

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 768

Introduced by Albrecht, 17.

Read first time January 08, 2020

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 sections 38-129 and 75-362, Reissue Revised Statutes of Nebraska,
3 sections 4-111, 60-192, 60-484.04, 60-484.05, 60-4,138, 60-4,141,
4 and 60-4,168, Revised Statutes Cumulative Supplement, 2018, and
5 sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386,
6 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01,
7 60-4,132, 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265,
8 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393,
9 Revised Statutes Supplement, 2019; to update federal references
10 relating to cabin trailers, low-speed vehicles, access aisles,
11 United States Department of Transportation numbers, handicapped or
12 disabled parking permits, the International Registration Plan,
13 operators' licenses and state identification cards, lawful status,
14 financial transactions, the operation of commercial motor vehicles,
15 hazardous materials, commercial learner's permits, occupant
16 protection systems, motor vehicle consumer informal dispute
17 settlement procedures, disclosure of motor vehicle records, motor
18 carrier regulations and enforcement, and the unified carrier
19 registration plan and agreement; to change provisions relating to
20 odometer readings and lifetime disqualifications from operating a
21 commercial motor vehicle; to provide restrictions for a commercial
22 learner's permit; to define and redefine terms; to harmonize
23 provisions; and to repeal the original sections.

1 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-111, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 4-111 (1) Verification of lawful presence in the United States
4 pursuant to section 4-108 requires that the applicant for public benefits
5 attest in a format prescribed by the Department of Administrative
6 Services that:

7 (a) He or she is a United States citizen; or

8 (b) He or she is a qualified alien under the federal Immigration and
9 Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1,
10 2009, and is lawfully present in the United States.

11 (2) A state agency or political subdivision of the State of Nebraska
12 may adopt and promulgate rules and regulations or procedures for the
13 electronic filing of the attestation required under subsection (1) of
14 this section if such attestation is substantially similar to the format
15 prescribed by the Department of Administrative Services.

16 (3)(a) The Legislature finds that it is in the best interest of the
17 State of Nebraska to make full use of the skills and talents in the state
18 by ensuring that a person who is work-authorized is able to obtain a
19 professional or commercial license and practice his or her profession.

20 (b) For purposes of a professional or commercial license, the
21 Legislature finds that a person not described in subdivision (1)(a) or
22 (1)(b) of this section who submits (i) an unexpired employment
23 authorization document issued by the United States Department of Homeland
24 Security, Form I-766, and (ii) documentation issued by the United States
25 Department of Homeland Security, the United States Citizenship and
26 Immigration Services, or any other federal agency, such as one of the
27 types of Form I-797 used by the United States Citizenship and Immigration
28 Services, demonstrating that such person is described in section 202(c)
29 (2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
30 109-13, has demonstrated lawful presence pursuant to section 4-108 and is
31 eligible to obtain such license. Such license shall be valid only for the

1 period of time during which such person's employment authorization
2 document is valid. Nothing in this subsection shall affect the
3 requirements to obtain a professional or commercial license that are
4 unrelated to the lawful presence requirements demonstrated pursuant to
5 this subsection.

6 (c) Nothing in this subsection shall be construed to grant
7 eligibility for any public benefits other than obtaining a professional
8 or commercial license.

9 (d) Any person who has complied with the requirements of this
10 subsection shall have his or her employment authorization document
11 verified through the Systematic Alien Verification for Entitlements
12 Program operated by the United States Department of Homeland Security or
13 an equivalent program designated by the United States Department of
14 Homeland Security.

15 (e) The Legislature enacts this subsection pursuant to the authority
16 provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

17 Sec. 2. Section 38-129, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-129 (1) No individual shall be issued a credential under the
20 Uniform Credentialing Act until he or she has furnished satisfactory
21 evidence to the department that he or she is of good character and has
22 attained the age of nineteen years except as otherwise specifically
23 provided by statute, rule, or regulation.

24 (2) A credential may only be issued to (a) a citizen of the United
25 States, (b) an alien lawfully admitted into the United States who is
26 eligible for a credential under the Uniform Credentialing Act, (c) a
27 nonimmigrant lawfully present in the United States who is eligible for a
28 credential under the Uniform Credentialing Act, or (d) a person who
29 submits (i) an unexpired employment authorization document issued by the
30 United States Department of Homeland Security, Form I-766, and (ii)
31 documentation issued by the United States Department of Homeland

1 Security, the United States Citizenship and Immigration Services, or any
2 other federal agency, such as one of the types of Form I-797 used by the
3 United States Citizenship and Immigration Services, demonstrating that
4 such person is described in section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of
5 the federal REAL ID Act of 2005, Public Law 109-13. Such credential shall
6 be valid only for the period of time during which such person's
7 employment authorization document is valid.

8 Sec. 3. Section 60-107, Revised Statutes Supplement, 2019, is
9 amended to read:

10 60-107 Cabin trailer means a trailer or a semitrailer, which is
11 designed, constructed, and equipped as a dwelling place, living abode, or
12 sleeping place, whether used for such purposes or instead permanently or
13 temporarily for the advertising, sale, display, or promotion of
14 merchandise or services or for any other commercial purpose except
15 transportation of property for hire or transportation of property for
16 distribution by a private carrier. Cabin trailer does not mean a trailer
17 or semitrailer which is permanently attached to real estate. There are
18 four classes of cabin trailers:

19 (1) Camping trailer which includes cabin trailers one hundred two
20 inches or less in width and forty feet or less in length and adjusted
21 mechanically smaller for towing;

22 (2) Mobile home which includes cabin trailers more than one hundred
23 two inches in width or more than forty feet in length;

24 (3) Travel trailer which includes cabin trailers not more than one
25 hundred two inches in width nor more than forty feet in length from front
26 hitch to rear bumper, except as provided in subdivision (2)(k) of section
27 60-6,288; and

28 (4) Manufactured home means a structure, transportable in one or
29 more sections, which in the traveling mode is eight body feet or more in
30 width or forty body feet or more in length or when erected on site is
31 three hundred twenty or more square feet and which is built on a

1 permanent frame and designed to be used as a dwelling with or without a
2 permanent foundation when connected to the required utilities and
3 includes the plumbing, heating, air conditioning, and electrical systems
4 contained in the structure, except that manufactured home includes any
5 structure that meets all of the requirements of this subdivision other
6 than the size requirements and with respect to which the manufacturer
7 voluntarily files a certification required by the United States Secretary
8 of Housing and Urban Development and complies with the standards
9 established under the National Manufactured Housing Construction and
10 Safety Standards Act of 1974, as such act existed on January 1, 2020
11 ~~2019~~, 42 U.S.C. 5401 et seq.

12 Sec. 4. Section 60-119.01, Revised Statutes Supplement, 2019, is
13 amended to read:

14 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
15 (a) whose speed attainable in one mile is more than twenty miles per hour
16 and not more than twenty-five miles per hour on a paved, level surface,
17 (b) whose gross vehicle weight rating is less than three thousand pounds,
18 and (c) that complies with 49 C.F.R. part 571, as such part existed on
19 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
20 maximum speed attainable is not more than twenty-five miles per hour on a
21 paved, level surface, (b) whose gross vehicle weight rating is less than
22 three thousand pounds, and (c) which is equipped with a windshield and an
23 occupant protection system. A motorcycle with a sidecar attached is not a
24 low-speed vehicle.

25 Sec. 5. Section 60-192, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 60-192 (1) The transferor of any motor vehicle described in
28 subsection (2) of this section ~~of an age of less than ten years~~, which
29 was equipped with an odometer by the manufacturer, shall provide to the
30 transferee a statement, signed by the transferor, setting forth:

31 (a) ~~(1)~~ The mileage on the odometer at the time of transfer; and

1 ~~(b)(i) A (2)(a)~~ a statement that, to the transferor's best
2 knowledge, such mileage is that actually driven by the motor vehicle; ~~τ~~

3 ~~(ii) A (b)~~ a statement that the transferor has knowledge that the
4 mileage shown on the odometer is in excess of the designated mechanical
5 odometer limit; ~~τ~~ or

6 ~~(iii) A (c)~~ a statement that the odometer reading does not reflect
7 the actual mileage and should not be relied upon because the transferor
8 has knowledge that the odometer reading differs from the actual mileage
9 and that the difference is greater than that caused by odometer
10 calibration error.

11 (2) Prior to January 1, 2021, this section applies to the transfer
12 of any motor vehicle of an age of less than ten years. Beginning January
13 1, 2021, this section applies to the transfer of any motor vehicle with a
14 manufacturer's model year designation of 2011 or newer and an age of less
15 than twenty years.

16 (3) If a discrepancy exists between the odometer reading and the
17 actual mileage, a warning notice to alert the transferee shall be
18 included with the statement. The transferor shall retain a true copy of
19 such statement for a period of five years from the date of the
20 transaction.

21 (4) Beginning on the implementation date designated by the director
22 pursuant to subsection (2) of section 60-1508, if motor vehicle ownership
23 has been transferred by operation of law pursuant to repossession under
24 subdivision (2)(b)(iv) of section 60-166, the mileage shall be listed as
25 the odometer reading at the time of the most recent transfer of ownership
26 prior to the repossession of the motor vehicle. The adjustment shall not
27 be deemed a violation of section 60-190.

28 Sec. 6. Section 60-302.01, Revised Statutes Supplement, 2019, is
29 amended to read:

30 60-302.01 Access aisle means a space adjacent to a handicapped
31 parking space or passenger loading zone which is constructed and designed

1 in compliance with the federal Americans with Disabilities Act of 1990
2 and the federal regulations adopted in response to the act, as the act
3 and the regulations existed on January 1, 2020 ~~2019~~.

