

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 691

Introduced by Cavanaugh, 6.

Read first time January 23, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201,
2 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised
3 Statutes Cumulative Supplement, 2018; to provide for Ornate Box
4 Turtle Conservation Plates; to create a fund; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-201, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section
4 2 of this act and the State Park System Construction Alternatives Act
5 shall be known and may be cited as the Game Law.

6 Sec. 2. The Game and Parks Commission Turtle Habitat Fund is
7 created. The fund shall consist of money credited pursuant to section 10
8 of this act and any other money as determined by the Legislature. The
9 commission shall use the fund to develop and support turtle habitat
10 programs. Any money in the fund available for investment shall be
11 invested by the state investment officer pursuant to the Nebraska Capital
12 Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 3. Section 60-301, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-301 Sections 60-301 to 60-3,235 and sections 9 and 10 of this act
16 shall be known and may be cited as the Motor Vehicle Registration Act.

17 Sec. 4. Section 60-393, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

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

1 expiration date than that chosen by the owner except as otherwise
2 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
3 60-3,224, 60-3,227, 60-3,233, ~~and 60-3,235,~~ and section 10 of this act.

4 Thereafter all such motor vehicles or trailers shall be registered on an
5 annual basis starting in the month chosen by the owner.

6 Sec. 5. Section 60-395, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

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

22 (a) Upon transfer of ownership of any motor vehicle or trailer;

23 (b) In case of loss of possession because of fire, theft,
24 dismantlement, or junking;

25 (c) When a salvage branded certificate of title is issued;

26 (d) Whenever a type or class of motor vehicle or trailer previously
27 registered is subsequently declared by legislative act or court decision
28 to be illegal or ineligible to be operated or towed on the public roads
29 and no longer subject to registration fees, the motor vehicle tax imposed
30 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
31 and the alternative fuel fee imposed in section 60-3,191;

1 (e) Upon a trade-in or surrender of a motor vehicle under a lease;
2 or

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

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

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

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

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

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

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

1 new plates.

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

8 Sec. 6. Section 60-396, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

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

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

14 Sec. 7. Section 60-3,104, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

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

18 (1) Amateur radio station license plates issued pursuant to section
19 60-3,126;

20 (2) Apportionable vehicle license plates issued pursuant to section
21 60-3,203;

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

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

24 (5) Breast Cancer Awareness Plates issued pursuant to sections
25 60-3,230 and 60-3,231;

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

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

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

31 (9) Dealer or manufacturer license plates issued pursuant to

1 sections 60-3,114 and 60-3,115;

2 (10) Disabled veteran license plates issued pursuant to section
3 60-3,124;

4 (11) Farm trailer license plates issued pursuant to section
5 60-3,151;

6 (12) Farm truck license plates issued pursuant to section 60-3,146;

7 (13) Farm trucks with a gross weight of over sixteen tons license
8 plates issued pursuant to section 60-3,146;

9 (14) Fertilizer trailer license plates issued pursuant to section
10 60-3,151;

11 (15) Gold Star Family license plates issued pursuant to sections
12 60-3,122.01 and 60-3,122.02;

13 (16) Handicapped or disabled person license plates issued pursuant
14 to section 60-3,113;

15 (17) Historical vehicle license plates issued pursuant to sections
16 60-3,130 to 60-3,134;

17 (18) Local truck license plates issued pursuant to section 60-3,145;

18 (19) Metropolitan utilities district license plates issued pursuant
19 to section 60-3,228;

20 (20) Military Honor Plates issued pursuant to sections 60-3,122.03
21 and 60-3,122.04;

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

23 (22) Motor vehicle license plates for motor vehicles owned or
24 operated by the state, counties, municipalities, or school districts
25 issued pursuant to section 60-3,105;

26 (23) Motor vehicles exempt pursuant to section 60-3,107;

27 (24) Motorcycle license plates issued pursuant to section 60-3,100;

28 (25) Mountain Lion Conservation Plates issued pursuant to sections
29 60-3,226 and 60-3,227;

30 (26) Native American Cultural Awareness and History Plates issued
31 pursuant to sections 60-3,234 and 60-3,235;

