

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 843

Introduced by Cavanaugh, 6; Hansen, M., 26; Howard, 9.

Read first time January 08, 2020

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301,
- 2 60-393, 60-395, 60-396, 60-3,104, 60-3,130.04, and 60-495, Revised
- 3 Statutes Supplement, 2019; to provide for Donate Life Plates; to
- 4 harmonize provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Supplement, 2019, is
2 amended to read:

3 60-301 Sections 60-301 to 60-3,244 and sections 7 and 8 of this act
4 shall be known and may be cited as the Motor Vehicle Registration Act.

5 Sec. 2. Section 60-393, Revised Statutes Supplement, 2019, is
6 amended to read:

7 60-393 Any owner who has two or more motor vehicles or trailers
8 required to be registered under the Motor Vehicle Registration Act may
9 register all such motor vehicles or trailers on a calendar-year basis or
10 on an annual basis for the same registration period beginning in a month
11 chosen by the owner. When electing to establish the same registration
12 period for all such motor vehicles or trailers, the owner shall pay the
13 registration fee, the motor vehicle tax imposed in section 60-3,185, the
14 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
15 fee imposed in section 60-3,191 on each motor vehicle for the number of
16 months necessary to extend its current registration period to the
17 registration period under which all such motor vehicles or trailers will
18 be registered. Credit shall be given for registration paid on each motor
19 vehicle or trailer when the motor vehicle or trailer has a later
20 expiration date than that chosen by the owner except as otherwise
21 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
22 60-3,224, 60-3,227, 60-3,233, 60-3,235, 60-3,238, 60-3,240, 60-3,242, and
23 60-3,244 and section 8 of this act. Thereafter all such motor vehicles or
24 trailers shall be registered on an annual basis starting in the month
25 chosen by the owner.

26 Sec. 3. Section 60-395, Revised Statutes Supplement, 2019, is
27 amended to read:

28 60-395 (1) Except as otherwise provided in subsection (2) of this
29 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
30 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-3,238, 60-3,240,
31 60-3,242, and 60-3,244 and section 8 of this act, the registration shall

1 expire and the registered owner or lessee may, by returning the
2 registration certificate, the license plates, and, when appropriate, the
3 validation decals and by either making application on a form prescribed
4 by the department to the county treasurer of the occurrence of an event
5 described in subdivisions (a) through (e) of this subsection or, in the
6 case of a change in situs, displaying to the county treasurer the
7 registration certificate of such other state as evidence of a change in
8 situs, receive a refund of that part of the unused fees and taxes on
9 motor vehicles or trailers based on the number of unexpired months
10 remaining in the registration period from the date of any of the
11 following events:

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

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

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

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

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

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

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

29 (3) If the transferor or lessee acquires another motor vehicle at
30 the time of the transfer, trade-in, or surrender, the transferor or
31 lessee shall have the credit provided for in this section applied toward

1 payment of the motor vehicle fees and taxes then owing. Otherwise, the
2 transferor or lessee shall file a claim for refund with the county
3 treasurer upon an application form prescribed by the department.

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

8 (5) For purposes of this section, the date of the event shall be:
9 (a) In the case of a transfer or loss, the date of the transfer or loss;
10 (b) in the case of a change in the situs, the date of registration in
11 another state; (c) in the case of a trade-in or surrender under a lease,
12 the date of trade-in or surrender; (d) in the case of a legislative act,
13 the effective date of the act; and (e) in the case of a court decision,
14 the date the decision is rendered.

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

18 (7) If a motor vehicle or trailer was reported stolen under section
19 60-178, a refund under this section shall not be reduced for a lost plate
20 charge and a credit under this section may be reduced for a lost plate
21 charge but the applicant shall not be required to pay the plate fee for
22 new plates.