4 Sec. 7. Section 60-336.01, Revised Statutes Supplement, 2019, is
5 amended to read:

6 60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle
7 (a) whose speed attainable in one mile is more than twenty miles per hour
8 and not more than twenty-five miles per hour on a paved, level surface,
9 (b) whose gross vehicle weight rating is less than three thousand pounds,
10 and (c) that complies with 49 C.F.R. part 571, as such part existed on
11 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
12 maximum speed attainable is not more than twenty-five miles per hour on a
13 paved, level surface, (b) whose gross vehicle weight rating is less than
14 three thousand pounds, and (c) which is equipped with a windshield and an
15 occupant protection system. A motorcycle with a sidecar attached is not a
16 low-speed vehicle.

17 Sec. 8. Section 60-386, Revised Statutes Supplement, 2019, is
18 amended to read:

19 60-386 (1) Each new application shall contain, in addition to other
20 information as may be required by the department, the name and
21 residential and mailing address of the applicant and a description of the
22 motor vehicle or trailer, including the color, the manufacturer, the
23 identification number, the United States Department of Transportation
24 number if required by 49 C.F.R. 390.5 to 390.21, as such regulations
25 existed on January 1, 2020 ~~2019~~, and the weight of the motor vehicle or
26 trailer required by the Motor Vehicle Registration Act. Beginning on the
27 implementation date designated by the director pursuant to subsection (4)
28 of section 60-1508, for trailers which are not required to have a
29 certificate of title under section 60-137 and which have no
30 identification number, the assignment of an identification number shall
31 be required and the identification number shall be issued by the county

1 treasurer or department. With the application the applicant shall pay the
2 proper registration fee and shall state whether the motor vehicle is
3 propelled by alternative fuel and, if alternative fuel, the type of fuel.
4 The application shall also contain a notification that bulk fuel
5 purchasers may be subject to federal excise tax liability. The department
6 shall include such notification in the notices required by section
7 60-3,186.

8 (2) This subsection applies beginning on an implementation date
9 designated by the director. The director shall designate an
10 implementation date which is on or before January 1, 2021. In addition to
11 the information required under subsection (1) of this section, the
12 application for registration shall contain (a)(i) the full legal name as
13 defined in section 60-468.01 of each owner or (ii) the name of each owner
14 as such name appears on the owner's motor vehicle operator's license or
15 state identification card and (b)(i) the motor vehicle operator's license
16 number or state identification card number of each owner, if applicable,
17 and one or more of the identification elements as listed in section
18 60-484 of each owner, if applicable, and (ii) if any owner is a business
19 entity, a nonprofit organization, an estate, a trust, or a church-
20 controlled organization, its tax identification number.

21 Sec. 9. Section 60-3,113.04, Revised Statutes Supplement, 2019, is
22 amended to read:

23 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
24 a design, size, configuration, color, and construction and contain such
25 information as specified in the regulations adopted by the United States
26 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
27 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
28 January 1, 2020 ~~2019~~.

29 (2) No handicapped or disabled parking permit shall be issued to any
30 person or for any motor vehicle if any permit has been issued to such
31 person or for such motor vehicle and such permit has been suspended

1 pursuant to section 18-1741.02. At the expiration of such suspension, a
2 permit may be renewed in the manner provided for renewal in sections
3 60-3,113.02, 60-3,113.03, and 60-3,113.05.

4 (3) A duplicate handicapped or disabled parking permit may be
5 provided up to two times during any single permit period if a permit is
6 destroyed, lost, or stolen. Such duplicate permit shall be issued as
7 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
8 except that a new certification by a physician, a physician assistant, or
9 an advanced practice registered nurse need not be provided. A duplicate
10 permit shall be valid for the remainder of the period for which the
11 original permit was issued. If a person has been issued two duplicate
12 permits under this subsection and needs another permit, such person shall
13 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
14 whichever is applicable.

15 Sec. 10. Section 60-3,193.01, Revised Statutes Supplement, 2019, is
16 amended to read:

17 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
18 International Registration Plan is adopted and incorporated by reference
19 as the plan existed on January 1, 2020 ~~2019~~.

20 Sec. 11. Section 60-462.01, Revised Statutes Supplement, 2019, is
21 amended to read:

22 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
23 the following federal regulations are adopted as Nebraska law as they
24 existed on January 1, 2020 ~~2019~~:

25 The parts, subparts, and sections of Title 49 of the Code of Federal
26 Regulations, as referenced in the Motor Vehicle Operator's License Act.

27 Sec. 12. Section 60-479.01, Revised Statutes Supplement, 2019, is
28 amended to read:

29 60-479.01 (1) All persons handling source documents or engaged in
30 the issuance of new, renewed, or reissued operators' licenses or state
31 identification cards shall have periodic fraudulent document recognition

1 training.

2 (2) All persons and agents of the department involved in the
3 recording of verified application information or verified operator's
4 license and state identification card information, involved in the
5 manufacture or production of licenses or cards, or who have the ability
6 to affect information on such licenses or cards shall be subject to a
7 criminal history record information check, including a check of prior
8 employment references, and a lawful status check as required by 6 C.F.R.
9 part 37, as such part existed on January 1, 2020 ~~2019~~. Such persons and
10 agents shall provide fingerprints which shall be submitted to the Federal
11 Bureau of Investigation. The bureau shall use its records for the
12 criminal history record information check.

13 (3) Upon receipt of a request pursuant to subsection (2) of this
14 section, the Nebraska State Patrol shall undertake a search for criminal
15 history record information relating to such applicant, including
16 transmittal of the applicant's fingerprints to the Federal Bureau of
17 Investigation for a national criminal history record information check.
18 The criminal history record information check shall include information
19 concerning the applicant from federal repositories of such information
20 and repositories of such information in other states, if authorized by
21 federal law. The Nebraska State Patrol shall issue a report to the
22 employing public agency that shall include the criminal history record
23 information concerning the applicant. The cost of any background check
24 shall be borne by the employer of the person or agent.

25 (4) Any person convicted of any disqualifying offense as provided in
26 6 C.F.R. part 37, as such part existed on January 1, 2020 ~~2019~~, shall not
27 be involved in the recording of verified application information or
28 verified operator's license and state identification card information,
29 involved in the manufacture or production of licenses or cards, or
30 involved in any capacity in which such person would have the ability to
31 affect information on such licenses or cards. Any employee or prospective

1 employee of the department shall be provided notice that he or she will
2 undergo such criminal history record information check prior to
3 employment or prior to any involvement with the issuance of operators'
4 licenses or state identification cards.

5 Sec. 13. Section 60-484.04, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 60-484.04 (1) The Legislature finds and declares that section 202(c)
8 (2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
9 109-13, enumerated categories of individuals who may demonstrate lawful
10 status for the purpose of eligibility for a federally secure motor
11 vehicle operator's license or state identification card. The Legislature
12 further finds and declares that it was the intent of the Legislature in
13 2011 to adopt the enumerated categories by the passage of Laws 2011,
14 LB215. The Legislature declares that the passage of Laws 2015, LB623, is
15 for the limited purpose of reaffirming the original legislative intent of
16 Laws 2011, LB215. Except as provided in section 60-4,144 with respect to
17 operators of commercial motor vehicles, before being issued any other
18 type of operator's license or a state identification card under the Motor
19 Vehicle Operator's License Act, the department shall require an applicant
20 to present valid documentary evidence that he or she has lawful status in
21 the United States as enumerated in section 202(c)(2)(B)(i) through (x)
22 ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status
23 may be shown by:

24 (a) A valid, unexpired United States passport;

25 (b) A certified copy of a birth certificate filed with a state
26 office of vital statistics or equivalent agency in the individual's state
27 of birth;

28 (c) A Consular Report of Birth Abroad (CRBA) issued by the United
29 States Department of State, Form FS-240, DS-1350, or FS-545;

30 (d) A valid, unexpired Permanent Resident Card (Form I-551) issued
31 by the United States Department of Homeland Security or United States

1 Citizenship and Immigration Services;

2 (e) An unexpired employment authorization document (EAD) issued by
3 the United States Department of Homeland Security, Form I-766 or Form
4 I-688B;

5 (f) An unexpired foreign passport with a valid, unexpired United
6 States visa affixed accompanied by the approved I-94 form documenting the
7 applicant's most recent admittance into the United States;

8 (g) A Certificate of Naturalization issued by the United States
9 Department of Homeland Security, Form N-550 or Form N-570;

10 (h) A Certificate of Citizenship, Form N-560 or Form N-561, issued
11 by the United States Department of Homeland Security;

12 (i) A driver's license or identification card issued in compliance
13 with the standards established by the REAL ID Act of 2005, Public Law
14 109-13, division B, section 1, 119 Stat. 302; or

15 (j) Such other documents as the director may approve.

16 (2)(a) If an applicant presents one of the documents listed under
17 subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the
18 verification of the applicant's identity in the manner prescribed in
19 section 60-484 will also provide satisfactory evidence of lawful status.

20 (b) If the applicant presents one of the identity documents listed
21 under subdivision (1)(e), (f), or (i) of this section, the verification
22 of the identity documents does not provide satisfactory evidence of
23 lawful status. The applicant must also present a second document from
24 subsection (1) of this section or documentation issued by the United
25 States Department of Homeland Security, the United States Citizenship and
26 Immigration Services, or other federal agencies, such as one of the types
27 of Form I-797 used by the United States Citizenship and Immigration
28 Services, demonstrating that the applicant has lawful status as
29 enumerated in section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of the federal
30 REAL ID Act of 2005, Public Law 109-13.

