

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 546

Introduced by Wishart, 27; Howard, 9.

Read first time January 22, 2019

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301,
- 2 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes
- 3 Cumulative Supplement, 2018; to provide for a low-income spay and
- 4 neuter grant program and for Spay and Neuter Awareness Plates; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Department of Agriculture, in collaboration with
2 an organization dedicated to the care of cats and dogs, shall create and
3 administer a low-income grant program for the purpose of providing
4 funding to entities that spay or neuter cats or dogs. The department
5 shall use the funds collected under section 9 of this act to award grants
6 to carry out the purposes of such program.

7 (2) The Spay and Neuter Awareness Fund is created for the purpose of
8 administering the low-income grant program created in this section. Any
9 money in the fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act and the
11 Nebraska State Funds Investment Act.

12 Sec. 2. Section 60-301, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 60-301 Sections 60-301 to 60-3,235 and sections 8 and 9 of this act
15 shall be known and may be cited as the Motor Vehicle Registration Act.

16 Sec. 3. Section 60-393, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 60-393 Any owner who has two or more motor vehicles or trailers
19 required to be registered under the Motor Vehicle Registration Act may
20 register all such motor vehicles or trailers on a calendar-year basis or
21 on an annual basis for the same registration period beginning in a month
22 chosen by the owner. When electing to establish the same registration
23 period for all such motor vehicles or trailers, the owner shall pay the
24 registration fee, the motor vehicle tax imposed in section 60-3,185, the
25 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
26 fee imposed in section 60-3,191 on each motor vehicle for the number of
27 months necessary to extend its current registration period to the
28 registration period under which all such motor vehicles or trailers will
29 be registered. Credit shall be given for registration paid on each motor
30 vehicle or trailer when the motor vehicle or trailer has a later
31 expiration date than that chosen by the owner except as otherwise

1 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
2 60-3,224, 60-3,227, 60-3,233, and 60-3,235 and section 9 of this act.
3 Thereafter all such motor vehicles or trailers shall be registered on an
4 annual basis starting in the month chosen by the owner.

5 Sec. 4. Section 60-395, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 60-395 (1) Except as otherwise provided in subsection (2) of this
8 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
9 60-3,224, 60-3,227, 60-3,231, 60-3,233, and 60-3,235 and section 9 of
10 this act, the registration shall expire and the registered owner or
11 lessee may, by returning the registration certificate, the license
12 plates, and, when appropriate, the validation decals and by either making
13 application on a form prescribed by the department to the county
14 treasurer of the occurrence of an event described in subdivisions (a)
15 through (e) of this subsection or, in the case of a change in situs,
16 displaying to the county treasurer the registration certificate of such
17 other state as evidence of a change in situs, receive a refund of that
18 part of the unused fees and taxes on motor vehicles or trailers based on
19 the number of unexpired months remaining in the registration period from
20 the date of any of the following events:

- 21 (a) Upon transfer of ownership of any motor vehicle or trailer;
- 22 (b) In case of loss of possession because of fire, theft,
23 dismantlement, or junking;
- 24 (c) When a salvage branded certificate of title is issued;
- 25 (d) Whenever a type or class of motor vehicle or trailer previously
26 registered is subsequently declared by legislative act or court decision
27 to be illegal or ineligible to be operated or towed on the public roads
28 and no longer subject to registration fees, the motor vehicle tax imposed
29 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
30 and the alternative fuel fee imposed in section 60-3,191;
- 31 (e) Upon a trade-in or surrender of a motor vehicle under a lease;

1 or

2 (f) In case of a change in the situs of a motor vehicle or trailer
3 to a location outside of this state.

4 (2) If the date of the event falls within the same calendar month in
5 which the motor vehicle or trailer is acquired, no refund shall be
6 allowed for such month.

7 (3) If the transferor or lessee acquires another motor vehicle at
8 the time of the transfer, trade-in, or surrender, the transferor or
9 lessee shall have the credit provided for in this section applied toward
10 payment of the motor vehicle fees and taxes then owing. Otherwise, the
11 transferor or lessee shall file a claim for refund with the county
12 treasurer upon an application form prescribed by the department.

13 (4) The registered owner or lessee shall make a claim for refund or
14 credit of the fees and taxes for the unexpired months in the registration
15 period within sixty days after the date of the event or shall be deemed
16 to have forfeited his or her right to such refund or credit.

17 (5) For purposes of this section, the date of the event shall be:
18 (a) In the case of a transfer or loss, the date of the transfer or loss;
19 (b) in the case of a change in the situs, the date of registration in
20 another state; (c) in the case of a trade-in or surrender under a lease,
21 the date of trade-in or surrender; (d) in the case of a legislative act,
22 the effective date of the act; and (e) in the case of a court decision,
23 the date the decision is rendered.

