanent license plate be filed with the Division of Motor Carrier Services within the DMV for apportionable commercial vehicles with a base registration in Nebraska.
- Provides that the DMV or county treasurers may issue temporary license stickers at no cost to applicants, for the following plate types: Wildlife Conservation, Prostate Cancer Awareness, and Sammy’s Superheroes. Additionally, the DMV will provide the temporary license stickers to counties at no cost.
- Allows the DMV to deliver an operator’s license or state identification card by secure electronic delivery to a specified contact information at the request of the applicant. • Allows the inquiry touching upon an applicant’s knowledge of motor vehicle laws of the state when applying for an operator’s license to be performed remotely if proctored by an agent approved by the Director of the DMV.
- Provides that the Division of Motor Carrier services within the DMV may, rather than shall, estimate a person’s liability when said person fails to or has improperly purchased motor fuel with payment of tax under the International Fuel Tax Agreement Act (66-1401).
- Creates new statute where the Director of the DMV is provided with the authority to suspend, revoke, cancel, or refuse to issue or renew a registration under the unified carrier registration plan and agreement. This authority is provided in situations where the applicant or registrant has, as applicable, had their license issued under the International Fuel Tax Agreement or registration issued under the International Registration Plan Act revoked, suspended, cancelled, or in instances where the Director refused to issue a new license or registration. Additionally violation of 75-392 through 75-399 would constitute a valid

reason for refusal to issue or renew the registration. Lastly, the new statute delineates the processes and procedures for the notice, hearing and reinstatement of the registration as well as the establishment of a \$100 fee for reinstatement if within three (3) years of the original action.

- A fiscal impact with regard to the \$100 fee may be present, but minimal. The bill prescribes the fee will be remitted to the Highway Cash Fund which provides funding for the Nebraska Department of Transportation. However, the impact is not determinable as the number of individuals who would potentially pay the fee in the future is unknown.
- The newly created statute discussed directly above is incorporated into 60-3,127, 75-369.03, 75-392, 75-398, and 75-399 by reference.

Outside of the \$100 fee discussed above, there does not appear to be a fiscal impact at the state level.

The DMV, Department of Revenue, Nebraska State Patrol, and City of Lincoln, have indicated no fiscal impact is present.

The Department of Transportation has indicated a possible increase in revenue remitted to the Highway Cash Fund due to individuals paying the \$100 fee to have their registration reinstated. However, the amount is expected to be minimal.

Lancaster County, and Sarpy County have indicated no fiscal impact is present except in the event of a natural disaster, but that the impact is not able to be determined.

A basis to disagree with agency/political subdivisions assessment is absent.

**LB768** is an update bill that proposes the following:

- Updating 4-111, 38-129, 60-484.04 to mirror the most recent amendment to the federal REAL ID Act of 2005 (REAL ID Modification Act) to provide that an unexpired foreign passport and valid Form I-94 (Arrival-Departure Record) for eligible citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands is acceptable identity documentation for the purposes of obtaining a professional or commercial license or a credential under the Uniform Credentialing Act.
- Updating the definition of manufactured home (60-107) to mirror the definition established under the National Manufactured Housing Construction and Safety Standards Act of 1974 as it existed on January 1, 2020.
- Updating the definition of low-speed vehicle (60-119.01, 60-336.01, 60-628.01, & 60-501) to mirror the definition established under 45 CFR part 571 as it existed on January 1, 2020.
- Establishing that beginning January 1, 2021, that a transfer of any motor vehicle with a manufacturer's model year of 2011 or newer and an age of less than twenty years is subject to the odometer reporting requirements of 60-192.
- Updating the definition of access aisle found at 60-302.01 to reflect the federal regulations in existence on January 1, 2020.
- Updating the statutory registration application requirements at 60-386 to reflect federal regulations in effect on January 1, 2020.
- Updating the statutory requirements found at 60-3,113.04 related to the design, size, configuration, color and construction of a handicapped or disabled parking permit to reflect federal regulations existing on January 1, 2020.
- Updating the Motor Vehicle Registration Act to adopt the International Registration Plan as it existed on January 1, 2020 (60-3,193.01).
- Updating the Motor Vehicle Operator's License Act to reflect the federal regulations in existence on January 1, 2020 (60-429.01).
- Updating 60-479.01 to reflect the federal regulations in effect on January 1, 2020 related to fraudulent document recognition training, criminal history record information checks, and lawful status checks.
- Updating 60-484.04 to reflect the most recent amendment to the federal REAL ID Act of 2005 (REAL ID Modification Act) to provide that an unexpired foreign passport and valid Form I-94 (Arrival-Departure Record) for eligible citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands is acceptable to verify lawful status when an individual is satisfying the verification requirements for obtaining an operator's license or state identification card.
- Updating 60-484.05 to be inclusive of the most recent amendment to the federal REAL ID Act of 2005 (REAL ID Modification Act) that provides an unexpired foreign passport and valid Form I-94 (Arrival-Departure Record) for eligible citizens of the

Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands is sufficient to verify lawful status.