31 (3) An applicant may present other documents as designated by the

1 director as proof of lawful status as enumerated in section 202(c)(2)(B)
2 (i) through (x) ~~(ix)~~ of the federal REAL ID Act of 2005, Public Law
3 109-13. Any documents accepted shall be recorded according to a written
4 exceptions process established by the director.

5 Sec. 14. Section 60-484.05, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 60-484.05 (1) The department shall only issue an operator's license
8 or a state identification card that is temporary to any applicant who
9 presents documentation under sections 60-484 and 60-484.04 that shows his
10 or her authorized stay in the United States is temporary. An operator's
11 license or a state identification card that is temporary shall be valid
12 only during the period of time of the applicant's authorized stay in the
13 United States or, if there is no definite end to the period of authorized
14 stay, a period of one year.

15 (2) An operator's license or state identification card that is
16 temporary shall clearly indicate that it is temporary with a special
17 notation on the front of the license or card and shall state the date on
18 which it expires.

19 (3) An operator's license or state identification card that is
20 temporary may be renewed only upon presentation of valid documentary
21 evidence that the status by which the applicant qualified for the
22 operator's license or state identification card that is temporary has
23 been extended by the United States Department of Homeland Security.

24 (4) If an individual has an operator's license or a state
25 identification card issued based on approved lawful status granted under
26 section 202(c)(2)(B)(i) through (x) ~~(ix)~~ of the federal REAL ID Act of
27 2005, Public Law 109-13, and the basis for the approved lawful status is
28 terminated, the individual shall return the operator's license or state
29 identification card to the Department of Motor Vehicles.

30 Sec. 15. Section 60-4,111.01, Revised Statutes Supplement, 2019, is
31 amended to read:

1 60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law
2 enforcement agencies may store or compile information acquired from an
3 operator's license or a state identification card for their statutorily
4 authorized purposes.

5 (2) Except as otherwise provided in subsection (3) or (4) of this
6 section, no person having use of or access to machine-readable
7 information encoded on an operator's license or a state identification
8 card shall compile, store, preserve, trade, sell, or share such
9 information. Any person who trades, sells, or shares such information
10 shall be guilty of a Class IV felony. Any person who compiles, stores, or
11 preserves such information except as authorized in subsection (3) or (4)
12 of this section shall be guilty of a Class IV felony.

13 (3)(a) For purposes of compliance with and enforcement of
14 restrictions on the purchase of alcohol, lottery tickets, and tobacco
15 products, a retailer who sells any of such items pursuant to a license
16 issued or a contract under the applicable statutory provision may scan
17 machine-readable information encoded on an operator's license or a state
18 identification card presented for the purpose of such a sale. The
19 retailer may store only the following information obtained from the
20 license or card: Age and license or card identification number. The
21 retailer shall post a sign at the point of sale of any of such items
22 stating that the license or card will be scanned and that the age and
23 identification number will be stored. The stored information may only be
24 used by a law enforcement agency for purposes of enforcement of the
25 restrictions on the purchase of alcohol, lottery tickets, and tobacco
26 products and may not be shared with any other person or entity.

27 (b) For purposes of compliance with the provisions of sections
28 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant
29 to such sections may scan machine-readable information encoded on an
30 operator's license or a state identification card presented for the
31 purpose of such a sale. The seller may store only the following

1 information obtained from the license or card: Name, age, address, type
2 of identification presented by the customer, the governmental entity that
3 issued the identification, and the number on the identification. The
4 seller shall post a sign at the point of sale stating that the license or
5 card will be scanned and stating what information will be stored. The
6 stored information may only be used by law enforcement agencies,
7 regulatory agencies, and the exchange for purposes of enforcement of the
8 restrictions on the sale or purchase of methamphetamine precursors
9 pursuant to sections 28-458 to 28-462 and may not be shared with any
10 other person or entity. For purposes of this subsection, the terms
11 exchange, methamphetamine precursor, and seller have the same meanings as
12 in section 28-458.

13 (c) The retailer or seller shall utilize software that stores only
14 the information allowed by this subsection. A programmer for computer
15 software designed to store such information shall certify to the retailer
16 that the software stores only the information allowed by this subsection.
17 Intentional or grossly negligent programming by the programmer which
18 allows for the storage of more than the age and identification number or
19 wrongfully certifying the software shall be a Class IV felony.

20 (d) A retailer or seller who knowingly stores more information than
21 authorized under this subsection from the operator's license or state
22 identification card shall be guilty of a Class IV felony.

23 (e) Information scanned, compiled, stored, or preserved pursuant to
24 subdivision (a) of this subsection may not be retained longer than
25 eighteen months unless required by state or federal law.

26 (4) In order to approve a negotiable instrument, an electronic funds
27 transfer, or a similar method of payment, a person having use of or
28 access to machine-readable information encoded on an operator's license
29 or a state identification card may:

30 (a) Scan, compile, store, or preserve such information in order to
31 provide the information to a check services company subject to and in

1 compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
2 seq., as such act existed on January 1, 2020 ~~2019~~, for the purpose of
3 effecting, administering, or enforcing a transaction requested by the
4 holder of the license or card or preventing fraud or other criminal
5 activity; or

6 (b) Scan and store such information only as necessary to protect
7 against or prevent actual or potential fraud, unauthorized transactions,
8 claims, or other liability or to resolve a dispute or inquiry by the
9 holder of the license or card.

10 (5) Except as provided in subdivision (4)(a) of this section,
11 information scanned, compiled, stored, or preserved pursuant to this
12 section may not be traded or sold to or shared with a third party; used
13 for any marketing or sales purpose by any person, including the retailer
14 who obtained the information; or, unless pursuant to a court order,
15 reported to or shared with any third party. A person who violates this
16 subsection shall be guilty of a Class IV felony.

17 Sec. 16. Section 60-4,132, Revised Statutes Supplement, 2019, is
18 amended to read:

19 60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137
20 to 60-4,172 are to implement the requirements mandated by the federal
21 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the
22 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159,
23 section 1012 of the federal Uniting and Strengthening America by
24 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism
25 Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations as
26 such acts and regulations existed on January 1, 2020 ~~2019~~, and to reduce
27 or prevent commercial motor vehicle accidents, fatalities, and injuries
28 by: (1) Permitting drivers to hold only one operator's license; (2)
29 disqualifying drivers for specified offenses and serious traffic
30 violations; and (3) strengthening licensing and testing standards.

31 Sec. 17. Section 60-4,134, Revised Statutes Supplement, 2019, is

1 amended to read:

2 60-4,134 In conformance with section 7208 of the federal Fixing
3 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
4 section and regulation existed on January 1, ~~2020~~ 2019, no hazardous
5 materials endorsement authorizing the holder of a Class A commercial
6 driver's license to operate a commercial motor vehicle transporting
7 diesel fuel shall be required if such driver is (1) operating within the
8 state and acting within the scope of his or her employment as an employee
9 of a custom harvester operation, an agricultural business, a farm retail
10 outlet and supplier, or a livestock feeder and (2) operating a service
11 vehicle that is (a) transporting diesel in a quantity of one thousand
12 gallons or less and (b) clearly marked with a flammable or combustible
13 placard, as appropriate.

14 Sec. 18. Section 60-4,138, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 60-4,138 (1) Commercial drivers' licenses and restricted commercial
17 drivers' licenses shall be issued by the department in compliance with 49
18 C.F.R. parts 383 and 391, shall be classified as provided in subsection
19 (2) of this section, and shall bear such endorsements and restrictions as
20 are provided in subsections (3) and (4) of this section.

21 (2) Commercial motor vehicle classifications for purposes of
22 commercial drivers' licenses shall be as follows:

23 (a) Class A Combination Vehicle – Any combination of motor vehicles
24 and towed vehicles with a gross vehicle weight rating of more than
25 twenty-six thousand pounds if the gross vehicle weight rating of the
26 vehicles being towed are in excess of ten thousand pounds;

27 (b) Class B Heavy Straight Vehicle – Any single commercial motor
28 vehicle with a gross vehicle weight rating of twenty-six thousand one
29 pounds or more or any such commercial motor vehicle towing a vehicle with
30 a gross vehicle weight rating not exceeding ten thousand pounds; and

31 (c) Class C Small Vehicle – Any single commercial motor vehicle with

1 a gross vehicle weight rating of less than twenty-six thousand one pounds
2 or any such commercial motor vehicle towing a vehicle with a gross
3 vehicle weight rating not exceeding ten thousand pounds comprising:

4 (i) Motor vehicles designed to transport sixteen or more passengers,
5 including the driver; and

6 (ii) Motor vehicles used in the transportation of hazardous
7 materials and required to be placarded pursuant to section 75-364.

8 (3) The endorsements to a commercial driver's license shall be as
9 follows:

10 (a) T – Double/triple trailers;

11 (b) P – Passenger;

12 (c) N – Tank vehicle;

13 (d) H – Hazardous materials;

14 (e) X – Combination tank vehicle and hazardous materials; and

15 (f) S – School bus.

16 (4) The restrictions to a commercial driver's license shall be as
17 follows:

18 (a) E – No manual transmission equipped commercial motor vehicle;

19 (b) K – Operation of a commercial motor vehicle only in intrastate
20 commerce;

21 (c) L – Operation of only a commercial motor vehicle which is not
22 equipped with air brakes;

23 (d) M – Operation of a commercial motor vehicle which is not a Class
24 A passenger vehicle bus;

25 (e) N – Operation of a commercial motor vehicle which is not a Class
26 A or Class B passenger vehicle bus;

27 (f) O – No tractor-trailer commercial motor vehicle;

28 (g) V – Operation of a commercial motor vehicle for drivers with
29 medical variance documentation. The documentation shall be required to be
30 carried on the driver's person while operating a commercial motor
31 vehicle; and

1 (h) Z – No full air brake equipped commercial motor vehicle.