24 (6) Application for registration or for reassignment of license
25 plates and, when appropriate, validation decals to another motor vehicle
26 or trailer shall be made within thirty days of the date of purchase.

27 (7) If a motor vehicle or trailer was reported stolen under section
28 60-178, a refund under this section shall not be reduced for a lost plate
29 charge and a credit under this section may be reduced for a lost plate
30 charge but the applicant shall not be required to pay the plate fee for
31 new plates.

1 (8) The county treasurer shall refund the motor vehicle fee and
2 registration fee from the fees which have not been transferred to the
3 State Treasurer. The county treasurer shall make payment to the claimant
4 from the undistributed motor vehicle taxes of the taxing unit where the
5 tax money was originally distributed. No refund of less than two dollars
6 shall be paid.

7 Sec. 5. Section 60-396, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 60-396 Whenever the registered owner files an application with the
10 county treasurer showing that a motor vehicle or trailer is disabled and
11 has been removed from service, the registered owner may, by returning the
12 registration certificate, the license plates, and, when appropriate, the
13 validation decals or, in the case of the unavailability of such
14 registration certificate or certificates, license plates, or validation
15 decals, then by making an affidavit to the county treasurer of such
16 disablement and removal from service, receive a credit for a portion of
17 the registration fee from the fee deposited with the State Treasurer at
18 the time of registration based upon the number of unexpired months
19 remaining in the registration year except as otherwise provided in
20 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224,
21 60-3,227, 60-3,233, and 60-3,235 and section 9 of this act. The owner
22 shall also receive a credit for the unused portion of the motor vehicle
23 tax and fee based upon the number of unexpired months remaining in the
24 registration year. When the owner registers a replacement motor vehicle
25 or trailer at the time of filing such affidavit, the credit may be
26 immediately applied against the registration fee and the motor vehicle
27 tax and fee for the replacement motor vehicle or trailer. When no such
28 replacement motor vehicle or trailer is so registered, the county
29 treasurer shall forward the application and affidavit, if any, to the
30 State Treasurer who shall determine the amount, if any, of the allowable
31 credit for the registration fee and issue a credit certificate to the

1 owner. For the motor vehicle tax and fee, the county treasurer shall
2 determine the amount, if any, of the allowable credit and issue a credit
3 certificate to the owner. When such motor vehicle or trailer is removed
4 from service within the same month in which it was registered, no credits
5 shall be allowed for such month. The credits may be applied against taxes
6 and fees for new or replacement motor vehicles or trailers incurred
7 within one year after cancellation of registration of the motor vehicle
8 or trailer for which the credits were allowed. When any such motor
9 vehicle or trailer is reregistered within the same registration year in
10 which its registration has been canceled, the taxes and fees shall be
11 that portion of the registration fee and the motor vehicle tax and fee
12 for the remainder of the registration year.

13 Sec. 6. Section 60-3,104, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-3,104 The department shall issue the following types of license
16 plates:

17 (1) Amateur radio station license plates issued pursuant to section
18 60-3,126;

19 (2) Apportionable vehicle license plates issued pursuant to section
20 60-3,203;

21 (3) Autocycle license plates issued pursuant to section 60-3,100;

22 (4) Boat dealer license plates issued pursuant to section 60-379;

23 (5) Breast Cancer Awareness Plates issued pursuant to sections
24 60-3,230 and 60-3,231;

25 (6) Bus license plates issued pursuant to section 60-3,144;

26 (7) Choose Life License Plates issued pursuant to sections 60-3,232
27 and 60-3,233;

28 (8) Commercial motor vehicle license plates issued pursuant to
29 section 60-3,147;

30 (9) Dealer or manufacturer license plates issued pursuant to
31 sections 60-3,114 and 60-3,115;

- 1 (10) Disabled veteran license plates issued pursuant to section
2 60-3,124;
- 3 (11) Farm trailer license plates issued pursuant to section
4 60-3,151;
- 5 (12) Farm truck license plates issued pursuant to section 60-3,146;
- 6 (13) Farm trucks with a gross weight of over sixteen tons license
7 plates issued pursuant to section 60-3,146;
- 8 (14) Fertilizer trailer license plates issued pursuant to section
9 60-3,151;
- 10 (15) Gold Star Family license plates issued pursuant to sections
11 60-3,122.01 and 60-3,122.02;
- 12 (16) Handicapped or disabled person license plates issued pursuant
13 to section 60-3,113;
- 14 (17) Historical vehicle license plates issued pursuant to sections
15 60-3,130 to 60-3,134;
- 16 (18) Local truck license plates issued pursuant to section 60-3,145;
- 17 (19) Metropolitan utilities district license plates issued pursuant
18 to section 60-3,228;
- 19 (20) Military Honor Plates issued pursuant to sections 60-3,122.03
20 and 60-3,122.04;
- 21 (21) Minitruck license plates issued pursuant to section 60-3,100;
- 22 (22) Motor vehicle license plates for motor vehicles owned or
23 operated by the state, counties, municipalities, or school districts
24 issued pursuant to section 60-3,105;
- 25 (23) Motor vehicles exempt pursuant to section 60-3,107;
- 26 (24) Motorcycle license plates issued pursuant to section 60-3,100;
- 27 (25) Mountain Lion Conservation Plates issued pursuant to sections
28 60-3,226 and 60-3,227;
- 29 (26) Native American Cultural Awareness and History Plates issued
30 pursuant to sections 60-3,234 and 60-3,235;
- 31 (27) Nebraska Cornhusker Spirit Plates issued pursuant to sections

