LEGISLATURE OF NEBRASKA

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 149

FINAL READING

Introduced by Albrecht, 17.

Read first time January 08, 2021

Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,183, 1 2 Reissue Revised Statutes of Nebraska, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 3 4 60-462.01, 60-479.01, 60-4,111.01, 60-4,132, 60-4,134, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 5 75-364, 75-366, 75-392, and 75-393, Revised Statutes Cumulative 6 Supplement, 2020; to redefine terms; to adopt updates to federal law 7 8 and update certain federal references; change to certain 9 disciplinary or registration actions under the International 10 Registration Plan Act; to eliminate obsolete provisions; and to repeal the original sections. 11

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

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Section 1. Section 60-107, Revised Statutes Cumulative Supplement,
 2020, is amended to read:

3 60-107 Cabin trailer means a trailer or a semitrailer, which is 4 designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or 5 temporarily for the advertising, sale, display, 6 or promotion of 7 merchandise or services or for any other commercial purpose except transportation of property for hire or transportation of property for 8 9 distribution by a private carrier. Cabin trailer does not mean a trailer or semitrailer which is permanently attached to real estate. There are 10 four classes of cabin trailers: 11

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

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

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

(4) Manufactured home means a structure, transportable in one or 21 more sections, which in the traveling mode is eight body feet or more in 22 width or forty body feet or more in length or when erected on site is 23 24 three hundred twenty or more square feet and which is built on a 25 permanent frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and 26 includes the plumbing, heating, air conditioning, and electrical systems 27 28 contained in the structure, except that manufactured home includes any structure that meets all of the requirements of this subdivision other 29 than the size requirements and with respect to which the manufacturer 30 31 voluntarily files a certification required by the United States Secretary

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of Housing and Urban Development and complies with the standards
 established under the National Manufactured Housing Construction and
 Safety Standards Act of 1974, as such act existed on January 1, <u>2021</u>
 2020, 42 U.S.C. 5401 et seq.

5 Sec. 2. Section 60-119.01, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour 8 9 and not more than twenty-five miles per hour on a paved, level surface, 10 (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on 11 12 January 1, 2021 2020, or (2) three-wheeled motor vehicle (a) whose 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 15 three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a 16 low-speed vehicle. 17

Sec. 3. Section 60-302.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-302.01 Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal regulations adopted in response to the act, as the act and the regulations existed on January 1, <u>2021</u> 2020.

Sec. 4. Section 60-336.01, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on

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January 1, <u>2021</u> 2020, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 5. Section 60-386, Revised Statutes Cumulative Supplement,
2020, is amended to read:

9 60-386 (1) Each new application shall contain, in addition to other 10 information as may be required by the department, the name and residential and mailing address of the applicant and a description of the 11 motor vehicle or trailer, including the color, the manufacturer, the 12 13 identification number, the United States Department of Transportation 14 number if required by 49 C.F.R. 390.5 through to 390.21, as such regulations existed on January 1, 2021 2020, and the weight of the motor 15 16 vehicle or trailer required by the Motor Vehicle Registration Act. For 17 Beginning on the implementation date designated by the director pursuant to subsection (4) of section 60-1508, for trailers which are not required 18 19 to have a certificate of title under section 60-137 and which have no identification number, the assignment of an identification number shall 20 be required and the identification number shall be issued by the county 21 treasurer or department. With the application the applicant shall pay the 22 23 proper registration fee and shall state whether the motor vehicle is 24 propelled by alternative fuel and, if alternative fuel, the type of fuel. 25 The application shall also contain a notification that bulk fuel purchasers may be subject to federal excise tax liability. The department 26 shall include such notification in the notices required by section 27 28 60-3,186.