2 Sec. 19. Section 60-4,141, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-4,141 (1) Except as provided in subsections (2), (3), and (4) of
5 this section, no person shall operate any class of commercial motor
6 vehicle upon the highways of this state unless such person possesses a
7 valid commercial driver's license authorizing the operation of the class
8 of commercial motor vehicle being operated, except that (a) any person
9 possessing a valid commercial driver's license authorizing the operation
10 of a Class A commercial motor vehicle may lawfully operate any Class B or
11 C commercial motor vehicle and (b) any person possessing a valid
12 commercial driver's license authorizing the operation of a Class B
13 commercial motor vehicle may lawfully operate a Class C commercial motor
14 vehicle. No person shall operate upon the highways of this state any
15 commercial motor vehicle which requires a specific endorsement unless
16 such person possesses a valid commercial driver's license with such
17 endorsement. No person possessing a restricted commercial driver's
18 license shall operate upon the highways of this state any commercial
19 motor vehicle to which such restriction is applicable.

20 (2)(a) Any person holding a CLP-commercial learner's permit may
21 operate a commercial motor vehicle for learning purposes upon the
22 highways of this state if accompanied by a person who is twenty-one years
23 of age or older, who holds a commercial driver's license valid for the
24 class of commercial motor vehicle being operated, and who occupies the
25 seat beside the person for the purpose of giving instruction in the
26 operation of the commercial motor vehicle. Any person holding a CLP-
27 commercial learner's permit may operate a commercial motor vehicle upon
28 the highways of this state for purposes of taking a driving skills
29 examination if accompanied by licensing staff who is designated by the
30 director under section 60-4,149 or an examiner employed by a third-party
31 tester certified pursuant to section 60-4,158 and who occupies the seat

1 beside the person for the purpose of giving the examination. A person
2 holding a CLP-commercial learner's permit shall not operate a commercial
3 motor vehicle transporting hazardous materials. A holder of a commercial
4 learner's permit may operate a Class A combination vehicle, Class B heavy
5 straight vehicle, or Class C small vehicle, as appropriate.

6 (b) A CLP-commercial learner's permit shall only be allowed to bear
7 any of the following endorsements: (i) P – Passenger; (ii) S – School
8 bus; and (iii) N – Tank vehicle.

9 (c) A CLP-commercial learner's permit shall only be allowed to bear
10 any of the following restrictions: (i) K – Operation of a commercial
11 motor vehicle only in intrastate commerce; (ii) L – Operation of only a
12 commercial motor vehicle which is not equipped with air brakes; (iii) V –
13 Operation of a commercial motor vehicle for drivers with medical variance
14 documentation; (iv) P – No passengers in commercial motor vehicle bus;
15 ~~and~~ (v) X – No cargo in commercial motor vehicle tank vehicle; (vi) M –
16 Operation of a commercial motor vehicle that is not a Class A passenger
17 vehicle; and (vii) N – Operation of a commercial motor vehicle that is
18 not a Class A or Class B passenger vehicle.

19 (3) Except for nonresident individuals who are enrolled and taking
20 training in a driver training school in this state, any holder of a
21 nonresident commercial learner's permit or nonresident commercial
22 driver's license who is in this state for a period of thirty consecutive
23 days or more shall apply for a Nebraska-issued CLP-commercial learner's
24 permit or commercial driver's license and shall surrender to the
25 department any operator's license issued to such nonresident by any other
26 state.

27 (4) Except for individuals who are enrolled and taking training in a
28 driver training school in this state, any holder of a nondomiciled
29 commercial learner's permit or nondomiciled commercial driver's license
30 issued by another state who is in this state for a period of thirty
31 consecutive days or more shall apply for a Nebraska-issued CLP-commercial

1 learner's permit or commercial driver's license and shall surrender to
2 the department any operator's license issued to such individual by any
3 other state.

4 (5) An operator's license surrendered pursuant to this section may
5 be returned to the driver after the license has been perforated with the
6 word "VOID".

7 (6) Any person who operates a commercial motor vehicle upon the
8 highways of this state in violation of this section shall, upon
9 conviction, be guilty of a Class III misdemeanor.

10 Sec. 20. Section 60-4,147.02, Revised Statutes Supplement, 2019, is
11 amended to read:

12 60-4,147.02 No endorsement authorizing the driver to operate a
13 commercial motor vehicle transporting hazardous materials shall be
14 issued, renewed, or transferred by the Department of Motor Vehicles
15 unless the endorsement is issued, renewed, or transferred in conformance
16 with the requirements of section 1012 of the federal Uniting and
17 Strengthening America by Providing Appropriate Tools Required to
18 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
19 5103a, including all amendments and federal regulations adopted pursuant
20 thereto as of January 1, 2020 ~~2019~~, for the issuance of licenses to
21 operate commercial motor vehicles transporting hazardous materials.

22 Sec. 21. Section 60-4,168, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

24 60-4,168 (1) Except as provided in subsections (2) and (3) of this
25 section, a person shall be disqualified from operating a commercial motor
26 vehicle for one year upon his or her first conviction, after April 1,
27 1992, in this or any other state for:

28 (a) Operating a commercial motor vehicle in violation of section
29 60-6,196 or 60-6,197 or under the influence of a controlled substance or,
30 beginning September 30, 2005, operating any motor vehicle in violation of
31 section 60-6,196 or 60-6,197 or under the influence of a controlled

1 substance;

2 (b) Operating a commercial motor vehicle in violation of section
3 60-4,163 or 60-4,164;

4 (c) Leaving the scene of an accident involving a commercial motor
5 vehicle operated by the person or, beginning September 30, 2005, leaving
6 the scene of an accident involving any motor vehicle operated by the
7 person;

8 (d) Using a commercial motor vehicle in the commission of a felony
9 other than a felony described in subdivision (3)(b) of this section or,
10 beginning September 30, 2005, using any motor vehicle in the commission
11 of a felony other than a felony described in subdivision (3)(b) of this
12 section;

13 (e) Beginning September 30, 2005, operating a commercial motor
14 vehicle after his or her commercial driver's license has been suspended,
15 revoked, or canceled or the driver is disqualified from operating a
16 commercial motor vehicle; or

17 (f) Beginning September 30, 2005, causing a fatality through the
18 negligent or criminal operation of a commercial motor vehicle.

19 (2) Except as provided in subsection (3) of this section, if any of
20 the offenses described in subsection (1) of this section occurred while a
21 person was transporting hazardous material in a commercial motor vehicle
22 which required placarding pursuant to section 75-364, the person shall,
23 upon conviction or administrative determination, be disqualified from
24 operating a commercial motor vehicle for three years.

25 (3) A person shall be disqualified from operating a commercial motor
26 vehicle for life if, after April 1, 1992, he or she:

27 (a) Is convicted of or administratively determined to have committed
28 a second or subsequent violation of any of the offenses described in
29 subsection (1) of this section or any combination of those offenses
30 arising from two or more separate incidents;~~or~~

31 (b) Beginning September 30, 2005, used a commercial motor vehicle in

1 the commission of a felony involving the manufacturing, distributing, or
2 dispensing of a controlled substance; or -

3 (c) Used a commercial motor vehicle in the commission of a felony
4 involving an act or practice of severe forms of trafficking in persons,
5 as defined and described in 22 U.S.C. 7102(11), as such section existed
6 on January 1, 2020.

7 (4)(a) A person is disqualified from operating a commercial motor
8 vehicle for a period of not less than sixty days if he or she is
9 convicted in this or any other state of two serious traffic violations,
10 or not less than one hundred twenty days if he or she is convicted in
11 this or any other state of three serious traffic violations, arising from
12 separate incidents occurring within a three-year period while operating a
13 commercial motor vehicle.

14 (b) A person is disqualified from operating a commercial motor
15 vehicle for a period of not less than sixty days if he or she is
16 convicted in this or any other state of two serious traffic violations,
17 or not less than one hundred twenty days if he or she is convicted in
18 this or any other state of three serious traffic violations, arising from
19 separate incidents occurring within a three-year period while operating a
20 motor vehicle other than a commercial motor vehicle if the convictions
21 have resulted in the revocation, cancellation, or suspension of the
22 person's operator's license or driving privileges.

23 (5)(a) A person who is convicted of operating a commercial motor
24 vehicle in violation of a federal, state, or local law or regulation
25 pertaining to one of the following six offenses at a highway-rail grade
26 crossing shall be disqualified for the period of time specified in
27 subdivision (5)(b) of this section:

28 (i) For drivers who are not required to always stop, failing to slow
29 down and check that the tracks are clear of an approaching train;

30 (ii) For drivers who are not required to always stop, failing to
31 stop before reaching the crossing, if the tracks are not clear;

1 (iii) For drivers who are always required to stop, failing to stop
2 before driving onto the crossing;

3 (iv) For all drivers, failing to have sufficient space to drive
4 completely through the crossing without stopping;

5 (v) For all drivers, failing to obey a traffic control device or the
6 directions of an enforcement official at the crossing; or

7 (vi) For all drivers, failing to negotiate a crossing because of
8 insufficient undercarriage clearance.

9 (b)(i) A person shall be disqualified for not less than sixty days
10 if the person is convicted of a first violation described in this
11 subsection.

12 (ii) A person shall be disqualified for not less than one hundred
13 twenty days if, during any three-year period, the person is convicted of
14 a second violation described in this subsection in separate incidents.

15 (iii) A person shall be disqualified for not less than one year if,
16 during any three-year period, the person is convicted of a third or
17 subsequent violation described in this subsection in separate incidents.

18 (6) A person shall be disqualified from operating a commercial motor
19 vehicle for at least one year if, on or after July 8, 2015, the person
20 has been convicted of fraud related to the issuance of his or her CLP-
21 commercial learner's permit or commercial driver's license.