23 (8) The county treasurer shall refund the motor vehicle fee and
24 registration fee from the fees which have not been transferred to the
25 State Treasurer. The county treasurer shall make payment to the claimant
26 from the undistributed motor vehicle taxes of the taxing unit where the
27 tax money was originally distributed. No refund of less than two dollars
28 shall be paid.

29 Sec. 4. Section 60-396, Revised Statutes Supplement, 2019, is
30 amended to read:

31 60-396 Whenever the registered owner files an application with the

1 county treasurer showing that a motor vehicle, trailer, or semitrailer is
2 disabled and has been removed from service, the registered owner may, by
3 returning the registration certificate, the license plates, and, when
4 appropriate, the validation decals or, in the case of the unavailability
5 of such registration certificate or certificates, license plates, or
6 validation decals, then by making an affidavit to the county treasurer of
7 such disablement and removal from service, receive a credit for a portion
8 of the registration fee from the fee deposited with the State Treasurer
9 at the time of registration based upon the number of unexpired months
10 remaining in the registration year except as otherwise provided in
11 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224,
12 60-3,227, 60-3,233, 60-3,235, 60-3,238, 60-3,240, 60-3,242, and 60-3,244
13 and section 8 of this act. The owner shall also receive a credit for the
14 unused portion of the motor vehicle tax and fee based upon the number of
15 unexpired months remaining in the registration year. When the owner
16 registers a replacement motor vehicle, trailer, or semitrailer at the
17 time of filing such affidavit, the credit may be immediately applied
18 against the registration fee and the motor vehicle tax and fee for the
19 replacement motor vehicle, trailer, or semitrailer. When no such
20 replacement motor vehicle, trailer, or semitrailer is so registered, the
21 county treasurer shall forward the application and affidavit, if any, to
22 the State Treasurer who shall determine the amount, if any, of the
23 allowable credit for the registration fee and issue a credit certificate
24 to the owner. For the motor vehicle tax and fee, the county treasurer
25 shall determine the amount, if any, of the allowable credit and issue a
26 credit certificate to the owner. When such motor vehicle, trailer, or
27 semitrailer is removed from service within the same month in which it was
28 registered, no credits shall be allowed for such month. The credits may
29 be applied against taxes and fees for new or replacement motor vehicles,
30 trailers, or semitrailers incurred within one year after cancellation of
31 registration of the motor vehicle, trailer, or semitrailer for which the

1 credits were allowed. When any such motor vehicle, trailer, or
2 semitrailer is reregistered within the same registration year in which
3 its registration has been canceled, the taxes and fees shall be that
4 portion of the registration fee and the motor vehicle tax and fee for the
5 remainder of the registration year.

6 Sec. 5. Section 60-3,104, Revised Statutes Supplement, 2019, is
7 amended to read:

8 60-3,104 The department shall issue the following types of license
9 plates:

10 (1) Amateur radio station license plates issued pursuant to section
11 60-3,126;

12 (2) Apportionable vehicle license plates issued pursuant to section
13 60-3,203;

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

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

16 (5) Breast Cancer Awareness Plates issued pursuant to sections
17 60-3,230 and 60-3,231;

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

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

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

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

25 (10) Disabled veteran license plates issued pursuant to section
26 60-3,124;

27 (11) Donate Life Plates issued pursuant to section 8 of this act;

28 (12) ~~(11)~~ Farm trailer license plates issued pursuant to section
29 60-3,151;

30 (13) ~~(12)~~ Farm truck license plates issued pursuant to section
31 60-3,146;

1 (14) ~~(13)~~ Farm trucks with a gross weight of over sixteen tons
2 license plates issued pursuant to section 60-3,146;

3 (15) ~~(14)~~ Fertilizer trailer license plates issued pursuant to
4 section 60-3,151;

5 (16) ~~(15)~~ Former military vehicle license plates issued pursuant to
6 section 60-3,236;

7 (17) ~~(16)~~ Gold Star Family license plates issued pursuant to
8 sections 60-3,122.01 and 60-3,122.02;

