

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB113

Hearing Date: Monday January 25, 2021
Committee On: Transportation and Telecommunications
Introducer: Albrecht
One Liner: Change provisions relating to motor vehicle titling, licensing, registration, and fees and operators' licenses and permits and authorize a new motor carrier services system

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Joni Albrecht
Rhonda Lahm
Kent Grisham

Representing:

Introducer
Director, DMV
NE Trucking Assoc

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 113 updates, modernizes, and harmonizes a variety of Department of Motor Vehicles (DMV) statutes. It would allow the DMV to replace its motor carrier service (MCS) system for handling the issuance of motor carrier registrations and the assessment of motor carrier fuel tax. It would provide legislative intent, authorization, and a funding mechanism for DMV to undertake the project to build a new MCS modernization system.

The proposed bill will change the eight-hour driver's education and training course to four hours. Current law requires a motorist that has a license revoked due to the accumulation of 12 or more points over a two year period to attend and successfully complete an eight-hour driver's education and training course. The DMV has found that four hours of instruction can accomplish the intent of the statute.

The bill would allow changing a beneficiary designation with an electronic Transfer on Death title record.

The bill would allow the Director of the DMV to approve driver safety instructors to administer Class O drive tests. This would allow the DMV more ability to authorize and ensure drive tests are available and for the ease and convenience to

consumers.

The bill would also allow the DMV to revalidate annually those Restricted Commercial Driver License (RCDL) holders that wish to have the same seasonal permit period over the five-year term of the RCDL without the need to do an in-person revalidation.

The bill would remove a fee that requires a \$100 fee to reinstate a Unified Carrier Registration Plan applicant after suspension or revocation that was allowed under LB944 (2020). The fee was an oversight and is not consistent with other provisions of statute.

The bill would allow the DMV to charge the cost of postage and handling to mail specialty license plates to an applicant who has applied for these types of plates.

The bill would remove the temporary farm permit and allow only the issuance of a farm permit that is valid until the individual's 16th birthday. Business practices indicate that individuals have only needed a farm permit for the longer, extended period and the temporary permit is obsolete. The bill would also allow third party skills test examiners who also administered the Commercial Drivers License (CDL) skills instruction to administer the skills test. This aligns with recent federal law that allows the ability to expand the administration of CDL skills tests.

Section 1 amends section 37-1285.01 (4)

Adds the ability to add, change, or remove a beneficiary designation with regard to an electronic Transfer on Death motorboat title record. (Page 2, lines 15-17).

Section 2 amends section 60-164.01 (4)

Adds the ability to add, change, or remove a beneficiary designation with regard to an electronic Transfer on Death motor vehicle title record. (Page 2, lines 20-31, and page 3 lines 1-2).

Section 3 amends section 60-301

Adds reference to new section 12. (Page 3, line 5).

Section 4 amends section 60-3,104.01

Subsection (1) Removes outdated language. (Page 3, lines 20-24).

Subsection (2)(a) Allows the DMV to charge the cost of postage and handling to mail specialty license plates to an applicant who has applied for these types of plates. (Page 4, lines 2-7).

Subsection (2)(b)- Removes outdated language. (Page 4, lines 14-16).

Section 5 amends 60-3,120

Removes outdated language. (Page 5, lines 13-17).

Allows the DMV to charge the cost of postage and handling to mail personalized message license plates to an applicant who has applied for these types of plates. (Page 5, lines 23-28).

Section 6 amends section 60-3,122.02

Subsection (1) Removes outdated language. (Page 6, lines 19-26).

Subsection (2)(a) Removes outdated language. (Page 6, line 27).

Subsection (2)(b)(ii) Removes outdated language. (Page 7, lines 11-12 and line 15).

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Gold Star Family license plates to an applicant who has applied for these types of plates. (Page 7, lines 24-29).

Subsection (3)(b)- Removes outdated language. (Page 8, lines 5-7).

Subsection (4)- Harmonizes and removes outdated language. (Page 8, line 19 and lines 24-28).

Section 7 amends section 60-3,122.04

Subsection (3)(a) Allows the DMV to charge the cost of postage and handling to mail Military Honor Plates to an applicant who has applied for these types of plates. (Page 11, lines 3-8).