22 (7) If the department receives credible information that a CLP-
23 commercial learner's permit holder or a commercial driver's license
24 holder is suspected, but has not been convicted, on or after July 8,
25 2015, of fraud related to the issuance of his or her CLP-commercial
26 learner's permit or commercial driver's license, the department must
27 require the driver to retake the skills and knowledge tests. Within
28 thirty days after receiving notification from the department that
29 retesting is necessary, the affected CLP-commercial learner's permit
30 holder or commercial driver's license holder must make an appointment or
31 otherwise schedule to take the next available test. If the CLP-commercial

1 learner's permit holder or commercial driver's license holder fails to
2 make an appointment within thirty days, the department must disqualify
3 his or her CLP-commercial learner's permit or commercial driver's
4 license. If the driver fails either the knowledge or skills test or does
5 not take the test, the department must disqualify his or her CLP-
6 commercial learner's permit or commercial driver's license. If the holder
7 of a CLP-commercial learner's permit or commercial driver's license has
8 had his or her CLP-commercial learner's permit or commercial driver's
9 license disqualified, he or she must reapply for a CLP-commercial
10 learner's permit or commercial driver's license under department
11 procedures applicable to all applicants for a CLP-commercial learner's
12 permit or commercial driver's license.

13 (8) For purposes of this section, controlled substance has the same
14 meaning as in section 28-401.

15 (9) For purposes of this section, conviction means an unvacated
16 adjudication of guilt, or a determination that a person has violated or
17 failed to comply with the law, in a court of original jurisdiction or by
18 an authorized administrative tribunal, an unvacated forfeiture of bail or
19 collateral deposited to secure the person's appearance in court, a plea
20 of guilty or nolo contendere accepted by the court, the payment of a fine
21 or court costs, or a violation of a condition of release without bail,
22 regardless of whether or not the penalty is rebated, suspended, or
23 probated.

24 (10) For purposes of this section, serious traffic violation means:

25 (a) Speeding at or in excess of fifteen miles per hour over the
26 legally posted speed limit;

27 (b) Willful reckless driving as described in section 60-6,214 or
28 reckless driving as described in section 60-6,213;

29 (c) Improper lane change as described in section 60-6,139;

30 (d) Following the vehicle ahead too closely as described in section
31 60-6,140;

1 (e) A violation of any law or ordinance related to motor vehicle
2 traffic control, other than parking violations or overweight or vehicle
3 defect violations, arising in connection with an accident or collision
4 resulting in death to any person;

5 (f) Beginning September 30, 2005, operating a commercial motor
6 vehicle without a commercial driver's license;

7 (g) Beginning September 30, 2005, operating a commercial motor
8 vehicle without a commercial driver's license in the operator's
9 possession;

10 (h) Beginning September 30, 2005, operating a commercial motor
11 vehicle without the proper class of commercial driver's license and any
12 endorsements, if required, for the specific vehicle group being operated
13 or for the passengers or type of cargo being transported on the vehicle;

14 (i) Beginning October 27, 2013, texting while driving as described
15 in section 60-6,179.02; and

16 (j) Using a handheld mobile telephone as described in section
17 60-6,179.02.

18 (11) Each period of disqualification imposed under this section
19 shall be served consecutively and separately.

20 Sec. 22. Section 60-501, Revised Statutes Supplement, 2019, is
21 amended to read:

22 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
23 unless the context otherwise requires:

24 (1) Department means Department of Motor Vehicles;

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

30 (3) Golf car vehicle means a vehicle that has at least four wheels,
31 has a maximum level ground speed of less than twenty miles per hour, has

1 a maximum payload capacity of one thousand two hundred pounds, has a
2 maximum gross vehicle weight of two thousand five hundred pounds, has a
3 maximum passenger capacity of not more than four persons, and is designed
4 and manufactured for operation on a golf course for sporting and
5 recreational purposes;

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

16 (5) License means any license issued to any person under the laws of
17 this state pertaining to operation of a motor vehicle within this state;

18 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
19 whose speed attainable in one mile is more than twenty miles per hour and
20 not more than twenty-five miles per hour on a paved, level surface, (ii)
21 whose gross vehicle weight rating is less than three thousand pounds, and
22 (iii) that complies with 49 C.F.R. part 571, as such part existed on
23 January 1, 2020 ~~2019~~, or (b) three-wheeled motor vehicle (i) whose
24 maximum speed attainable is not more than twenty-five miles per hour on a
25 paved, level surface, (ii) whose gross vehicle weight rating is less than
26 three thousand pounds, and (iii) which is equipped with a windshield and
27 an occupant protection system. A motorcycle with a sidecar attached is
28 not a low-speed vehicle;

29 (7) Minitruck means a foreign-manufactured import vehicle or
30 domestic-manufactured vehicle which (a) is powered by an internal
31 combustion engine with a piston or rotor displacement of one thousand

1 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
2 in width, (c) has a dry weight of four thousand two hundred pounds or
3 less, (d) travels on four or more tires, (e) has a top speed of
4 approximately fifty-five miles per hour, (f) is equipped with a bed or
5 compartment for hauling, (g) has an enclosed passenger cab, (h) is
6 equipped with headlights, taillights, turnsignals, windshield wipers, a
7 rearview mirror, and an occupant protection system, and (i) has a four-
8 speed, five-speed, or automatic transmission;

9 (8) Motor vehicle means any self-propelled vehicle which is designed
10 for use upon a highway, including trailers designed for use with such
11 vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a
12 former military vehicle. Motor vehicle does not include (a) mopeds as
13 defined in section 60-637, (b) traction engines, (c) road rollers, (d)
14 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
15 (h) every vehicle which is propelled by electric power obtained from
16 overhead wires but not operated upon rails, (i) electric personal
17 assistive mobility devices as defined in section 60-618.02, (j) off-road
18 designed vehicles, including, but not limited to, golf car vehicles, go-
19 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
20 utility-type vehicles as defined in section 60-6,355, minibikes as
21 defined in section 60-636, and snowmobiles as defined in section 60-663,
22 and (k) bicycles as defined in section 60-611;

23 (9) Nonresident means every person who is not a resident of this
24 state;

25 (10) Nonresident's operating privilege means the privilege conferred
26 upon a nonresident by the laws of this state pertaining to the operation
27 by him or her of a motor vehicle or the use of a motor vehicle owned by
28 him or her in this state;

29 (11) Operator means every person who is in actual physical control
30 of a motor vehicle;

31 (12) Owner means a person who holds the legal title of a motor

1 vehicle, or in the event (a) a motor vehicle is the subject of an
2 agreement for the conditional sale or lease thereof with the right of
3 purchase upon performance of the conditions stated in the agreement and
4 with an immediate right of possession vested in the conditional vendee or
5 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
6 such conditional vendee or lessee or mortgagor shall be deemed the owner
7 for the purposes of the act;

8 (13) Person means every natural person, firm, partnership, limited
9 liability company, association, or corporation;

10 (14) Proof of financial responsibility means evidence of ability to
11 respond in damages for liability, on account of accidents occurring
12 subsequent to the effective date of such proof, arising out of the
13 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
14 twenty-five thousand dollars because of bodily injury to or death of one
15 person in any one accident, (b) subject to such limit for one person, in
16 the amount of fifty thousand dollars because of bodily injury to or death
17 of two or more persons in any one accident, and (c) in the amount of
18 twenty-five thousand dollars because of injury to or destruction of
19 property of others in any one accident;

20 (15) Registration means registration certificate or certificates and
21 registration plates issued under the laws of this state pertaining to the
22 registration of motor vehicles;

23 (16) State means any state, territory, or possession of the United
24 States, the District of Columbia, or any province of the Dominion of
25 Canada; and

26 (17) The forfeiture of bail, not vacated, or of collateral deposited
27 to secure an appearance for trial shall be regarded as equivalent to
28 conviction of the offense charged.

29 Sec. 23. Section 60-628.01, Revised Statutes Supplement, 2019, is
30 amended to read:

31 60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle

1 (a) whose speed attainable in one mile is more than twenty miles per hour
2 and not more than twenty-five miles per hour on a paved, level surface,
3 (b) whose gross vehicle weight rating is less than three thousand pounds,
4 and (c) that complies with 49 C.F.R. part 571, as such part existed on
5 January 1, 2020 ~~2019~~, or (2) three-wheeled motor vehicle (a) whose
6 maximum speed attainable is not more than twenty-five miles per hour on a
7 paved, level surface, (b) whose gross vehicle weight rating is less than
8 three thousand pounds, and (c) which is equipped with a windshield and an
9 occupant protection system. A motorcycle with a sidecar attached is not a
10 low-speed vehicle.

11 Sec. 24. Section 60-6,265, Revised Statutes Supplement, 2019, is
12 amended to read:

13 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

14 (1) Occupant protection system means a system utilizing a lap belt,
15 a shoulder belt, or any combination of belts installed in a motor vehicle
16 which (a) restrains drivers and passengers and (b) conforms to Federal
17 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
18 571.210, as such standards existed on January 1, 2020 ~~2019~~, or, as a
19 minimum standard, to the federal motor vehicle safety standards for
20 passenger restraint systems applicable for the motor vehicle's model
21 year; and

22 (2) Three-point safety belt system means a system utilizing a
23 combination of a lap belt and a shoulder belt installed in a motor
24 vehicle which restrains drivers and passengers.

25 Sec. 25. Section 60-2705, Revised Statutes Supplement, 2019, is
26 amended to read:

27 60-2705 The Director of Motor Vehicles shall adopt standards for an
28 informal dispute settlement procedure which substantially comply with the
29 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2020
30 ~~2019~~.