(2) This subsection applies beginning on an implementation date
designated by the director. The director shall designate an
implementation date which is on or before January 1, 2021. In addition to

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1 the information required under subsection (1) of this section, the 2 application for registration shall contain (a)(i) the full legal name as defined in section 60-468.01 of each owner or (ii) the name of each owner 3 as such name appears on the owner's motor vehicle operator's license or 4 state identification card and (b)(i) the motor vehicle operator's license 5 number or state identification card number of each owner, if applicable, 6 7 and one or more of the identification elements as listed in section 8 60-484 of each owner, if applicable, and (ii) if any owner is a business 9 entity, a nonprofit organization, an estate, a trust, or a churchcontrolled organization, its tax identification number. 10

Sec. 6. Section 60-3,113.04, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,113.04 (1) A handicapped or disabled parking permit shall be of
 a design, size, configuration, color, and construction and contain such
 information as specified in the regulations adopted by the United States
 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
 January 1, 2021 2020.

(2) No handicapped or disabled parking permit shall be issued to any person or for any motor vehicle if any permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 18-1741.02. At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in sections 60-3,113.02, 60-3,113.03, and 60-3,113.05.

(3) A duplicate handicapped or disabled parking permit may be provided up to two times during any single permit period if a permit is destroyed, lost, or stolen. Such duplicate permit shall be issued as provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable, except that a new certification by a physician, a physician assistant, or an advanced practice registered nurse need not be provided. A duplicate permit shall be valid for the remainder of the period for which the

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original permit was issued. If a person has been issued two duplicate permits under this subsection and needs another permit, such person shall reapply for a new permit under section 60-3,113.02 or 60-3,113.03, whichever is applicable.

5 Sec. 7. Section 60-3,183, Reissue Revised Statutes of Nebraska, is 6 amended to read:

60-3,183 (1) The director may revoke, suspend, cancel, or refuse to
issue or renew a registration certificate under sections 60-3,198 to
60-3,203:

10 (a) If upon receipt of notice under the federal Performance and 11 Registration Information Systems Management Program that the ability of 12 the applicant or registration certificate holder to operate has been 13 terminated or denied by a federal agency, upon receipt of notice of the 14 termination or denial under the federal Performance and Registration 15 Information Systems Management Program; -

(b) If the applicant has failed to disclose material information
 required on the application or if the applicant has made a materially
 false statement on the application; or

19 (c) If the applicant has applied for the purpose of avoiding a 20 suspension, revocation, cancellation, or refusal to issue or renew a 21 registration certificate for the real party in interest or if the 22 applicant's business is operated, managed, or otherwise controlled by or 23 affiliated with a person or entity who or which is ineligible for 24 registration, including the applicant entity, a relative, a family 25 member, a corporate officer, or a shareholder.

26 (2) Any person who receives notice from the director of action taken 27 pursuant to subsection (1) of this section shall, within three business 28 days, return such registration certificate and license plates to the 29 department. If any person fails to return the registration certificate 30 and license plates to the department, the department shall notify the 31 Nebraska State Patrol that any such person is in violation of this

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1 section.

Sec. 8. Section 60-3,193.01, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
International Registration Plan is adopted and incorporated by reference
as the plan existed on January 1, <u>2021</u> 2020.

Sec. 9. Section 60-462.01, Revised Statutes Cumulative Supplement,
2020, is amended to read:

9 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
10 the following federal regulations are adopted as Nebraska law as they
11 existed on January 1, <u>2021</u> 2020:

12 The parts, subparts, and sections of Title 49 of the Code of Federal 13 Regulations, as referenced in the Motor Vehicle Operator's License Act.

Sec. 10. Section 60-479.01, Revised Statutes Cumulative Supplement,
2020, is amended to read:

16 60-479.01 (1) All persons handling source documents or engaged in 17 the issuance of new, renewed, or reissued operators' licenses or state 18 identification cards shall have periodic fraudulent document recognition 19 training.