9 (18) ~~(17)~~ Handicapped or disabled person license plates issued
10 pursuant to section 60-3,113;

11 (19) ~~(18)~~ Historical vehicle license plates issued pursuant to
12 sections 60-3,130 to 60-3,134;

13 (20) ~~(19)~~ Local truck license plates issued pursuant to section
14 60-3,145;

15 (21) ~~(20)~~ Metropolitan utilities district license plates issued
16 pursuant to section 60-3,228;

17 (22) ~~(21)~~ Military Honor Plates issued pursuant to sections
18 60-3,122.03 and 60-3,122.04;

19 (23) ~~(22)~~ Minitruck license plates issued pursuant to section
20 60-3,100;

21 (24) ~~(23)~~ Motor vehicle license plates for motor vehicles owned or
22 operated by the state, counties, municipalities, or school districts
23 issued pursuant to section 60-3,105;

24 (25) ~~(24)~~ Motor vehicles exempt pursuant to section 60-3,107;

25 (26) ~~(25)~~ Motorcycle license plates issued pursuant to section
26 60-3,100;

27 (27) ~~(26)~~ Mountain Lion Conservation Plates issued pursuant to
28 sections 60-3,226 and 60-3,227;

29 (28) ~~(27)~~ Native American Cultural Awareness and History Plates
30 issued pursuant to sections 60-3,234 and 60-3,235;

31 (29) ~~(28)~~ Nebraska Cornhusker Spirit Plates issued pursuant to

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

2 (30) ~~(29)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to
3 sections 60-3,223 to 60-3,225;

4 (31) ~~(30)~~ Nonresident owner thirty-day license plates issued
5 pursuant to section 60-382;

6 (32) ~~(31)~~ Passenger car having a seating capacity of ten persons or
7 less and not used for hire issued pursuant to section 60-3,143 other than
8 autocycles;

9 (33) ~~(32)~~ Passenger car having a seating capacity of ten persons or
10 less and used for hire issued pursuant to section 60-3,143 other than
11 autocycles;

12 (34) ~~(33)~~ Pearl Harbor license plates issued pursuant to section
13 60-3,122;

14 (35) ~~(34)~~ Personal-use dealer license plates issued pursuant to
15 section 60-3,116;

16 (36) ~~(35)~~ Personalized message license plates for motor vehicles,
17 trailers, and semitrailers, except motor vehicles, trailers, and
18 semitrailers registered under section 60-3,198, issued pursuant to
19 sections 60-3,118 to 60-3,121;

20 (37) ~~(36)~~ Prisoner-of-war license plates issued pursuant to section
21 60-3,123;

22 (38) ~~(37)~~ Prostate Cancer Awareness Plates issued pursuant to
23 section 60-3,240;

24 (39) ~~(38)~~ Public power district license plates issued pursuant to
25 section 60-3,228;

26 (40) ~~(39)~~ Purple Heart license plates issued pursuant to section
27 60-3,125;

28 (41) ~~(40)~~ Recreational vehicle license plates issued pursuant to
29 section 60-3,151;

30 (42) ~~(41)~~ Repossession license plates issued pursuant to section
31 60-375;

1 ~~(43)~~ ~~(42)~~ Sammy's Superheroes license plates for childhood cancer
2 awareness issued pursuant to section 60-3,242;

3 ~~(44)~~ ~~(43)~~ Special interest motor vehicle license plates issued
4 pursuant to section 60-3,135.01;

5 ~~(45)~~ ~~(44)~~ Specialty license plates issued pursuant to sections
6 60-3,104.01 and 60-3,104.02;

7 ~~(46)~~ ~~(45)~~ Trailer license plates issued for trailers owned or
8 operated by the state, counties, municipalities, or school districts
9 issued pursuant to section 60-3,106;

10 ~~(47)~~ ~~(46)~~ Support Our Troops Plates issued pursuant to sections
11 60-3,243 and 60-3,244;