1 (27) Nebraska Cornhusker Spirit Plates issued pursuant to sections
2 60-3,127 to 60-3,129;

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

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

7 (30) Ornate Box Turtle Conservation Plates issued pursuant to
8 sections 9 and 10 of this act;

9 (31) ~~(30)~~ Passenger car having a seating capacity of ten persons or
10 less and not used for hire issued pursuant to section 60-3,143 other than
11 autocycles;

12 (32) ~~(31)~~ Passenger car having a seating capacity of ten persons or
13 less and used for hire issued pursuant to section 60-3,143 other than
14 autocycles;

15 (33) ~~(32)~~ Pearl Harbor license plates issued pursuant to section
16 60-3,122;

17 (34) ~~(33)~~ Personal-use dealer license plates issued pursuant to
18 section 60-3,116;

19 (35) ~~(34)~~ Personalized message license plates for motor vehicles,
20 trailers, and semitrailers, except motor vehicles, trailers, and
21 semitrailers registered under section 60-3,198, issued pursuant to
22 sections 60-3,118 to 60-3,121;

23 (36) ~~(35)~~ Prisoner-of-war license plates issued pursuant to section
24 60-3,123;

25 (37) ~~(36)~~ Public power district license plates issued pursuant to
26 section 60-3,228;

27 (38) ~~(37)~~ Purple Heart license plates issued pursuant to section
28 60-3,125;

29 (39) ~~(38)~~ Recreational vehicle license plates issued pursuant to
30 section 60-3,151;

31 (40) ~~(39)~~ Repossession license plates issued pursuant to section

1 60-375;

2 ~~(41)~~ ~~(40)~~ Special interest motor vehicle license plates issued
3 pursuant to section 60-3,135.01;

4 ~~(42)~~ ~~(41)~~ Specialty license plates issued pursuant to sections
5 60-3,104.01 and 60-3,104.02;

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

9 ~~(44)~~ ~~(43)~~ Trailer license plates issued pursuant to section
10 60-3,100;

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

14 ~~(46)~~ ~~(45)~~ Trailers exempt pursuant to section 60-3,108;

15 ~~(47)~~ ~~(46)~~ Transporter license plates issued pursuant to section
16 60-378;

17 ~~(48)~~ ~~(47)~~ Trucks or combinations of trucks, truck-tractors, or
18 trailers which are not for hire and engaged in soil and water
19 conservation work and used for the purpose of transporting pipe and
20 equipment exclusively used by such contractors for soil and water
21 conservation construction license plates issued pursuant to section
22 60-3,149;

23 ~~(49)~~ ~~(48)~~ Utility trailer license plates issued pursuant to section
24 60-3,151; and

25 ~~(50)~~ ~~(49)~~ Well-boring apparatus and well-servicing equipment license
26 plates issued pursuant to section 60-3,109.

27 Sec. 8. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 60-3,130.04 (1) An owner of a historical vehicle eligible for
30 registration under section 60-3,130 may use a license plate or plates
31 designed by this state in the year corresponding to the model year when

1 the vehicle was manufactured in lieu of the plates designed pursuant to
2 section 60-3,130.03 subject to the approval of the department. The
3 department shall inspect the plate or plates and may approve the plate or
4 plates if it is determined that the model-year license plate or plates
5 are legible and serviceable and that the license plate numbers do not
6 conflict with or duplicate other numbers assigned and in use. An
7 original-issued license plate or plates that have been restored to
8 original condition may be used when approved by the department.

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

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

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

27 Sec. 9. (1) The department shall design license plates to be known
28 as Ornate Box Turtle Conservation Plates. The department shall create no
29 more than three designs reflecting support for the conservation of Ornate
30 Box Turtles. Each design shall be selected on the basis of limiting the
31 manufacturing cost of each plate to an amount less than or equal to the

1 amount charged for license plates pursuant to section 60-3,102. The
2 department shall make applications available for this type of plate by
3 January 1, 2020. The department may adopt and promulgate rules and
4 regulations to carry out this section and section 10 of this act.

5 (2) One type of Ornate Box Turtle Conservation Plates shall be
6 alphanumeric plates. The department shall:

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

8 (b) Not use a county designation.