31 If a manufacturer has established or participates in a dispute

1 settlement procedure certified by the Director of Motor Vehicles within
2 the guidelines of such standards, the provisions of section 60-2703
3 concerning refunds or replacement shall not apply to any consumer who has
4 not first resorted to such a procedure.

5 Sec. 26. Section 60-2909.01, Revised Statutes Supplement, 2019, is
6 amended to read:

7 60-2909.01 The department and any officer, employee, agent, or
8 contractor of the department having custody of a motor vehicle record
9 shall, upon the verification of identity and purpose of a requester,
10 disclose and make available the requested motor vehicle record, including
11 the sensitive personal information in the record, other than the social
12 security number, for the following purposes:

13 (1) For use by any federal, state, or local governmental agency,
14 including any court or law enforcement agency, in carrying out the
15 agency's functions or by a private person or entity acting on behalf of a
16 governmental agency in carrying out the agency's functions;

17 (2) For use in connection with any civil, criminal, administrative,
18 or arbitral proceeding in any federal, state, or local court or
19 governmental agency or before any self-regulatory body, including service
20 of process, investigation in anticipation of litigation, and execution or
21 enforcement of judgments and orders, or pursuant to an order of a
22 federal, state, or local court, an administrative agency, or a self-
23 regulatory body;

24 (3) For use by any insurer or insurance support organization, or by
25 a self-insured entity, or its agents, employees, or contractors, in
26 connection with claims investigation activities, anti-fraud activities,
27 rating, or underwriting;

28 (4) For use by an employer or the employer's agent or insurer to
29 obtain or verify information relating to a holder of a commercial
30 driver's license or CLP-commercial learner's permit that is required
31 under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et

1 seq., as such act existed on January 1, 2020 ~~2019~~, or pursuant to
2 sections 60-4,132 and 60-4,141; and

3 (5) For use by employers of a holder of a commercial driver's
4 license or CLP-commercial learner's permit and by the Commercial Driver
5 License Information System as provided in section 60-4,144.02 and 49
6 C.F.R. 383.73, as such regulation existed on January 1, 2020 ~~2019~~.

7 Sec. 27. Section 75-362, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 75-362 For purposes of sections 75-362 to 75-369.07, unless the
10 context otherwise requires:

11 (1) Accident means:

12 (a) Except as provided in subdivision (b) of this subdivision, an
13 occurrence involving a commercial motor vehicle operating on a highway in
14 interstate or intrastate commerce which results in:

15 (i) A fatality;

16 (ii) Bodily injury to a person who, as a result of the injury,
17 immediately receives medical treatment away from the scene of the
18 accident; or

19 (iii) One or more motor vehicles incurring disabling damage as a
20 result of the accident, requiring the motor vehicles to be transported
21 away from the scene by a tow truck or other motor vehicle.

22 (b) The term accident does not include:

23 (i) An occurrence involving only boarding and alighting from a
24 stationary motor vehicle; or

25 (ii) An occurrence involving only the loading or unloading of cargo;

26 (2) Bulk packaging means a packaging, other than a vessel or a
27 barge, including a transport vehicle or freight container, in which
28 hazardous materials are loaded with no intermediate form of containment.
29 A large packaging in which hazardous materials are loaded with an
30 intermediate form of containment, such as one or more articles or inner
31 packagings, is also a bulk packaging. Additionally, a bulk packaging and

1 ~~which~~ has:

2 (a) A maximum capacity greater than one hundred nineteen gallons as
3 a receptacle for a liquid;

4 (b) A maximum net mass greater than eight hundred eighty-two pounds
5 and a maximum capacity greater than one hundred nineteen gallons as a
6 receptacle for a solid; or

7 (c) A water capacity greater than one thousand pounds as a
8 receptacle for a gas as defined in 49 C.F.R. 173.115;

9 (3) Cargo tank means a bulk packaging that:

10 (a) Is a tank intended primarily for the carriage of liquids or
11 gases and includes appurtenances, reinforcements, fittings, and closures;

12 (b) Is permanently attached to or forms a part of a motor vehicle or
13 is not permanently attached to a motor vehicle but which, by reason of
14 its size, construction, or attachment to a motor vehicle, is loaded or
15 unloaded without being removed from the motor vehicle; and

16 (c) Is not fabricated under a specification for cylinders,
17 intermediate bulk containers, multi-unit tank-car tanks, portable tanks,
18 or tank cars;

19 (4) Cargo tank motor vehicle means a motor vehicle with one or more
20 cargo tanks permanently attached to or forming an integral part of the
21 motor vehicle;

22 (5) Commercial enterprise means any business activity relating to or
23 based upon the production, distribution, or consumption of goods or
24 services;

25 (6) Commercial motor vehicle means any self-propelled or towed motor
26 vehicle used on a highway in interstate commerce or intrastate commerce
27 to transport passengers or property when the vehicle:

28 (a) Has a gross vehicle weight rating or gross combination weight
29 rating or gross vehicle weight or gross combination weight of ten
30 thousand one pounds or more, whichever is greater;

31 (b) Is designed or used to transport more than eight passengers,

1 including the driver, for compensation;

2 (c) Is designed or used to transport more than fifteen passengers,
3 including the driver, and is not used to transport passengers for
4 compensation; or

5 (d) Is used in transporting material found to be hazardous and such
6 material is transported in a quantity requiring placarding pursuant to
7 section 75-364;

8 (7) Compliance review means an onsite examination of motor carrier
9 operations, such as drivers' hours of service, maintenance and
10 inspection, driver qualification, commercial driver's license
11 requirements, financial responsibility, accidents, hazardous materials,
12 and other safety and transportation records to determine whether a motor
13 carrier meets the safety fitness standard. A compliance review may be
14 conducted in response to a request to change a safety rating, to
15 investigate potential violations of safety regulations by motor carriers,
16 or to investigate complaints or other evidence of safety violations. The
17 compliance review may result in the initiation of an enforcement action
18 with penalties;

19 (8)(a) Covered farm vehicle means a motor vehicle, including an
20 articulated motor vehicle:

21 (i) That:

22 (A) Is traveling in the state in which the vehicle is registered or
23 another state;

24 (B) Is operated by:

25 (I) A farm owner or operator;

26 (II) A ranch owner or operator; or

27 (III) An employee or family member of an individual specified in
28 subdivision (8)(a)(i)(B)(I) or (8)(a)(i)(B)(II) of this section;

29 (C) Is transporting to or from a farm or ranch:

30 (I) Agricultural commodities;

31 (II) Livestock; or

1 (III) Machinery or supplies;

2 (D) Except as provided in subdivision (8)(b) of this section, is not
3 used in the operations of a for-hire motor carrier; and

4 (E) Is equipped with a special license plate or other designation by
5 the state in which the vehicle is registered to allow for identification
6 of the vehicle as a farm vehicle by law enforcement personnel; and

7 (ii) That has a gross vehicle weight rating or gross vehicle weight,
8 whichever is greater, that is:

9 (A) Less than twenty-six thousand one pounds; or

10 (B) Twenty-six thousand one pounds or more and is traveling within
11 the state or within one hundred fifty air miles of the farm or ranch with
12 respect to which the vehicle is being operated.

13 (b) Covered farm vehicle includes a motor vehicle that meets the
14 requirements of subdivision (8)(a) of this section, except for
15 subdivision (8)(a)(i)(D) of this section, and:

16 (i) Is operated pursuant to a crop share farm lease agreement;

17 (ii) Is owned by a tenant with respect to that agreement; and

18 (iii) Is transporting the landlord's portion of the crops under that
19 agreement.

20 (c) Covered farm vehicle does not include:

21 (i) A combination of truck-tractor and semitrailer which is operated
22 by a person under eighteen years of age; or

23 (ii) A combination of truck-tractor and semitrailer which is used in
24 the transportation of materials found to be hazardous for the purposes of
25 the federal Hazardous Materials Transportation Act and which require the
26 combination to be placarded under 49 C.F.R. part 172, subpart F;

27 (9) Disabling damage means damage which precludes departure of a
28 motor vehicle from the scene of the accident in its usual manner in
29 daylight after simple repairs.

30 (a) Inclusions: Damage to motor vehicles that could have been driven
31 but would have been further damaged if so driven.