- Updating 60-4,111.01 to reference the federal Fair Credit Reporting Act as it existed on January 1, 2020.
- Updating 60-4,132 and 60-3,134 to reference various federal acts and regulations as they existed on January 1, 2020.
- Updating the restrictions to a commercial driver's license at 60-4,138. The restriction of "operation of a commercial motor vehicle which is not a Class A bus" is changed to "...Class A passenger vehicle", and "operation of a commercial motor vehicle which is not a Class A or Class B bus" is changed to "...Class A or Class B passenger vehicle".
- Updating 60-4,141 to add two (2) types of restriction that a Commercial Learner's Permit bear. One being the operation of a commercial motor vehicle which is not a Class A passenger vehicle and the other being the operation of a commercial motor vehicle that is not a Class A or Class B passenger vehicle.
- Updating 60-4,147.02 to reflect the USA PATRIOT Act as it existed on January 1, 2020 as it relates to a hazardous materials endorsement.
- Updating 60-4,168 to include as a reason for the lifetime disqualification from operating a commercial motor vehicle, the use of a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons as defined and describe in 22 USC 7102(11) as it existed on January 1, 2020.
- Updating the definition of occupant protection system found at 60-6,265 to reference various federal regulations as they existed on January 1, 2020. • Updating the provision that requires the Director of Motor Vehicles (DMV) to adopt standards for an informal dispute settlement procedure to reference 16 CFR part 703 as it existed on January 1, 2020.
- Updating 60-2909.01 to reference various federal laws and regulations related to the disclosure by the DMV of motor vehicle records, including sensitive personal information (not including a Social Security Number) as they existed on January 1, 2020.
- Updating the definition of bulk packaging found at 75-362 to include "a large packaging in which hazardous materials are loaded with an intermediate for of containment, such as one or more articles or inner packagings".
- Adding a definition of large bulk packaging to 75-362.
- Updating the definition of nonbulk packaging found at 75-362 to include "a maximum net mass of 400 kilograms (882 pounds) or less for a bag or box conforming to the applicable requirements for specification packagings, include the maximum net mass limitations provided in subpart L of 49 CFR 178", notwithstanding the definition of bulk packaging.
- Updating 75-363 and 75-364 to reference specific sections of Title 49 of the Code of Federal Regulations as they existed on January 1, 2020 as being adopted as Nebraska law.
- Updating 75-366 to reference the federal motor carrier safety regulations and federal hazardous materials regulations, as the existed on January 1, 2020 with regard to the State Patrol Enforcing the provisions of Chapter 75, article 3.
- Updating 75-392 to reference the Unified Carrier registration plan and agreement definition authorized pursuant to 49 USC 14504a as it existed on January 1, 2020.
- Updating 75-393 to reference the Unified Carrier Registration Act of 2005, 49 USC 13908 as it existed on January 1, 2020 in relation to the authorization by the Director of the DMV to participate in the unified carrier registration plan and agreement.
- Provides that the superintendent of law enforcement and public safety may assess a civil penalty for violation of section 58 of the bill as amended.
  - The authority to assess a civil penalty is permissive, as such there is no direct impact until the authority is exercised.
- Changes certain civil penalty minimums/maximums authorized at 75-369.03 is subsections (2), (3), and (4).
  - The proceeds from these fines accrue to the county where the violation occurs and are for use by public schools. In communication with the State Patrol it was derived that a minimal to no fiscal impact is anticipated as the penalties provided for in these subsections are rarely assessed (i.e. rarity of the violation).

The following agencies have indicated no fiscal impact is anticipated; Public Service Commission, Supreme Court, State Patrol, Department of Transportation, Department of Motor Vehicles, and the Motor Vehicle Industry Licensing Board. A basis to disagree is absent.

**LB785** makes the following changes:

- Amends 60-6,290 to add two (2) specific vehicle length limitations to statute:
  1. A “stinger-steered automobile transporters” shall not exceed 80 feet in length.
  2. A “towaway trailer transporter combination” shall not exceed 82 feet in length.
- Provides an exception to certain weight limitations for certain vehicles that are powered primarily by natural gas or electric battery power at 60-6,294.
- Adds a definition of emergency vehicle to 60-6,294 and provides for exceptions to weight limitations applicable to such vehicles.
- Defines covered heavy-duty tow and recovery vehicle as well as adding these vehicles to those exempt from certain weight limits at 60-6,297 when transporting a single vehicle.

The State Patrol, Department of Motor Vehicles, and Department of Transportation have indicated there is no fiscal impact. A basis to disagree is absent.

**LB831** provides the Department of Motor Vehicles (DMV) Director with discretion to issue a salvage title for a vehicle when the director is satisfied that the vehicle has been inspected and restored to its original specifications and the vehicle meets the following criteria:

- The vehicle was previously classified as junked and the owner has a certificate of title to that effect
- The vehicle was manufactured prior to 1940.
- No major component part has been replaced.

Additionally, the DMV is designated as the entity who must issue the title when the criteria is met. A county treasurer would not be able to do so.

The DMV has indicated no fiscal impact is present. A basis to disagree is absent.

**LB983** amends 60-4,182 to remove the single point assessed to an individual’s driving record when speeding at a rate of not more than five (5) miles per hour.

A fiscal impact may be present for the DMV related to programming changes, however the DMV has indicated it will be minimal and able to be absorbed within their existing appropriation.

The Supreme Court has indicated no fiscal impact. A basis to disagree is absent.

**LB1067** amends NRS 60-6,356 to expand the types of situations where an all-terrain vehicle or utility-type vehicle may be operated on a controlled-access highway with more than two (two) marked traffic lanes. The expansion provides that all-terrain vehicles or utility-type vehicles, when being used for an agricultural purpose, may cross such a road if in compliance with the already existing provisions of 60-6,356(3).

No fiscal impact at the state level is apparent.

The Nebraska Department of Transportation and Department of Motor Vehicles have indicated no fiscal impact is present.

**Please note:** Any reference to what an agency or political subdivisions has indicated is substantiated by a previously provided fiscal note, even if not included in the published version due to a deadline for receipt not being met, for the applicable bill. The only exception is for the State Patrol as it relates to AM2101 that was filed for LB768, where direct electronic communication with the agency occurred to substantiate the lack of fiscal impact.