Subsection (3)(b) - Removes outdated language. (Page 11, lines 15-17).

Section 8 amends section 60-3,128

Subsection (1) Removes outdated language. (Page 13, lines 4-9).

Subsection (2)(a) - Allows the DMV to charge the cost of postage and handling to mail Nebraska Cornhusker Spirit Plates to an applicant who has applied for these types of plates. (Page 13, lines 18-23).

Subsection (2)(b) Removes outdated language. (Page 13, lines 29-31).

Section 9 amends section 60-3,135.01

Subsection (7) Removes outdated language. (Page 16, lines 2-6). Allows the DMV to charge the cost of postage and handling to mail special interest license plate to an applicant who has applied for these types of plates. (Page 16, lines 12-17).

Section 10 amends section 60-3,198

Subsection (1)(a) and (b)(i) Date reference changes. (Page 17, lines 19 and 31).

Subsection (1)(b)(ii) Beginning July 1, 2021 until July 1, 2025, amends the base registration fee of thirty-two dollars to thirty-five dollars per ton based upon the gross vehicle weight of the empty weights of any truck or truck-tractor and any trailer or combination. (Page 18, lines 13-25).

Subsection (1)(b)(iii) Beginning July 1, 2025, after the funds are reallocated to pay for the modernization, changes the fee back from thirty-five dollars to thirty-three dollars and fifty cents. (Page 18, lines 26-31, and page 19, lines 1-7).

Subsections (1)(c)(d)(e)(f)(g)-Harmonized sections. (Page 19, lines 8, 12, and 25, and page 20, lines 2 and 5).

Section 11 amends section 60-3,202

Subsection (1)(a) Date reference change. (Page 24, line 23).

Subsection (1)(b)- Beginning July 1, 2021 until July 1, 2025, amendment to reallocate the distribution of fees to allow for the increased fee of three dollars by percentage to go directly to the new MCS Modernization Fund and eliminates the allocation to the Department of Revenue Property Assessment Division Cash Fund. (Page 25, lines 1-9).

Subsection (1)(c) Beginning July 1, 2025, amendment to the distribution of fees to allow for the remaining increased fee of one dollar and fifty cents by percentage to go directly to the MCS Modernization Fund for maintenance on the system. (Page 25, lines 10-17).

Section 12 new language

Creates the Motor Carrier Services System Replacement and Maintenance Fund with an implementation date before July 1, 2025. (Page 26, lines 13-29).

Section 13 amends section 60-3,224

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Nebraska 150 Sesquicentennial Plates to an applicant who has applied for these types of plates. (Page 27, lines 28-31, and page 28, lines 1-2).

Subsection (3)(b) - Removes outdated language. (Page 28, lines 9-11).

Section 14 amends section 60-3,227

Subsection (3)(a) Allows the DMV to charge the cost of postage and handling to mail Mountain Lion Conservation Plates to an applicant who has applied for these types of plates. (Page 30, lines 7-10).

Subsection (3)(b)- Removes outdated language. (Page 30, lines 20-23).

Section 15 amends section 60-3,231

Subsection (2)(a) Removes outdated language. (Page 31, line 31).

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Breast Cancer Awareness Plates to an applicant who has applied for these types of plates. (Page 32, lines 23-28).

Subsection (3)(b) Removes outdated language. (Page 33, lines 4-6).

Section 16 amends section 60-3,235

Subsection (3)(a) Allows the DMV to charge the cost of postage and handling to mail Native American Cultural Awareness Plates to an applicant who has applied for these types of plates. (Page 35, lines 1-6).

Subsection (3)(b) Removes outdated language. (Page 35, lines 14-16).

Section 17 amends section 60-3,238

Subsection (1)(a) Removes outdated language. (Page 36, line 18).

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Wildlife Conservation Plates to an applicant who has applied for these types of plates. (Page 37, lines 21-26).

Subsection (3)(b) Removes outdated language. (Page 38, lines 3-5).

Section 18 amends section 60-3,240

Subsection (1)(a) Removes outdated language. (Page 39, line 6).