(2) All persons and agents of the department involved in the 20 recording of verified application information or verified operator's 21 22 license and state identification card information, involved in the manufacture or production of licenses or cards, or who have the ability 23 24 to affect information on such licenses or cards shall be subject to a 25 criminal history record information check, including a check of prior employment references, and a lawful status check as required by 6 C.F.R. 26 part 37, as such part existed on January 1, 2021 2020. Such persons and 27 agents shall provide fingerprints which shall be submitted to the Federal 28 Bureau of Investigation. The bureau shall use its records for the 29 criminal history record information check. 30

31 (3) Upon receipt of a request pursuant to subsection (2) of this

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1 section, the Nebraska State Patrol shall undertake a search for criminal 2 history record information relating to such applicant, including transmittal of the applicant's fingerprints to the Federal Bureau of 3 Investigation for a national criminal history record information check. 4 The criminal history record information check shall include information 5 concerning the applicant from federal repositories of such information 6 and repositories of such information in other states, if authorized by 7 federal law. The Nebraska State Patrol shall issue a report to the 8 9 employing public agency that shall include the criminal history record information concerning the applicant. The cost of any background check 10 shall be borne by the employer of the person or agent. 11

(4) Any person convicted of any disqualifying offense as provided in 12 6 C.F.R. part 37, as such part existed on January 1, 2021 2020, shall not 13 be involved in the recording of verified application information or 14 verified operator's license and state identification card information, 15 16 involved in the manufacture or production of licenses or cards, or involved in any capacity in which such person would have the ability to 17 affect information on such licenses or cards. Any employee or prospective 18 employee of the department shall be provided notice that he or she will 19 undergo such criminal history record information check prior to 20 employment or prior to any involvement with the issuance of operators' 21 22 licenses or state identification cards.

Sec. 11. Section 60-4,111.01, Revised Statutes Cumulative
Supplement, 2020, is amended to read:

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

(2) Except as otherwise provided in subsection (3) or (4) of this
section, no person having use of or access to machine-readable
information encoded on an operator's license or a state identification

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card shall compile, store, preserve, trade, sell, or share such
 information. Any person who trades, sells, or shares such information
 shall be guilty of a Class IV felony. Any person who compiles, stores, or
 preserves such information except as authorized in subsection (3) or (4)
 of this section shall be guilty of a Class IV felony.

purposes of compliance with and enforcement For 6 (3)(a) of restrictions on the purchase of alcohol, lottery tickets, and tobacco 7 products, a retailer who sells any of such items pursuant to a license 8 9 issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state 10 identification card presented for the purpose of such a sale. The 11 retailer may store only the following information obtained from the 12 13 license or card: Age and license or card identification number. The 14 retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and 15 identification number will be stored. The stored information may only be 16 used by a law enforcement agency for purposes of enforcement of the 17 restrictions on the purchase of alcohol, lottery tickets, and tobacco 18 19 products and may not be shared with any other person or entity.

(b) For purposes of compliance with the provisions of sections 20 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant 21 to such sections may scan machine-readable information encoded on an 22 23 operator's license or a state identification card presented for the 24 purpose of such a sale. The seller may store only the following 25 information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that 26 issued the identification, and the number on the identification. The 27 28 seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The 29 30 stored information may only be used by law enforcement agencies, regulatory agencies, and the exchange for purposes of enforcement of the 31

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restrictions on the sale or purchase of methamphetamine precursors pursuant to sections 28-458 to 28-462 and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section 28-458.

6 (c) The retailer or seller shall utilize software that stores only 7 the information allowed by this subsection. A programmer for computer 8 software designed to store such information shall certify to the retailer 9 that the software stores only the information allowed by this subsection. 10 Intentional or grossly negligent programming by the programmer which 11 allows for the storage of more than the age and identification number or 12 wrongfully certifying the software shall be a Class IV felony.

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

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

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

(a) Scan, compile, store, or preserve such information in order to
provide the information to a check services company subject to and in
compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
seq., as such act existed on January 1, <u>2021</u> 2020, for the purpose of
effecting, administering, or enforcing a transaction requested by the
holder of the license or card or preventing fraud or other criminal
activity; or

30 (b) Scan and store such information only as necessary to protect31 against or prevent actual or potential fraud, unauthorized transactions,

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claims, or other liability or to resolve a dispute or inquiry by the
 holder of the license or card.

