

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 156

Introduced by Brewer, 43; McDonnell, 5.

Read first time January 11, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,379,
2 Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102,
3 60-153, 60-301, 60-302, 60-3,187, 60-3,190, 60-501, 60-520, 60-547,
4 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2018; to
5 authorize the operation of former military vehicles as prescribed;
6 to define terms; to harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 60-101 Sections 60-101 to 60-197 and sections 3 and 4 of this act
4 shall be known and may be cited as the Motor Vehicle Certificate of Title
5 Act.

6 Sec. 2. Section 60-102, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 60-102 For purposes of the Motor Vehicle Certificate of Title Act,
9 unless the context otherwise requires, the definitions found in sections
10 60-103 to 60-136.01 and section 3 of this act shall be used.

11 Sec. 3. Former military vehicle means a vehicle that was
12 manufactured for use in any country's military forces and is maintained
13 to accurately represent its military design and markings, regardless of
14 the vehicle's size or weight, but is no longer used, or never was used,
15 by a military force.

16 Sec. 4. The owner of a former military vehicle may apply for a
17 certificate of title by presenting (1) a manufacturer's certificate of
18 origin, (2) a certificate of title from another state, (3) a court order
19 issued by a court of record, (3) an assigned registration certificate, if
20 the law of the state from which the vehicle was brought into this state
21 does not require a certificate of title, (4) a United States Government
22 Certificate to Obtain Title to a Vehicle, or (5) evidence of ownership as
23 provided for in section 30-24,125, sections 52-601.01 to 52-605, sections
24 60-1901 to 60-1911, or sections 60-2401 to 60-2411, or documentation of
25 compliance with section 76-1607.

26 Sec. 5. Section 60-153, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 60-153 (1) A certificate of title shall be printed upon safety
29 security paper to be selected by the department. The certificate of
30 title, manufacturer's statement of origin, and assignment of
31 manufacturer's certificate shall be upon forms prescribed by the

1 department and may include, but shall not be limited to, county of
2 issuance, date of issuance, certificate of title number, previous
3 certificate of title number, vehicle identification number, year, make,
4 model, and body type of the vehicle, name and residential and mailing
5 address of the owner, acquisition date, issuing county treasurer's
6 signature and official seal, and sufficient space for the notation and
7 release of liens, mortgages, or encumbrances, if any. A certificate of
8 title issued on or after September 1, 2007, shall include the words "void
9 if altered". A certificate of title that is altered shall be deemed a
10 mutilated certificate of title. The certificate of title of an all-
11 terrain vehicle, utility-type vehicle, or minibike shall include the
12 words "not to be registered for road use".

13 (2) An assignment of certificate of title shall appear on each
14 certificate of title and shall include, but not be limited to, a
15 statement that the owner of the vehicle assigns all his or her right,
16 title, and interest in the vehicle, the name and address of the assignee,
17 the name and address of the lienholder or secured party, if any, and the
18 signature of the owner or the owner's parent, legal guardian, foster
19 parent, or agent in the case of an owner who is a handicapped or disabled
20 person as defined in section 60-331.02.

21 (3) A reassignment by a dealer shall appear on each certificate of
22 title and shall include, but not be limited to, a statement that the
23 dealer assigns all his or her right, title, and interest in the vehicle,
24 the name and address of the assignee, the name and address of the
25 lienholder or secured party, if any, and the signature of the dealer or
26 designated representative. Reassignments shall be printed on the reverse
27 side of each certificate of title as many times as convenient.

28 (4) The department may prescribe a secure power-of-attorney form and
29 may contract with one or more persons to develop, provide, sell, and
30 distribute secure power-of-attorney forms in the manner authorized or
31 required by the federal Truth in Mileage Act of 1986 and any other

1 federal law or regulation. Any secure power-of-attorney form authorized
2 pursuant to a contract shall conform to the terms of the contract and be
3 in strict compliance with the requirements of the department.

4 (5) A certificate of title for a former military vehicle shall
5 include the words "former military vehicle".

6 Sec. 6. Section 60-301, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 60-301 Sections 60-301 to 60-3,235 and sections 8 and 9 of this act
9 shall be known and may be cited as the Motor Vehicle Registration Act.

10 Sec. 7. Section 60-302, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 60-302 For purposes of the Motor Vehicle Registration Act, unless
13 the context otherwise requires, the definitions found in sections
14 60-302.01 to 60-360 and section 8 of this act shall be used.

15 Sec. 8. Former military vehicle means a vehicle that was
16 manufactured for use in any country's military forces and is maintained
17 to accurately represent its military design and markings, regardless of
18 the vehicle's size or weight, but is no longer used, or never was used,
19 by a military force.