12 ~~(48)~~ ~~(47)~~ Trailer license plates issued pursuant to section
13 60-3,100;

14 ~~(49)~~ ~~(48)~~ Trailer license plates issued for trailers owned or
15 operated by a metropolitan utilities district or public power district
16 pursuant to section 60-3,228;

17 ~~(50)~~ ~~(49)~~ Trailers exempt pursuant to section 60-3,108;

18 ~~(51)~~ ~~(50)~~ Transporter license plates issued pursuant to section
19 60-378;

20 ~~(52)~~ ~~(51)~~ Trucks or combinations of trucks, truck-tractors, or
21 trailers which are not for hire and engaged in soil and water
22 conservation work and used for the purpose of transporting pipe and
23 equipment exclusively used by such contractors for soil and water
24 conservation construction license plates issued pursuant to section
25 60-3,149;

26 ~~(53)~~ ~~(52)~~ Utility trailer license plates issued pursuant to section
27 60-3,151;

28 ~~(54)~~ ~~(53)~~ Well-boring apparatus and well-servicing equipment license
29 plates issued pursuant to section 60-3,109; and

30 ~~(55)~~ ~~(54)~~ Wildlife Conservation Plates issued pursuant to section
31 60-3,238.

1 Sec. 6. Section 60-3,130.04, Revised Statutes Supplement, 2019, is
2 amended to read:

3 60-3,130.04 (1) An owner of a historical vehicle eligible for
4 registration under section 60-3,130 may use a license plate or plates
5 designed by this state in the year corresponding to the model year when
6 the vehicle was manufactured in lieu of the plates designed pursuant to
7 section 60-3,130.03 subject to the approval of the department. The
8 department shall inspect the plate or plates and may approve the plate or
9 plates if it is determined that the model-year license plate or plates
10 are legible and serviceable and that the license plate numbers do not
11 conflict with or duplicate other numbers assigned and in use. An
12 original-issued license plate or plates that have been restored to
13 original condition may be used when approved by the department.

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

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

21 (4) License plates used pursuant to this section corresponding to
22 the year of manufacture of the vehicle shall not be personalized message
23 license plates, Pearl Harbor license plates, prisoner-of-war license
24 plates, disabled veteran license plates, Purple Heart license plates,
25 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
26 handicapped or disabled person license plates, specialty license plates,
27 special interest motor vehicle license plates, Military Honor Plates,
28 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates,
29 Prostate Cancer Awareness Plates, Mountain Lion Conservation Plates,
30 Choose Life License Plates, Donate Life Plates, Native American Cultural
31 Awareness and History Plates, Sammy's Superheroes license plates for

1 childhood cancer awareness, Wildlife Conservation Plates, or Support Our
2 Troops Plates.

3 Sec. 7. (1) The department shall design license plates to be known
4 as Donate Life Plates. The design shall support organ and tissue
5 donation, registration as a donor on the Donor Registry of Nebraska, and
6 the federally designated organ procurement organization for Nebraska. The
7 design shall be selected on the basis of limiting the manufacturing cost
8 of each plate to an amount less than or equal to the amount charged for
9 license plates pursuant to section 60-3,102. The department shall make
10 applications available for this type of plate beginning January 1, 2021.
11 The department may adopt and promulgate rules and regulations to carry
12 out this section and section 8 of this act.

13 (2) One type of Donate Life Plates shall be alphanumeric plates. The
14 department shall:

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

16 (b) Not use a county designation.

17 (3) One type of Donate Life Plates shall be personalized message
18 plates. Such plates shall be issued subject to the same conditions
19 specified for personalized message license plates in section 60-3,118,
20 except that a maximum of five characters may be used.