3 (5) Except as provided in subdivision (4)(a) of this section, 4 information scanned, compiled, stored, or preserved pursuant to this 5 section may not be traded or sold to or shared with a third party; used 6 for any marketing or sales purpose by any person, including the retailer 7 who obtained the information; or, unless pursuant to a court order, 8 reported to or shared with any third party. A person who violates this 9 subsection shall be guilty of a Class IV felony.

Sec. 12. Section 60-4,132, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137 12 13 to 60-4,172 are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the 14 federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 15 16 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and 17 Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 18 5103a, and federal regulations as such acts and regulations existed on 19 January 1, 2021 2020, and to reduce or prevent commercial motor vehicle 20 accidents, fatalities, and injuries by: (1) Permitting drivers to hold 21 22 only one operator's license; (2) disqualifying drivers for specified 23 offenses and serious traffic violations; and (3) strengthening licensing 24 and testing standards.

Sec. 13. Section 60-4,134, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 60-4,134 In conformance with section 7208 of the federal Fixing 28 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such 29 section and regulation existed on January 1, <u>2021</u> 2020, no hazardous 30 materials endorsement authorizing the holder of a Class A commercial 31 driver's license to operate a commercial motor vehicle transporting

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diesel fuel shall be required if such driver is (1) operating within the state and acting within the scope of his or her employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder and (2) operating a service vehicle that is (a) transporting diesel in a quantity of one thousand gallons or less and (b) clearly marked with a flammable or combustible placard, as appropriate.

8 Sec. 14. Section 60-4,147.02, Revised Statutes Cumulative
9 Supplement, 2020, is amended to read:

60-4,147.02 No endorsement authorizing the driver to operate a 10 commercial motor vehicle transporting hazardous materials shall be 11 issued, renewed, or transferred by the Department of Motor Vehicles 12 unless the endorsement is issued, renewed, or transferred in conformance 13 14 with the requirements of section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools 15 Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 16 5103a, including all amendments and federal regulations adopted pursuant 17 thereto as of January 1, <u>2021</u> 2020, for the issuance of licenses to 18 operate commercial motor vehicles transporting hazardous materials. 19

20 Sec. 15. Section 60-4,168, Revised Statutes Cumulative Supplement, 21 2020, is amended to read:

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

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

31 (b) Operating a commercial motor vehicle in violation of section

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1 60-4,163 or 60-4,164;

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

6 (d) Using a commercial motor vehicle in the commission of a felony 7 other than a felony described in subdivision (3)(b) of this section or, 8 beginning September 30, 2005, using any motor vehicle in the commission 9 of a felony other than a felony described in subdivision (3)(b) of this 10 section;

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

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

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

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

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

(b) Beginning September 30, 2005, used a commercial motor vehicle in
the commission of a felony involving the manufacturing, distributing, or
dispensing of a controlled substance; or

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(c) Used a commercial motor vehicle in the commission of a felony
 involving an act or practice of severe forms of trafficking in persons,
 as defined and described in 22 U.S.C. 7102(11), as such section existed
 on January 1, 2021 2020.

5 (4)(a) A person is disqualified from operating a commercial motor 6 vehicle for a period of not less than sixty days if he or she is 7 convicted in this or any other state of two serious traffic violations, 8 or not less than one hundred twenty days if he or she is convicted in 9 this or any other state of three serious traffic violations, arising from 10 separate incidents occurring within a three-year period while operating a 11 commercial motor vehicle.

(b) A person is disqualified from operating a commercial motor 12 13 vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, 14 or not less than one hundred twenty days if he or she is convicted in 15 16 this or any other state of three serious traffic violations, arising from 17 separate incidents occurring within a three-year period while operating a motor vehicle other than a commercial motor vehicle if the convictions 18 have resulted in the revocation, cancellation, or suspension of the 19 person's operator's license or driving privileges. 20

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

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

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

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

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

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

5 (vi) For all drivers, failing to negotiate a crossing because of6 insufficient undercarriage clearance.