9 (3) One type of Ornate Box Turtle Conservation Plates shall be
10 personalized message plates. Such plates shall be issued subject to the
11 same conditions specified for personalized message license plates in
12 section 60-3,118, except that a maximum of five characters may be used.

13 Sec. 10. (1) Beginning January 1, 2020, a person may apply to the
14 department for Ornate Box Turtle Conservation Plates in lieu of regular
15 license plates on an application prescribed and provided by the
16 department for any motor vehicle, trailer, or semitrailer, except for a
17 motor vehicle, trailer, or semitrailer registered under section 60-3,198.
18 An applicant receiving an Ornate Box Turtle Conservation Plate for a farm
19 truck with a gross weight of over sixteen tons shall affix the
20 appropriate tonnage decal to the plate. The department shall make forms
21 available for such applications through the county treasurers. The
22 license plates shall be issued upon payment of the license fee described
23 in subsection (2) of this section.

24 (2)(a) In addition to all other fees required for registration under
25 the Motor Vehicle Registration Act, each application for initial issuance
26 of alphanumeric Ornate Box Turtle Conservation Plates shall be
27 accompanied by a fee of five dollars. An application for renewal of such
28 plates shall be accompanied by a fee of five dollars. County treasurers
29 collecting fees pursuant to this subdivision shall remit them to the
30 State Treasurer. The State Treasurer shall credit five dollars of the fee
31 to the Game and Parks Commission Turtle Habitat Fund.

1 (b) In addition to all other fees required for registration under
2 the Motor Vehicle Registration Act, each application for initial issuance
3 or renewal of personalized message Ornate Box Turtle Conservation Plates
4 shall be accompanied by a fee of forty dollars. County treasurers
5 collecting fees pursuant to this subdivision shall remit them to the
6 State Treasurer. The State Treasurer shall credit twenty-five percent of
7 the fee for initial issuance and renewal of such plates to the Department
8 of Motor Vehicles Cash Fund and seventy-five percent of the fee to the
9 Game and Parks Commission Turtle Habitat Fund.

10 (3) When the department receives an application for Ornate Box
11 Turtle Conservation Plates, the department may deliver the plates and
12 registration certificate to the applicant by United States mail or to the
13 county treasurer of the county in which the motor vehicle, trailer, or
14 semitrailer is registered and the delivery of the plates and registration
15 certificate shall be made through a secure process and system. The county
16 treasurer or the department shall issue Ornate Box Turtle Conservation
17 Plates in lieu of regular license plates when the applicant complies with
18 the other provisions of the Motor Vehicle Registration Act for
19 registration of the motor vehicle, trailer, or semitrailer. If Ornate Box
20 Turtle Conservation Plates are lost, stolen, or mutilated, the licensee
21 shall be issued replacement license plates upon request pursuant to
22 section 60-3,157.

23 (4) The owner of a motor vehicle, trailer, or semitrailer bearing
24 Ornate Box Turtle Conservation Plates may apply to the county treasurer
25 to have such plates transferred to a motor vehicle other than the vehicle
26 for which such plates were originally purchased if such vehicle is owned
27 by the owner of the plates. The owner may have the unused portion of the
28 fee for the plates credited to the other vehicle which will bear the
29 plates at the rate of eight and one-third percent per month for each full
30 month left in the registration period. Application for such transfer
31 shall be accompanied by a fee of three dollars. Fees collected pursuant

1 to this subsection shall be remitted to the State Treasurer for credit to
2 the Department of Motor Vehicles Cash Fund.

3 (5) If the cost of manufacturing Ornate Box Turtle Conservation
4 Plates at any time exceeds the amount charged for license plates pursuant
5 to section 60-3,102, any money to be credited to the Game and Parks
6 Commission Turtle Habitat Fund shall instead be credited first to the
7 Highway Trust Fund in an amount equal to the difference between the
8 manufacturing costs of Ornate Box Turtle Conservation Plates and the
9 amount charged pursuant to section 60-3,102 with respect to such plates
10 and the remainder shall be credited to the Game and Parks Commission
11 Turtle Habitat Fund.

12 Sec. 11. Original sections 37-201, 60-301, 60-393, 60-395, 60-396,
13 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2018,
14 are repealed.