20 Sec. 9. For the registration of every former military vehicle, the
21 fee shall be fifteen dollars.

22 Sec. 10. Section 60-3,187, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 60-3,187 (1) The motor vehicle tax schedules are set out in this
25 section.

26 (2) The motor vehicle tax shall be calculated by multiplying the
27 base tax times the fraction which corresponds to the age category of the
28 vehicle as shown in the following table:

29 YEAR	FRACTION
30 First	1.00
31 Second	0.90

1	Third	0.80
2	Fourth	0.70
3	Fifth	0.60
4	Sixth	0.51
5	Seventh	0.42
6	Eighth	0.33
7	Ninth	0.24
8	Tenth and Eleventh	0.15
9	Twelfth and Thirteenth	0.07
10	Fourteenth and older	0.00

11 (3) The base tax shall be:

12 (a) Automobiles, autocycles, and motorcycles - An amount determined
13 using the following table:

14	Value when new	Base tax
15	Up to \$3,999	\$ 25
16	\$4,000 to \$5,999	35
17	\$6,000 to \$7,999	45
18	\$8,000 to \$9,999	60
19	\$10,000 to \$11,999	100
20	\$12,000 to \$13,999	140
21	\$14,000 to \$15,999	180
22	\$16,000 to \$17,999	220
23	\$18,000 to \$19,999	260
24	\$20,000 to \$21,999	300
25	\$22,000 to \$23,999	340
26	\$24,000 to \$25,999	380
27	\$26,000 to \$27,999	420
28	\$28,000 to \$29,999	460
29	\$30,000 to \$31,999	500
30	\$32,000 to \$33,999	540

1	\$34,000 to \$35,999	580
2	\$36,000 to \$37,999	620
3	\$38,000 to \$39,999	660
4	\$40,000 to \$41,999	700
5	\$42,000 to \$43,999	740
6	\$44,000 to \$45,999	780
7	\$46,000 to \$47,999	820
8	\$48,000 to \$49,999	860
9	\$50,000 to \$51,999	900
10	\$52,000 to \$53,999	940
11	\$54,000 to \$55,999	980
12	\$56,000 to \$57,999	1,020
13	\$58,000 to \$59,999	1,060
14	\$60,000 to \$61,999	1,100
15	\$62,000 to \$63,999	1,140
16	\$64,000 to \$65,999	1,180
17	\$66,000 to \$67,999	1,220
18	\$68,000 to \$69,999	1,260
19	\$70,000 to \$71,999	1,300
20	\$72,000 to \$73,999	1,340
21	\$74,000 to \$75,999	1,380
22	\$76,000 to \$77,999	1,420
23	\$78,000 to \$79,999	1,460
24	\$80,000 to \$81,999	1,500
25	\$82,000 to \$83,999	1,540
26	\$84,000 to \$85,999	1,580
27	\$86,000 to \$87,999	1,620
28	\$88,000 to \$89,999	1,660
29	\$90,000 to \$91,999	1,700
30	\$92,000 to \$93,999	1,740

1	\$94,000 to \$95,999	1,780
2	\$96,000 to \$97,999	1,820
3	\$98,000 to \$99,999	1,860
4	\$100,000 and over	1,900

5 (b) Assembled automobiles – \$60

6 (c) Assembled motorcycles other than autocycles – \$25

7 (d) Cabin trailers, up to one thousand pounds – \$10

8 (e) Cabin trailers, one thousand pounds and over and less than two
9 thousand pounds – \$25

10 (f) Cabin trailers, two thousand pounds and over – \$40

11 (g) Recreational vehicles, less than eight thousand pounds – \$160

12 (h) Recreational vehicles, eight thousand pounds and over and less
13 than twelve thousand pounds – \$410

14 (i) Recreational vehicles, twelve thousand pounds and over – \$860

15 (j) Assembled recreational vehicles and buses shall follow the
16 schedules for body type and registered weight

17 (k) Trucks - Over seven tons and less than ten tons – \$360

18 (l) Trucks - Ten tons and over and less than thirteen tons – \$560

19 (m) Trucks - Thirteen tons and over and less than sixteen tons –
20 \$760

21 (n) Trucks - Sixteen tons and over and less than twenty-five tons –
22 \$960

23 (o) Trucks - Twenty-five tons and over – \$1,160

24 (p) Buses – \$360

25 (q) Trailers other than semitrailers – \$10

26 (r) Semitrailers – \$110

27 (s) Former military vehicles – \$50

28 (t) (s) Minitrucks – \$50

29 (u) (t) Low-speed vehicles – \$50

30 (4) For purposes of subsection (3) of this section, truck means all
31 trucks and combinations of trucks except those trucks, trailers, or

1 combinations thereof registered under section 60-3,198, and the tax is
2 based on the gross vehicle weight rating as reported by the manufacturer.