1 (b) Exclusions:

2 (i) Damage which can be remedied temporarily at the scene of the
3 accident without special tools or parts;

4 (ii) Tire disablement without other damage even if no spare tire is
5 available;

6 (iii) Headlight or taillight damage; and

7 (iv) Damage to turnsignals, horn, or windshield wipers which makes
8 them inoperative;

9 (10) Driver means any person who operates any commercial motor
10 vehicle;

11 (11) Elevated temperature material means a material which, when
12 offered for transportation or transported in a bulk packaging:

13 (a) Is in a liquid phase and at a temperature at or above two
14 hundred twelve degrees Fahrenheit;

15 (b) Is in a liquid phase with a flash point at or above one hundred
16 degrees Fahrenheit that is intentionally heated and offered for
17 transportation or transported at or above its flash point; or

18 (c) Is in a solid phase and at a temperature at or above four
19 hundred sixty-four degrees Fahrenheit;

20 (12) Employee means any individual, other than an employer, who is
21 employed by an employer and who in the course of his or her employment
22 directly affects commercial motor vehicle safety. Such term includes a
23 driver of a commercial motor vehicle, including an independent contractor
24 while in the course of operating a commercial motor vehicle, a mechanic,
25 and a freight handler. Such term does not include an employee of the
26 United States, any state, any political subdivision of a state, or any
27 agency established under a compact between states and approved by the
28 Congress of the United States who is acting within the course of such
29 employment;

30 (13) Employer means any person engaged in a business affecting
31 commerce who owns or leases a commercial motor vehicle in connection with

1 that business or assigns employees to operate it. Such term does not
2 include the United States, any state, any political subdivision of a
3 state, or an agency established under a compact between states approved
4 by the Congress of the United States;

5 (14) Exempt motor carrier means a person engaged in transportation
6 exempt from economic regulation under 49 U.S.C. 13506. An exempt motor
7 carrier is subject to the safety regulations adopted in sections 75-362
8 to 75-369.07;

9 (15) Farm vehicle driver means a person who drives only a commercial
10 motor vehicle that is controlled and operated by a farmer as a private
11 motor carrier of property;

12 (16) Farmer means any person who operates a farm or is directly
13 involved in the cultivation of land, crops, or livestock which:

14 (a) Are owned by that person; or

15 (b) Are under the direct control of that person;

16 (17) Fatality means any injury which results in the death of a
17 person at the time of the motor vehicle accident or within thirty days
18 after the accident;

19 (18) Fertilizer and agricultural chemical application and
20 distribution equipment means:

21 (a) Self-propelled or towed equipment, designed and used exclusively
22 to apply commercial fertilizer, as that term is defined in section
23 81-2,162.02, chemicals, or related products to agricultural soil and
24 crops; or

25 (b) Towed equipment designed and used exclusively to carry
26 commercial fertilizer, as that term is defined in section 81-2,162.02,
27 chemicals, or related products for use on agricultural soil and crops,
28 which are equipped with implement or floatation tires;

29 (19) For-hire motor carrier means a person engaged in the
30 transportation of goods or passengers for compensation;

31 (20) Gross combination weight means the sum of the empty weight of a

1 motor vehicle plus the total weight of any load carried thereon and the
2 empty weight of the towed unit or units plus the total weight of any load
3 carried on such towed unit or units;

4 (21) Gross combination weight rating means the greater of (a) a
5 value specified by the manufacturer of the power unit, if such value is
6 displayed on the Federal Motor Vehicle Safety Standard certification
7 label required by the National Highway Traffic Safety Administration, or
8 (b) the sum of the gross vehicle weight ratings or the gross vehicle
9 weights of the power unit and the towed unit or units, or any combination
10 thereof, that produces the highest value. Gross combination weight rating
11 does not apply to a commercial motor vehicle if the power unit is not
12 towing another vehicle;

13 (22) Gross vehicle weight means the sum of the empty weight of a
14 motor vehicle plus the total weight of any load carried thereon;

15 (23) Gross vehicle weight rating means the value specified by the
16 manufacturer as the loaded weight of a single motor vehicle. In the
17 absence of such value specified by the manufacturer or the absence of any
18 marking of such value on the vehicle, the gross vehicle weight rating
19 shall be determined from the sum of the axle weight ratings of the
20 vehicle or the sum of the tire weight ratings as marked on the sidewall
21 of the tires, whichever is greater. In the absence of any tire sidewall
22 marking, the tire weight ratings shall be determined for the specified
23 tires from any of the publications of any of the organizations listed in
24 49 C.F.R. 571.119;

25 (24) Hazardous material means a substance or material that the
26 Secretary of the United States Department of Transportation has
27 determined is capable of posing an unreasonable risk to health, safety,
28 and property when transported in commerce and has designated as hazardous
29 under 49 U.S.C. 5103. The term includes hazardous substances, hazardous
30 wastes, marine pollutants, elevated temperature materials, materials
31 designated as hazardous in the Hazardous Materials Table, 49 C.F.R.

1 172.101, and materials that meet the defining criteria for hazard classes
2 and divisions in 49 C.F.R. part 173;

3 (25) Hazardous substance means a material, including its mixtures
4 and solutions, that is listed in 49 C.F.R. 172.101, Appendix A, List Of
5 Hazardous Substances and Reportable Quantities, and is in a quantity, in
6 one package, which equals or exceeds the reportable quantity listed in 49
7 C.F.R. 172.101, Appendix A. This definition does not apply to petroleum
8 products that are lubricants or fuels or to mixtures or solutions of
9 hazardous substances if in a concentration less than that shown in the
10 table in 49 C.F.R. 171.8 under the definition of hazardous substance
11 based on the reportable quantity specified for the materials listed in 49
12 C.F.R. 172.101, Appendix A;

13 (26) Hazardous waste means any material that is subject to the
14 hazardous waste manifest requirements of the United States Environmental
15 Protection Agency specified in 40 C.F.R. 262;

16 (27) Highway means the entire width between the boundary limits of
17 any street, road, avenue, boulevard, or way which is publicly maintained
18 when any part thereof is open to the use of the public for purposes of
19 vehicular travel;

20 (28) Interstate commerce means trade, traffic, or transportation
21 provided in the furtherance of a commercial enterprise in the United
22 States:

23 (a) Between a place in a state and a place outside of such state,
24 including a place outside of the United States;

25 (b) Between two places in a state through another state or a place
26 outside of the United States; or

27 (c) Between two places in a state as part of trade, traffic, or
28 transportation originating or terminating outside the state or the United
29 States;

30 (29) Intrastate commerce means any trade, traffic, or transportation
31 provided in the furtherance of a commercial enterprise between any place

1 in the State of Nebraska and any other place in Nebraska and not through
2 any other state;

3 (30) Large packaging means a packaging that:

4 (a) Consists of an outer packaging that contains articles or inner
5 packagings;

6 (b) Is designated for mechanical handling;

7 (c) Exceeds a net mass of 400 kilograms or 450 liters (119 gallons)
8 capacity;

9 (d) Has a volume of not more than three cubic meters; and

10 (e) Conforms to the requirements for the construction, testing, and
11 marking of large packagings as specified in subparts P and Q of 49 C.F.R.
12 178.

13 (31) ~~(30)~~ Marine pollutant means a material which is listed in the
14 Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B, as a marine
15 pollutant (see 49 C.F.R. 171.4 for applicability to marine pollutants)
16 and, when in a solution or mixture of one or more marine pollutants, is
17 packaged in a concentration which equals or exceeds:

18 (a) Ten percent by weight of the solution or mixture for materials
19 listed in 49 C.F.R. 172.101, Appendix B; or

20 (b) One percent by weight of the solution or mixture for materials
21 that are identified as severe marine pollutants in the Hazardous
22 Materials Table, 49 C.F.R. 172.101, Appendix B;

23 (32) ~~(31)~~ Motor carrier means a for-hire motor carrier or a private
24 motor carrier. The term includes a motor carrier's agents, officers, and
25 representatives as well as employees responsible for hiring, supervising,
26 training, assigning, or dispatching of drivers and employees concerned
27 with the installation, inspection, and maintenance of motor vehicle
28 equipment or accessories. This definition includes the terms employer and
29 exempt motor carrier;

30 (33) ~~(32)~~ Motor vehicle means any vehicle, truck, truck-tractor,
31 trailer, or semitrailer propelled or drawn by mechanical power except (a)

1 farm tractors, (b) vehicles which run only on rails or tracks, and (c)
2 road and general-purpose construction and maintenance machinery which by
3 design and function is obviously not intended for use on a public
4 highway, including, but not limited to, motor scrapers, earthmoving
5 equipment, backhoes, trenchers, motor graders, compactors, tractors,
6 bulldozers, bucket loaders, ditchdigging apparatus, asphalt spreaders,
7 leveling graders, power shovels, and crawler tractors;

8 (34) ~~(33)~~ Nonbulk packaging means a packaging which has:

9 (a) A maximum capacity of 450 liters (119 gallons) ~~one hundred~~
10 ~~nineteen gallons~~ or less as a receptacle for a liquid;

11 (b) A maximum net mass of 400 kilograms (882 pounds) ~~eight hundred~~
12 ~~eighty-two pounds~~ or less and a maximum capacity of 450 liters (119
13 gallons) ~~one hundred nineteen gallons~~ or less as a receptacle for a
14 solid; ~~or~~

15 (c) A water capacity of 454 kilograms (1,000 pounds) ~~one thousand~~
16 ~~pounds~~ or less as a receptacle for a gas as defined in 49 C.F.R. 173.115;
17 or

18 (d) Regardless of the definition of bulk packaging, a maximum net
19 mass of 400 kilograms (882 pounds) or less for a bag or box conforming to
20 the applicable requirements for specification packagings, including the
21 maximum net mass limitations provided in subpart L of 49 C.F.R. 178;

22 (35) ~~(34)~~ Out-of-service order means a declaration by an authorized
23 enforcement officer of a federal, state, Canadian, Mexican, or local
24 jurisdiction that a driver, a commercial motor vehicle, or a motor
25 carrier operation is out of service pursuant to 49 C.F.R. 386.72, 392.5,
26 392.9a, 395.13, or 396.9, or compatible laws or the North American
27 Uniform Out-of-Service Criteria;

28 (36) ~~(35)~~ Packaging means a receptacle and any other components or
29 materials necessary for the receptacle to perform its containment
30 function in conformance with the minimum packing requirements of Title 49
31 of the Code of Federal Regulations. For radioactive materials packaging,

1 see 49 C.F.R. 173.403;

2 (37) ~~(36)~~ Person means any individual, partnership, association,
3 corporation, business trust, or any other organized group of individuals;

4 (38) ~~(37)~~ Planting and harvesting season means the period beginning
5 on January 1 up to and including December 31 of each calendar year;

6 (39) ~~(38)~~ Principal place of business means the single location
7 designated by the motor carrier, normally its headquarters, for purposes
8 of identification. The motor carrier must make records required by the
9 regulations referred to in sections 75-362 to 75-369.07 available for
10 inspection at this location within forty-eight hours, Saturdays, Sundays,
11 and state or federal holidays excluded, after a request has been made by
12 an officer of the Nebraska State Patrol;

13 (40) ~~(39)~~ Private motor carrier means a person who provides
14 transportation of property or passengers by commercial motor vehicle and
15 is not a for-hire motor carrier;

16 (41) ~~(40)~~ Safety audit means an examination of a motor carrier's
17 operations to provide educational and technical assistance on drivers'
18 hours of service, maintenance and inspection, driver qualification,
19 commercial driver's license requirements, financial responsibility,
20 accidents, hazardous materials, and other safety and transportation
21 records to determine whether a motor carrier meets the safety fitness
22 standard. The purpose of a safety audit is to gather critical safety data
23 needed to make an assessment of the carrier's safety performance and
24 basic safety management controls. Safety audits do not result in safety
25 ratings; and

26 (42) ~~(41)~~ Tank means a container, consisting of a shell and heads,
27 that forms a pressure-tight vessel having openings designed to accept
28 pressure-tight fittings or closures, but excludes any appurtenances,
29 reinforcements, fittings, or closures.