1 60-3,127 to 60-3,129;

2 (28) Nebraska 150 Sesquicentennial Plates issued pursuant to
3 sections 60-3,223 to 60-3,225;

4 (29) Nonresident owner thirty-day license plates issued pursuant to
5 section 60-382;

6 (30) Passenger car having a seating capacity of ten persons or less
7 and not used for hire issued pursuant to section 60-3,143 other than
8 autocycles;

9 (31) Passenger car having a seating capacity of ten persons or less
10 and used for hire issued pursuant to section 60-3,143 other than
11 autocycles;

12 (32) Pearl Harbor license plates issued pursuant to section
13 60-3,122;

14 (33) Personal-use dealer license plates issued pursuant to section
15 60-3,116;

16 (34) Personalized message license plates for motor vehicles,
17 trailers, and semitrailers, except motor vehicles, trailers, and
18 semitrailers registered under section 60-3,198, issued pursuant to
19 sections 60-3,118 to 60-3,121;

20 (35) Prisoner-of-war license plates issued pursuant to section
21 60-3,123;

22 (36) Public power district license plates issued pursuant to section
23 60-3,228;

24 (37) Purple Heart license plates issued pursuant to section
25 60-3,125;

26 (38) Recreational vehicle license plates issued pursuant to section
27 60-3,151;

28 (39) Repossession license plates issued pursuant to section 60-375;

29 (40) Spay and Neuter Awareness Plates issued pursuant to sections 8
30 and 9 of this act;

31 (41) (40) Special interest motor vehicle license plates issued

1 pursuant to section 60-3,135.01;

2 ~~(42)~~ ~~(41)~~ Specialty license plates issued pursuant to sections
3 60-3,104.01 and 60-3,104.02;

4 ~~(43)~~ ~~(42)~~ Trailer license plates issued for trailers owned or
5 operated by the state, counties, municipalities, or school districts
6 issued pursuant to section 60-3,106;

7 ~~(44)~~ ~~(43)~~ Trailer license plates issued pursuant to section
8 60-3,100;

9 ~~(45)~~ ~~(44)~~ Trailer license plates issued for trailers owned or
10 operated by a metropolitan utilities district or public power district
11 pursuant to section 60-3,228;

12 ~~(46)~~ ~~(45)~~ Trailers exempt pursuant to section 60-3,108;

13 ~~(47)~~ ~~(46)~~ Transporter license plates issued pursuant to section
14 60-378;

15 ~~(48)~~ ~~(47)~~ Trucks or combinations of trucks, truck-tractors, or
16 trailers which are not for hire and engaged in soil and water
17 conservation work and used for the purpose of transporting pipe and
18 equipment exclusively used by such contractors for soil and water
19 conservation construction license plates issued pursuant to section
20 60-3,149;

21 ~~(49)~~ ~~(48)~~ Utility trailer license plates issued pursuant to section
22 60-3,151; and

23 ~~(50)~~ ~~(49)~~ Well-boring apparatus and well-servicing equipment license
24 plates issued pursuant to section 60-3,109.

25 Sec. 7. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 60-3,130.04 (1) An owner of a historical vehicle eligible for
28 registration under section 60-3,130 may use a license plate or plates
29 designed by this state in the year corresponding to the model year when
30 the vehicle was manufactured in lieu of the plates designed pursuant to
31 section 60-3,130.03 subject to the approval of the department. The

1 department shall inspect the plate or plates and may approve the plate or
2 plates if it is determined that the model-year license plate or plates
3 are legible and serviceable and that the license plate numbers do not
4 conflict with or duplicate other numbers assigned and in use. An
5 original-issued license plate or plates that have been restored to
6 original condition may be used when approved by the department.

7 (2) The department may consult with a recognized car club in
8 determining whether the year of the license plate or plates to be used
9 corresponds to the model year when the vehicle was manufactured.

10 (3) If only one license plate is used on the vehicle, the license
11 plate shall be placed on the rear of the vehicle. The owner of a
12 historical vehicle may use only one plate on the vehicle even for years
13 in which two license plates were issued for vehicles in general.