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

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

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

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

(7) If the department receives credible information that a CLP-20 commercial learner's permit holder or a commercial driver's license 21 holder is suspected, but has not been convicted, on or after July 8, 22 2015, of fraud related to the issuance of his or her CLP-commercial 23 24 learner's permit or commercial driver's license, the department must 25 require the driver to retake the skills and knowledge tests. Within thirty days after receiving notification from the department that 26 retesting is necessary, the affected CLP-commercial learner's permit 27 holder or commercial driver's license holder must make an appointment or 28 otherwise schedule to take the next available test. If the CLP-commercial 29 learner's permit holder or commercial driver's license holder fails to 30 make an appointment within thirty days, the department must disqualify 31

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

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

(9) For purposes of this section, conviction means an unvacated 13 adjudication of guilt, or a determination that a person has violated or 14 failed to comply with the law, in a court of original jurisdiction or by 15 16 an authorized administrative tribunal, an unvacated forfeiture of bail or 17 collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine 18 or court costs, or a violation of a condition of release without bail, 19 regardless of whether or not the penalty is rebated, suspended, or 20 probated. 21

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

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

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

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

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

30 (e) A violation of any law or ordinance related to motor vehicle
 31 traffic control, other than parking violations or overweight or vehicle

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1 defect violations, arising in connection with an accident or collision 2 resulting in death to any person;

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

5 (g) Beginning September 30, 2005, operating a commercial motor 6 vehicle without a commercial driver's license in the operator's 7 possession;

8 (h) Beginning September 30, 2005, operating a commercial motor 9 vehicle without the proper class of commercial driver's license and any 10 endorsements, if required, for the specific vehicle group being operated 11 or for the passengers or type of cargo being transported on the vehicle;

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

14 (j) Using a handheld mobile telephone as described in section 15 60-6,179.02.

16 (11) Each period of disqualification imposed under this section17 shall be served consecutively and separately.

Sec. 16. Section 60-501, Revised Statutes Cumulative Supplement, 2020, is amended to read:

20 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
 21 unless the context otherwise requires:

22 (1) Department means Department of Motor Vehicles;

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

(3) Golf car vehicle means a vehicle that has at least four wheels,
has a maximum level ground speed of less than twenty miles per hour, has
a maximum payload capacity of one thousand two hundred pounds, has a
maximum gross vehicle weight of two thousand five hundred pounds, has a

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1 maximum passenger capacity of not more than four persons, and is designed 2 and manufactured for operation on a golf course for sporting and 3 recreational purposes;

4 (4) Judgment means any judgment which shall have become final by the 5 expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a 6 7 court of competent jurisdiction of any state or of the United States, (a) upon a cause of action arising out of the ownership, maintenance, or use 8 9 of any motor vehicle for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for 10 damages because of injury to or destruction of property, including the 11 loss of use thereof, or (b) upon a cause of action on an agreement of 12 13 settlement for such damages;

14 (5) License means any license issued to any person under the laws of15 this state pertaining to operation of a motor vehicle within this state;

16 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) 17 whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (ii) 18 whose gross vehicle weight rating is less than three thousand pounds, and 19 (iii) that complies with 49 C.F.R. part 571, as such part existed on 20 January 1, 2021 2020, or (b) three-wheeled motor vehicle (i) whose 21 22 maximum speed attainable is not more than twenty-five miles per hour on a 23 paved, level surface, (ii) whose gross vehicle weight rating is less than 24 three thousand pounds, and (iii) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is 25 not a low-speed vehicle; 26

(7) Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (a) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (b) is sixty-seven inches or less in width, (c) has a dry weight of four thousand two hundred pounds or

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1 less, (d) travels on four or more tires, (e) has a top speed of 2 approximately fifty-five miles per hour, (f) is equipped with a bed or 3 compartment for hauling, (g) has an enclosed passenger cab, (h) is 4 equipped with headlights, taillights, turnsignals, windshield wipers, a 5 rearview mirror, and an occupant protection system, and (i) has a four-6 speed, five-speed, or automatic transmission;

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

(9) Nonresident means every person who is not a resident of thisstate;

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

(11) Operator means every person who is in actual physical controlof a motor vehicle;