3 (5) Current model year vehicles are designated as first-year motor
4 vehicles for purposes of the schedules.

5 (6) When a motor vehicle is registered which is newer than the
6 current model year by the manufacturer's designation, the motor vehicle
7 is subject to the initial motor vehicle tax in the first registration
8 period and ninety-five percent of the initial motor vehicle tax in the
9 second registration period.

10 (7) Assembled cabin trailers, assembled recreational vehicles, and
11 assembled buses shall be designated as sixth-year motor vehicles in their
12 first year of registration for purposes of the schedules.

13 (8) When a motor vehicle is registered which is required to have a
14 title branded as previous salvage pursuant to section 60-175, the motor
15 vehicle tax shall be reduced by twenty-five percent.

16 Sec. 11. Section 60-3,190, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles
19 registered for operation in this state. An owner of a motor vehicle which
20 is exempt from the imposition of a motor vehicle tax pursuant to section
21 60-3,185 shall also be exempt from the imposition of the motor vehicle
22 fee imposed pursuant to this section.

23 (2) The department shall annually determine the motor vehicle fee on
24 each motor vehicle registered pursuant to this section and shall cause a
25 notice of the amount to be delivered to the registrant. The notice shall
26 be combined with the notice of the motor vehicle tax required by section
27 60-3,186.

28 (3) The motor vehicle fee schedules are set out in this subsection
29 and subsection (4) of this section. Except for automobiles with a value
30 when new of less than \$20,000, and for assembled, reconstructed-
31 designated, and replica-designated automobiles, the fee shall be

1 calculated by multiplying the base fee times the fraction which
2 corresponds to the age category of the automobile as shown in the
3 following table:

4 YEAR	FRACTION
5 First through fifth	1.00
6 Sixth through tenth	.70
7 Eleventh and over	.35

8 (4) The base fee shall be:

9 (a) Automobiles, with a value when new of less than \$20,000, and
10 assembled, reconstructed-designated, and replica-designated automobiles –
11 \$5

12 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –
13 \$20

14 (c) Automobiles, with a value when new of \$40,000 or more – \$30

15 (d) Motorcycles and autocycles – \$10

16 (e) Recreational vehicles and cabin trailers – \$10

17 (f) Trucks over seven tons and buses – \$30

18 (g) Trailers other than semitrailers – \$10

19 (h) Semitrailers – \$30

20 (i) Former military vehicles – \$10

21 (j) ~~(i)~~ Minitrucks – \$10

22 (k) ~~(j)~~ Low-speed vehicles – \$10.

23 (5) The motor vehicle tax, motor vehicle fee, and registration fee
24 shall be paid to the county treasurer prior to the registration of the
25 motor vehicle for the following registration period. After retaining one
26 percent of the motor vehicle fee collected for costs, the remaining
27 proceeds shall be remitted to the State Treasurer for credit to the Motor
28 Vehicle Fee Fund. The State Treasurer shall return funds from the Motor
29 Vehicle Fee Fund remitted by a county treasurer which are needed for
30 refunds or credits authorized by law.

31 (6)(a) The Motor Vehicle Fee Fund is created. On or before the last

1 day of each calendar quarter, the State Treasurer shall distribute all
2 funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the
3 county treasurer of each county, amounts in the same proportion as the
4 most recent allocation received by each county from the Highway
5 Allocation Fund; and (ii) fifty percent to the treasurer of each
6 municipality, amounts in the same proportion as the most recent
7 allocation received by each municipality from the Highway Allocation
8 Fund. Any money in the fund available for investment shall be invested by
9 the state investment officer pursuant to the Nebraska Capital Expansion
10 Act and the Nebraska State Funds Investment Act.

11 (b) Funds from the Motor Vehicle Fee Fund shall be considered local
12 revenue available for matching state sources.

13 (c) All receipts by counties and municipalities from the Motor
14 Vehicle Fee Fund shall be used for road, bridge, and street purposes.

15 (7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this
16 section, automobiles or trucks includes all trucks and combinations of
17 trucks or truck-tractors, except those trucks, trailers, or semitrailers
18 registered under section 60-3,198, and the fee is based on the gross
19 vehicle weight rating as reported by the manufacturer.