30 Sec. 28. Section 75-363, Revised Statutes Supplement, 2019, is
31 amended to read:

1 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
2 of Federal Regulations listed below, as modified in this section, or any
3 other parts, subparts, and sections referred to by such parts, subparts,
4 and sections, in existence and effective as of January 1, 2020 ~~2019~~, are
5 adopted as Nebraska law.

6 (2) Except as otherwise provided in this section, the regulations
7 shall be applicable to:

8 (a) All motor carriers, drivers, and vehicles to which the federal
9 regulations apply; and

10 (b) All motor carriers transporting persons or property in
11 intrastate commerce to include:

12 (i) All vehicles of such motor carriers with a gross vehicle weight
13 rating, gross combination weight rating, gross vehicle weight, or gross
14 combination weight over ten thousand pounds;

15 (ii) All vehicles of such motor carriers designed or used to
16 transport more than eight passengers, including the driver, for
17 compensation, or designed or used to transport more than fifteen
18 passengers, including the driver, and not used to transport passengers
19 for compensation;

20 (iii) All vehicles of such motor carriers transporting hazardous
21 materials required to be placarded pursuant to section 75-364; and

22 (iv) All drivers of such motor carriers if the drivers are operating
23 a commercial motor vehicle as defined in section 60-465 which requires a
24 commercial driver's license.

25 (3) The Legislature hereby adopts, as modified in this section, the
26 following parts of Title 49 of the Code of Federal Regulations:

27 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

28 (b) Part 385 - SAFETY FITNESS PROCEDURES;

29 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

30 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
31 CARRIERS;

- 1 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;
- 2 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION
- 3 VEHICLE (LCV) DRIVER INSTRUCTORS;
- 4 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;
- 5 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;
- 6 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;
- 7 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;
- 8 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
- 9 PARKING RULES; and
- 10 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

11 (4) The provisions of subpart E - Physical Qualifications And
12 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
13 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any
14 driver subject to this section who: (a) Operates a commercial motor
15 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
16 commercial driver's license issued by this state prior to July 30, 1996.

17 (5) The regulations adopted in subsection (3) of this section shall
18 not apply to farm trucks registered pursuant to section 60-3,146 with a
19 gross weight of sixteen tons or less. The following parts and sections of
20 49 C.F.R. chapter III shall not apply to drivers of farm trucks
21 registered pursuant to section 60-3,146 and operated solely in intrastate
22 commerce:

- 23 (a) All of part 391;
- 24 (b) Section 395.8 of part 395; and
- 25 (c) Section 396.11 of part 396.

26 (6) The following parts and subparts of 49 C.F.R. chapter III shall
27 not apply to the operation of covered farm vehicles:

- 28 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
- 29 (b) Part 391, subpart E - Physical Qualifications and Examinations;
- 30 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and
- 31 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

1 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
2 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to
3 fertilizer and agricultural chemical application and distribution
4 equipment transported in units with a capacity of three thousand five
5 hundred gallons or less.

6 (8) For purposes of this section, intrastate motor carriers shall
7 not include any motor carrier or driver excepted from 49 C.F.R. chapter
8 III by section 390.3(f) of part 390.

9 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor
10 carriers and drivers who engage in intrastate commerce as defined in
11 section 75-362, except that no motor carrier who engages in intrastate
12 commerce shall permit or require any driver used by it to drive nor shall
13 any driver drive:

14 (i) More than twelve hours following ten consecutive hours off duty;
15 or

16 (ii) For any period after having been on duty sixteen hours
17 following ten consecutive hours off duty.

18 (b) No motor carrier who engages in intrastate commerce shall permit
19 or require a driver of a commercial motor vehicle, regardless of the
20 number of motor carriers using the driver's services, to drive, nor shall
21 any driver of a commercial motor vehicle drive, for any period after:

22 (i) Having been on duty seventy hours in any seven consecutive days
23 if the employing motor carrier does not operate every day of the week; or

24 (ii) Having been on duty eighty hours in any period of eight
25 consecutive days if the employing motor carrier operates motor vehicles
26 every day of the week.

27 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in
28 subsections (3) and (9) of this section, shall not apply to drivers
29 transporting agricultural commodities or farm supplies for agricultural
30 purposes during planting and harvesting season when:

31 (a) The transportation of such agricultural commodities is from the

1 source of the commodities to a location within a one-hundred-fifty-air-
2 mile radius of the source of the commodities;

3 (b) The transportation of such farm supplies is from a wholesale or
4 retail distribution point of the farm supplies to a farm or other
5 location where the farm supplies are intended to be used which is within
6 a one-hundred-fifty-air-mile radius of the wholesale or retail
7 distribution point; or

8 (c) The transportation of such farm supplies is from a wholesale
9 distribution point of the farm supplies to a retail distribution point of
10 the farm supplies which is within a one-hundred-fifty-air-mile radius of
11 the wholesale distribution point.

12 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
13 intermodal equipment shall not apply to farm trucks and farm truck-
14 tractors registered pursuant to section 60-3,146 and operated solely in
15 intrastate commerce.

16 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
17 Nebraska motor carriers operating commercial motor vehicles solely in
18 intrastate commerce.

19 (13) No motor carrier shall permit or require a driver of a
20 commercial motor vehicle to violate, and no driver of a commercial motor
21 vehicle shall violate, any out-of-service order.

22 Sec. 29. Section 75-364, Revised Statutes Supplement, 2019, is
23 amended to read:

24 75-364 The parts, subparts, and sections of Title 49 of the Code of
25 Federal Regulations listed below, or any other parts, subparts, and
26 sections referred to by such parts, subparts, and sections, in existence
27 and effective as of January 1, 2020 ~~2019~~, are adopted as part of Nebraska
28 law and shall be applicable to all motor carriers whether engaged in
29 interstate or intrastate commerce, drivers of such motor carriers, and
30 vehicles of such motor carriers:

31 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -

1 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
2 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
3 Engineers;

4 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -
5 Registration of Persons Who Offer or Transport Hazardous Materials;

6 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

7 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
8 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
9 TRAINING REQUIREMENTS, AND SECURITY PLANS;

10 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
11 PACKAGINGS;

12 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

13 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

14 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
15 PACKAGINGS.

16 Sec. 30. Section 75-366, Revised Statutes Supplement, 2019, is
17 amended to read:

18 75-366 For the purpose of enforcing Chapter 75, article 3, any
19 officer of the Nebraska State Patrol may, upon demand, inspect the
20 accounts, records, and equipment of any motor carrier or shipper. Any
21 officer of the Nebraska State Patrol shall have the authority to enforce
22 the federal motor carrier safety regulations, as such regulations existed
23 on January 1, 2020 ~~2019~~, and federal hazardous materials regulations, as
24 such regulations existed on January 1, 2020 ~~2019~~, and is authorized to
25 enter upon, inspect, and examine any and all lands, buildings, and
26 equipment of any motor carrier, any shipper, and any other person subject
27 to the federal Interstate Commerce Act, the federal Department of
28 Transportation Act, and other related federal laws and to inspect and
29 copy any and all accounts, books, records, memoranda, correspondence, and
30 other documents of a motor carrier, a shipper, and any other person
31 subject to Chapter 75, article 3, for the purposes of enforcing Chapter

1 75, article 3. To promote uniformity of enforcement, the carrier
2 enforcement division of the Nebraska State Patrol shall cooperate and
3 consult with the Public Service Commission and the Division of Motor
4 Carrier Services.

5 Sec. 31. Section 75-392, Revised Statutes Supplement, 2019, is
6 amended to read:

7 75-392 For purposes of sections 75-392 to 75-399:

8 (1) Director means the Director of Motor Vehicles;

9 (2) Division means the Division of Motor Carrier Services of the
10 Department of Motor Vehicles; and

11 (3) Unified carrier registration plan and agreement means the plan
12 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
13 such section existed on January 1, 2020 ~~2019~~.

14 Sec. 32. Section 75-393, Revised Statutes Supplement, 2019, is
15 amended to read:

16 75-393 The director may participate in the unified carrier
17 registration plan and agreement pursuant to the Unified Carrier
18 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
19 1, 2020 ~~2019~~, and may file on behalf of this state the plan required by
20 such plan and agreement for enforcement of the act in this state.

21 Sec. 33. Original sections 38-129 and 75-362, Reissue Revised
22 Statutes of Nebraska, sections 4-111, 60-192, 60-484.04, 60-484.05,
23 60-4,138, 60-4,141, and 60-4,168, Revised Statutes Cumulative Supplement,
24 2018, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386,
25 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132,
26 60-4,134, 60-4,147.02, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01,
27 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes Supplement,
28 2019, are repealed.