(12) Owner means a person who holds the legal title of a motor wehicle, or in the event (a) a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of

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purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of the act;

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

(14) Proof of financial responsibility means evidence of ability to 8 9 respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the 10 ownership, maintenance, or use of a motor vehicle, (a) in the amount of 11 twenty-five thousand dollars because of bodily injury to or death of one 12 13 person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death 14 of two or more persons in any one accident, and (c) in the amount of 15 twenty-five thousand dollars because of injury to or destruction of 16 17 property of others in any one accident;

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

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

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

Sec. 17. Section 60-628.01, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface,

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1 (b) whose gross vehicle weight rating is less than three thousand pounds, 2 and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2021 2020, or (2) three-wheeled motor vehicle (a) whose 3 4 maximum speed attainable is not more than twenty-five miles per hour on a 5 paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an 6 7 occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle. 8

9 Sec. 18. Section 60-6,265, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

(1) Occupant protection system means a system utilizing a lap belt, 12 a shoulder belt, or any combination of belts installed in a motor vehicle 13 which (a) restrains drivers and passengers and (b) conforms to Federal 14 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 15 571.210, as such standards existed on January 1, 2021 2020, or, as a 16 17 minimum standard, to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model 18 year; and 19

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

Sec. 19. Section 60-2705, Revised Statutes Cumulative Supplement,
2020, is amended to read:

60-2705 The Director of Motor Vehicles shall adopt standards for an
 informal dispute settlement procedure which substantially comply with the
 provisions of 16 C.F.R. part 703, as such part existed on January 1, 2021
 2020.

If a manufacturer has established or participates in a dispute settlement procedure certified by the Director of Motor Vehicles within the guidelines of such standards, the provisions of section 60-2703

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concerning refunds or replacement shall not apply to any consumer who has
 not first resorted to such a procedure.

3 Sec. 20. Section 60-2909.01, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 60-2909.01 The department and any officer, employee, agent, or 6 contractor of the department having custody of a motor vehicle record 7 shall, upon the verification of identity and purpose of a requester, 8 disclose and make available the requested motor vehicle record, including 9 the sensitive personal information in the record, other than the social 10 security number, for the following purposes:

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

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

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

(4) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., as such act existed on January 1, <u>2021</u> 2020, or pursuant to sections 60-4,132 and 60-4,141; and

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1 (5) For use by employers of a holder of a commercial driver's 2 license or CLP-commercial learner's permit and by the Commercial Driver 3 License Information System as provided in section 60-4,144.02 and 49 4 C.F.R. 383.73, as such regulation existed on January 1, <u>2021</u> 2020.

5 Sec. 21. Section 75-363, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 75-363 (1) The parts, subparts, and sections of Title 49 of the Code 8 of Federal Regulations listed below, as modified in this section, or any 9 other parts, subparts, and sections referred to by such parts, subparts, 10 and sections, in existence and effective as of January 1, <u>2021</u> 2020, are 11 adopted as Nebraska law.

12 (2) Except as otherwise provided in this section, the regulations13 shall be applicable to:

(a) All motor carriers, drivers, and vehicles to which the federalregulations apply; and

(b) All motor carriers transporting persons or property inintrastate commerce to include:

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

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

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

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

31 (3) The Legislature hereby adopts, as modified in this section, the

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1 following parts of Title 49 of the Code of Federal Regulations:

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

3 (b) Part 385 - SAFETY FITNESS PROCEDURES;

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

5 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
6 CARRIERS;

7 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

8 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION
9 VEHICLE (LCV) DRIVER INSTRUCTORS;

10 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

11 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

12 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

13 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

14 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
 15 PARKING RULES; and

16 (1) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

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

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

29 (a) All of part 391;

30 (b) Section 395.8 of part 395; and

31 (c) Section 396.11 of part 396.