20 (8) Current model year vehicles are designated as first-year motor
21 vehicles for purposes of the schedules.

22 (9) When a motor vehicle is registered which is newer than the
23 current model year by the manufacturer's designation, the motor vehicle
24 is subject to the initial motor vehicle fee for six registration periods.

25 (10) Assembled vehicles other than assembled, reconstructed-
26 designated, or replica-designated automobiles shall follow the schedules
27 for the motor vehicle body type.

28 Sec. 12. Section 60-501, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
31 unless the context otherwise requires:

1 (1) Department means Department of Motor Vehicles;

2 (2) Former military vehicle means a vehicle that was manufactured
3 for use in any country's military forces and is maintained to accurately
4 represent its military design and markings, regardless of the vehicle's
5 size or weight, but is no longer used, or never was used, by a military
6 force;

7 (3) (2) Golf car vehicle means a vehicle that has at least four
8 wheels, has a maximum level ground speed of less than twenty miles per
9 hour, has a maximum payload capacity of one thousand two hundred pounds,
10 has a maximum gross vehicle weight of two thousand five hundred pounds,
11 has a maximum passenger capacity of not more than four persons, and is
12 designed and manufactured for operation on a golf course for sporting and
13 recreational purposes;

14 (4) (3) Judgment means any judgment which shall have become final by
15 the expiration of the time within which an appeal might have been
16 perfected without being appealed, or by final affirmation on appeal,
17 rendered by a court of competent jurisdiction of any state or of the
18 United States, (a) upon a cause of action arising out of the ownership,
19 maintenance, or use of any motor vehicle for damages, including damages
20 for care and loss of services, because of bodily injury to or death of
21 any person or for damages because of injury to or destruction of
22 property, including the loss of use thereof, or (b) upon a cause of
23 action on an agreement of settlement for such damages;

24 (5) (4) License means any license issued to any person under the
25 laws of this state pertaining to operation of a motor vehicle within this
26 state;

27 (6) (5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
28 whose speed attainable in one mile is more than twenty miles per hour and
29 not more than twenty-five miles per hour on a paved, level surface, (ii)
30 whose gross vehicle weight rating is less than three thousand pounds, and
31 (iii) that complies with 49 C.F.R. part 571, as such part existed on

1 January 1, 2018, or (b) three-wheeled motor vehicle (i) whose maximum
2 speed attainable is not more than twenty-five miles per hour on a paved,
3 level surface, (ii) whose gross vehicle weight rating is less than three
4 thousand pounds, (iii) which is equipped with a windshield and an
5 occupant protection system, and (iv) that complies with 49 C.F.R. part
6 571, as such part existed on January 1, 2018. A motorcycle with a sidecar
7 attached is not a low-speed vehicle;

8 (7) ~~(6)~~ Minitruck means a foreign-manufactured import vehicle or
9 domestic-manufactured vehicle which (a) is powered by an internal
10 combustion engine with a piston or rotor displacement of one thousand
11 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
12 in width, (c) has a dry weight of four thousand two hundred pounds or
13 less, (d) travels on four or more tires, (e) has a top speed of
14 approximately fifty-five miles per hour, (f) is equipped with a bed or
15 compartment for hauling, (g) has an enclosed passenger cab, (h) is
16 equipped with headlights, taillights, turnsignals, windshield wipers, a
17 rearview mirror, and an occupant protection system, and (i) has a four-
18 speed, five-speed, or automatic transmission;

19 (8) ~~(7)~~ Motor vehicle means any self-propelled vehicle which is
20 designed for use upon a highway, including trailers designed for use with
21 such vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes
22 a former military vehicle. Motor vehicle does not include (a) mopeds as
23 defined in section 60-637, (b) traction engines, (c) road rollers, (d)
24 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
25 (h) every vehicle which is propelled by electric power obtained from
26 overhead wires but not operated upon rails, (i) electric personal
27 assistive mobility devices as defined in section 60-618.02, (j) off-road
28 designed vehicles, including, but not limited to, golf car vehicles, go-
29 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
30 utility-type vehicles as defined in section 60-6,355, minibikes as
31 defined in section 60-636, and snowmobiles as defined in section 60-663,

1 and (k) bicycles as defined in section 60-611;

2 (9) ~~(8)~~ Nonresident means every person who is not a resident of this
3 state;

4 (10) ~~(9)~~ Nonresident's operating privilege means the privilege
5 conferred upon a nonresident by the laws of this state pertaining to the
6 operation by him or her of a motor vehicle or the use of a motor vehicle
7 owned by him or her in this state;

8 (11) ~~(10)~~ Operator means every person who is in actual physical
9 control of a motor vehicle;