14 (4) License plates used pursuant to this section corresponding to
15 the year of manufacture of the vehicle shall not be personalized message
16 license plates, Pearl Harbor license plates, prisoner-of-war license
17 plates, disabled veteran license plates, Purple Heart license plates,
18 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
19 handicapped or disabled person license plates, specialty license plates,
20 special interest motor vehicle license plates, Military Honor Plates,
21 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates,
22 Mountain Lion Conservation Plates, Choose Life License Plates, ~~or~~ Native
23 American Cultural Awareness and History Plates, or Spay and Neuter
24 Awareness Plates.

25 Sec. 8. (1) The department shall design license plates to be known
26 as Spay and Neuter Awareness Plates. The design shall include the words
27 "I support responsible pet owners" along the bottom of the plate. The
28 design shall be selected on the basis of limiting the manufacturing cost
29 of each plate to an amount less than or equal to the amount charged for
30 license plates pursuant to section 60-3,102. The department shall make
31 applications available for this type of plate when it is designed. The

1 department may adopt and promulgate rules and regulations to carry out
2 this section and section 9 of this act.

3 (2) One type of plate under this section shall be alphanumeric
4 plates. The department shall:

5 (a) Assign a designation up to five characters; and

6 (b) Not use a county designation.

7 (3) One type of plate under this section shall be personalized
8 message plates. Such plates shall be issued subject to the same
9 conditions specified for personalized message license plates in section
10 60-3,118, except that a maximum of five characters may be used.

11 Sec. 9. (1) Beginning January 1, 2020, a person may apply to the
12 department for Spay and Neuter Awareness Plates in lieu of regular
13 license plates on an application prescribed and provided by the
14 department for any motor vehicle, trailer, or semitrailer, except for a
15 motor vehicle or trailer registered under section 60-3,198. An applicant
16 receiving a plate under this section for a farm truck with a gross weight
17 of over sixteen tons shall affix the appropriate tonnage decal to the
18 plate. The department shall make forms available for such applications
19 through the county treasurers. The license plates shall be issued upon
20 payment of the license fee described in subsection (2) of this section.

21 (2) In addition to all other fees required for registration under
22 the Motor Vehicle Registration Act, each application for initial issuance
23 or renewal of personalized message Spay and Neuter Awareness Plates shall
24 be accompanied by a fee of forty dollars. No such additional fee shall be
25 due for the initial issuance or renewal of alphanumeric Spay and Neuter
26 Awareness Plates. County treasurers collecting fees pursuant to this
27 subsection shall remit them to the State Treasurer. The State Treasurer
28 shall credit forty dollars of the fee to the Spay and Neuter Awareness
29 Fund.

30 (3) When the department receives an application for Spay and Neuter
31 Awareness Plates, the department may deliver the plates and registration

1 certificate to the applicant by United States mail or to the county
2 treasurer of the county in which the motor vehicle or trailer is
3 registered and the delivery of the plates and registration certificate
4 shall be made through a secure process and system. The county treasurer
5 or the department shall issue plates under this section in lieu of
6 regular license plates when the applicant complies with the other
7 provisions of the Motor Vehicle Registration Act for registration of the
8 motor vehicle or trailer. If Spay and Neuter Awareness Plates are lost,
9 stolen, or mutilated, the licensee shall be issued replacement license
10 plates upon request pursuant to section 60-3,157.

11 (4) The owner of a motor vehicle or trailer bearing Spay and Neuter
12 Awareness Plates may apply to the county treasurer to have such plates
13 transferred to a motor vehicle or trailer other than the motor vehicle or
14 trailer for which such plates were originally purchased if such motor
15 vehicle or trailer is owned by the owner of the plates. The owner may
16 have the unused portion of the fee for the plates credited to the other
17 motor vehicle or trailer which will bear the plates at the rate of eight
18 and one-third percent per month for each full month left in the
19 registration period. Application for such transfer shall be accompanied
20 by a fee of three dollars. Fees collected pursuant to this subsection
21 shall be remitted to the State Treasurer for credit to the Department of
22 Motor Vehicles Cash Fund.

23 (5) If the cost of manufacturing Spay and Neuter Awareness Plates at
24 any time exceeds the amount charged for license plates pursuant to
25 section 60-3,102, any money to be credited to the Spay and Neuter
26 Awareness Fund shall instead be credited first to the Highway Trust Fund
27 in an amount equal to the difference between the manufacturing costs of
28 Spay and Neuter Awareness Plates and the amount charged pursuant to
29 section 60-3,102 with respect to such plates and the remainder shall be
30 credited to the Spay and Neuter Awareness Fund.

31 Sec. 10. Original sections 60-301, 60-393, 60-395, 60-396,

1 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018,
2 are repealed.