21 Sec. 8. (1) Beginning January 1, 2021, a person may apply to the
22 department for Donate Life Plates in lieu of regular license plates on an
23 application prescribed and provided by the department for any motor
24 vehicle, trailer, or semitrailer, except for a motor vehicle or trailer
25 registered under section 60-3,198. An applicant receiving a Donate Life
26 Plate for a farm truck with a gross weight of over sixteen tons or for a
27 commercial motor vehicle registered for a gross weight of five tons or
28 over shall affix the appropriate tonnage decal to the plate. The
29 department shall make forms available for such applications through the
30 county treasurers. The license plates shall be issued upon payment of the
31 license fee described in subsection (2) of this section.

1 (2)(a) In addition to all other fees required for registration under
2 the Motor Vehicle Registration Act, each application for initial issuance
3 or renewal of alphanumeric Donate Life Plates shall be accompanied by a
4 fee of five dollars. County treasurers collecting fees pursuant to this
5 subdivision shall remit such fees to the State Treasurer. The State
6 Treasurer shall credit five dollars of the fee to the Organ and Tissue
7 Donor Awareness and Education Fund.

8 (b) In addition to all other fees required for registration under
9 the Motor Vehicle Registration Act, each application for initial issuance
10 or renewal of personalized message Donate Life Plates shall be
11 accompanied by a fee of forty dollars. County treasurers collecting fees
12 pursuant to this subdivision shall remit such fees to the State
13 Treasurer. The State Treasurer shall credit twenty-five percent of the
14 fee for initial issuance and renewal of such plates to the Department of
15 Motor Vehicles Cash Fund and seventy-five percent of the fee to the Organ
16 and Tissue Donor Awareness and Education Fund.

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

29 (4) The county treasurer or the department may issue temporary
30 license stickers to the applicant under this section for the applicant to
31 lawfully operate the vehicle pending receipt of the license plates. No

1 charge in addition to the registration fee shall be made for the issuance
2 of a temporary license sticker under this subsection. The department
3 shall furnish temporary license stickers for issuance by the county
4 treasurer at no cost to the counties. The department may adopt and
5 promulgate rules and regulations regarding the design and issuance of
6 temporary license stickers.

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

19 (6) If the cost of manufacturing Donate Life Plates at any time
20 exceeds the amount charged for license plates pursuant to section
21 60-3,102, any money to be credited to the Organ and Tissue Donor
22 Awareness and Education Fund shall instead be credited first to the
23 Highway Trust Fund in an amount equal to the difference between the
24 manufacturing costs of Donate Life Plates and the amount charged pursuant
25 to section 60-3,102 with respect to such plates and the remainder shall
26 be credited to the Organ and Tissue Donor Awareness and Education Fund.

27 Sec. 9. Section 60-495, Revised Statutes Supplement, 2019, is
28 amended to read:

29 60-495 (1) The director may adopt and promulgate such rules and
30 regulations necessary to carry out sections 60-493 to 60-495 and the
31 duties of the department under the Revised Uniform Anatomical Gift Act.

1 The director shall prepare and furnish all forms and information
2 necessary under the act.

3 (2) The Organ and Tissue Donor Awareness and Education Fund is
4 created. Department personnel and the county treasurer shall remit all
5 funds contributed under sections 60-484, 60-4,144, and 60-4,181 to the
6 State Treasurer for credit to the fund. The fund shall also include any
7 money credited to the fund pursuant to section 8 of this act. The
8 Department of Health and Human Services shall administer the Organ and
9 Tissue Donor Awareness and Education Fund for the promotion of organ and
10 tissue donation. The department shall use the fund to assist
11 organizations such as the federally designated organ procurement
12 organization for Nebraska and the State Anatomical Board in carrying out
13 activities which promote organ and tissue donation through the creation
14 and dissemination of educational information. Any money in the fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

18 Sec. 10. Original sections 60-301, 60-393, 60-395, 60-396,
19 60-3,104, 60-3,130.04, and 60-495, Revised Statutes Supplement, 2019, are
20 repealed.