10 (12) ~~(11)~~ Owner means a person who holds the legal title of a motor
11 vehicle, or in the event (a) a motor vehicle is the subject of an
12 agreement for the conditional sale or lease thereof with the right of
13 purchase upon performance of the conditions stated in the agreement and
14 with an immediate right of possession vested in the conditional vendee or
15 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
16 such conditional vendee or lessee or mortgagor shall be deemed the owner
17 for the purposes of the act;

18 (13) ~~(12)~~ Person means every natural person, firm, partnership,
19 limited liability company, association, or corporation;

20 (14) ~~(13)~~ Proof of financial responsibility means evidence of
21 ability to respond in damages for liability, on account of accidents
22 occurring subsequent to the effective date of such proof, arising out of
23 the ownership, maintenance, or use of a motor vehicle, (a) in the amount
24 of twenty-five thousand dollars because of bodily injury to or death of
25 one person in any one accident, (b) subject to such limit for one person,
26 in the amount of fifty thousand dollars because of bodily injury to or
27 death of two or more persons in any one accident, and (c) in the amount
28 of twenty-five thousand dollars because of injury to or destruction of
29 property of others in any one accident;

30 (15) ~~(14)~~ Registration means registration certificate or
31 certificates and registration plates issued under the laws of this state

1 pertaining to the registration of motor vehicles;

2 (16) ~~(15)~~ State means any state, territory, or possession of the
3 United States, the District of Columbia, or any province of the Dominion
4 of Canada; and

5 (17) ~~(16)~~ The forfeiture of bail, not vacated, or of collateral
6 deposited to secure an appearance for trial shall be regarded as
7 equivalent to conviction of the offense charged.

8 Sec. 13. Section 60-520, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 60-520 Judgments in excess of the amounts specified in subdivision
11 (14) ~~(13)~~ of section 60-501 shall, for the purpose of the Motor Vehicle
12 Safety Responsibility Act only, be deemed satisfied when payments in the
13 amounts so specified have been credited thereon. Payments made in
14 settlement of any claims because of bodily injury, death, or property
15 damage arising from a motor vehicle accident shall be credited in
16 reduction of the respective amounts so specified.

17 Sec. 14. Section 60-547, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 60-547 Proof of financial responsibility may be evidenced by the
20 bond of a surety company duly authorized to transact business within this
21 state, or a bond with at least two individual sureties who each own real
22 estate within this state, which real estate shall be scheduled in the
23 bond approved by a judge of a court of record. The bond shall be
24 conditioned for the payment of the amounts specified in subdivision (14)
25 ~~(13)~~ of section 60-501. It shall be filed with the department and shall
26 not be cancelable except after ten days' written notice to the
27 department. Such bond shall constitute a lien in favor of the state upon
28 the real estate so scheduled of any surety, which lien shall exist in
29 favor of any holder of a final judgment against the person who has filed
30 such bond, for damages, including damages for care and loss of services,
31 because of bodily injury to or death of any person, or for damages

1 because of injury to or destruction of property, including the loss of
2 use thereof, resulting from the ownership, maintenance, use, or operation
3 of a motor vehicle after such bond was filed, upon the filing of notice
4 to that effect by the department in the office of the register of deeds
5 of the county where such real estate shall be located.

6 Sec. 15. Section 60-601, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 60-601 Sections 60-601 to 60-6,383 and section 17 of this act shall
9 be known and may be cited as the Nebraska Rules of the Road.

10 Sec. 16. Section 60-605, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 60-605 For purposes of the Nebraska Rules of the Road, the
13 definitions found in sections 60-606 to 60-676 and section 17 of this act
14 shall be used.

15 Sec. 17. Former military vehicle means a vehicle that was
16 manufactured for use in any country's military forces and is maintained
17 to accurately represent its military design and markings, regardless of
18 the vehicle's size or weight, but is no longer used, or never was used,
19 by a military force.

20 Sec. 18. Section 60-6,379, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-6,379 (1) A minitruck or a former military vehicle shall not be
23 operated on the National System of Interstate and Defense Highways, on
24 expressways, or on freeways.

25 (2) A minitruck or a former military vehicle shall be operated with
26 its headlights and taillights on.

27 Sec. 19. Original section 60-6,379, Reissue Revised Statutes of
28 Nebraska, and sections 60-101, 60-102, 60-153, 60-301, 60-302, 60-3,187,
29 60-3,190, 60-501, 60-520, 60-547, 60-601, and 60-605, Revised Statutes
30 Cumulative Supplement, 2018, are repealed.