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Prostrate Cancer Awareness Plates to an applicant who has applied for these types of plates. (Page 40, lines 10-15).

Subsection (3)(b) Removes outdated language. (Page 40, lines 23-25).

Section 19 amends section 60-3,242

Subsection (1)(a) Removes outdated language. (Page 41, line 28).

Subsection (3)(a) - Allows the DMV to charge the cost of postage and handling to mail Sammy's Superheroes Plates to an applicant who has applied for these types of plates. (Page 43, lines 4-9).

Subsection (3)(b) Removes outdated language. (Page 43, lines 17-19).

Section 20 amends section 60-3,244

Subsection (1)(a) Removes outdated language. (Page 44, line 22).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail Support Our Troops Plates to an applicant who has applied for these types of plates. (Page 45, lines 23-26).

Section 21 amends section 60-3,246

Subsection (1)(a) Removes outdated language. (Page 46, line 26).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail Donate Life Plates to an applicant who has applied for these types of plates. (Page 47, lines 27-31 and page 48, line 1).

Section 22 amends 60-3,248

Subsection (1)(a) Removes outdated language. (Page 49, line 9).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail Down Syndrome Awareness Plates to an applicant who has applied for these types of plates. (Page 50, lines 11-16).

Section 23 amends section 60-3,250

Subsection (1)(a) Removes outdated language. (Page 51, line 26).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail Pets for Vets Plates to an applicant who has applied for these types of plates. (Page 52, lines 27-31 and page 53, line 1).

Section 24 amends section 60-3,252

Subsection (1)(a) Removes outdated language. (Page 54, line 9).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail Support the Arts Plates to an applicant who has applied for these types of plates. (Page 55, lines 11-16).

Section 25 amends section 60-3,254

Subsection (1)(a) Removes outdated language. (Page 56, line 25).

Subsection (3) - Allows the DMV to charge the cost of postage and handling to mail The Goodlife is Outside Plates to an applicant who has applied for these types of plates. (Page 57, lines 29-31 and page 58, lines 1-3).

Section 26 amends section 60-4,114

Subsection (2) - Allows the Director of the DMV to approve driver safety instructors to administer Class O drive tests. (Page 59, lines 20-29). Section 27 amends section 60-4,115

Subsection (2) Removes the fee for the Temporary Farm Permit. (Page 63, line 18).

Section 28 amends section 60-4,126

Subsection (1) Removes the Temporary Farm Permit. (Page 66, lines 5-13).

Section 29 amends section 60-4,146.01

Subsection (3)(a) Adds the end date of January 1, 2022 for the current section of Restricted Commercial Driver's License. (Page 68, line 1).

Subsection (3)(b) Adds effective January 1, 2022, for the DMV to revalidate annually those Restricted Commercial Driver License holders that wish to have the same seasonal permit period over the five year term of the RCDL without the need to do an in-person revalidation. (Page 68, lines 16-31 and page 69, lines 1-7).

Section 30 amends section 60-4,157

Subsection (3)(b) Removes prohibition that does not allow third party skills test examiners who also administered the CDL skills instruction, from administering the skills test. (Page 70, lines 13-16).

Section 31 amends section 60-4,183

Changes the eight hour driver education and training course to four hours. (Page 70, line 25).

Section 32 amends section 60-4,188

Harmonizes and changes the eight hour driver education and training course to four hours. (Page 71, lines 13, 19, 22-23, 31, and page 72, lines 1 and 3).

Section 33 amends section 75-3,100

Subsection (6) - Remove the fee that requires a \$100 to reinstate a Unified Carrier Registration Plan applicant after suspension or revocation. (Page 73, lines 14-19).

Section 34

Sections that become effective three months after adjournment. (Page 73, lines 20-24).

Section 35

Section to repeal the listed statutes. (Page 73, lines 25-31).

Section 36

Section to repeal the listed statutes. (Page 74, lines 1-2).

Section 37

Section to allow for an emergency and sections 3, 10, 11, 12 become effective when passed and approved. (Page 74, lines 3-4).

Curt Friesen, Chairperson