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LB149 LB149 2021 2021 1 (6) The following parts and subparts of 49 C.F.R. chapter III shall 2 not apply to the operation of covered farm vehicles: 3 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING; 4 (b) Part 391, subpart E - Physical Qualifications and Examinations; 5 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE. 6 7 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to 8 9 fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five 10 hundred gallons or less. 11 (8) For purposes of this section, intrastate motor carriers shall 12 13 not include any motor carrier or driver excepted from 49 C.F.R. chapter III by section 390.3(f) of part 390. 14 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor 15 16 carriers and drivers who engage in intrastate commerce as defined in 17 section 75-362, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall 18 any driver drive: 19 (i) More than twelve hours following ten consecutive hours off duty; 20 21 or 22 (ii) For any period after having been on duty sixteen hours following ten consecutive hours off duty. 23 24 (b) No motor carrier who engages in intrastate commerce shall permit 25 or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive, nor shall 26 any driver of a commercial motor vehicle drive, for any period after: 27 28 (i) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or 29 (ii) Having been on duty eighty hours in any period of eight 30

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consecutive days if the employing motor carrier operates motor vehicles

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1 every day of the week.

2 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in 3 subsections (3) and (9) of this section, shall not apply to drivers 4 transporting agricultural commodities or farm supplies for agricultural 5 purposes during planting and harvesting season when:

6 (a) The transportation of such agricultural commodities is from the 7 source of the commodities to a location within a one-hundred-fifty-air-8 mile radius of the source of the commodities;

9 (b) The transportation of such farm supplies is from a wholesale or 10 retail distribution point of the farm supplies to a farm or other 11 location where the farm supplies are intended to be used which is within 12 a one-hundred-fifty-air-mile radius of the wholesale or retail 13 distribution point; or

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

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

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

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

Sec. 22. Section 75-364, Revised Statutes Cumulative Supplement,
2020, is amended to read:

75-364 The parts, subparts, and sections of Title 49 of the Code of
 Federal Regulations listed below, or any other parts, subparts, and

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sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, <u>2021</u> 2020, are adopted as part of Nebraska law and shall be applicable to all motor carriers whether engaged in interstate or intrastate commerce, drivers of such motor carriers, and vehicles of such motor carriers:

6 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F 7 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
8 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
9 Engineers;

10 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G 11 Registration of Persons Who Offer or Transport Hazardous Materials;

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

13 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
14 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
15 TRAINING REQUIREMENTS, AND SECURITY PLANS;

16 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
 17 PACKAGINGS;

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

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

20 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF21 PACKAGINGS.

Sec. 23. Section 75-366, Revised Statutes Cumulative Supplement,
2020, is amended to read:

24 75-366 For the purpose of enforcing Chapter 75, article 3, any 25 officer of the Nebraska State Patrol may, upon demand, inspect the accounts, records, and equipment of any motor carrier or shipper. Any 26 27 officer of the Nebraska State Patrol shall have the authority to enforce 28 the federal motor carrier safety regulations, as such regulations existed on January 1, 2021 2020, and federal hazardous materials regulations, as 29 such regulations existed on January 1, 2021 2020, and is authorized to 30 enter upon, inspect, and examine any and all lands, buildings, and 31

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equipment of any motor carrier, any shipper, and any other person subject 1 2 to the federal Interstate Commerce Act, the federal Department of Transportation Act, and other related federal laws and to inspect and 3 4 copy any and all accounts, books, records, memoranda, correspondence, and other documents of a motor carrier, a shipper, and any other person 5 subject to Chapter 75, article 3, for the purposes of enforcing Chapter 6 7 75, article 3. To promote uniformity of enforcement, the carrier enforcement division of the Nebraska State Patrol shall cooperate and 8 9 consult with the Public Service Commission and the Division of Motor 10 Carrier Services.

Sec. 24. Section 75-392, Revised Statutes Cumulative Supplement, 2020, is amended to read:

13 75-392 For purposes of sections 75-392 to 75-3,100:

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

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

(3) Unified carrier registration plan and agreement means the plan
and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
such section existed on January 1, <u>2021</u> 2020.

20 Sec. 25. Section 75-393, Revised Statutes Cumulative Supplement, 21 2020, is amended to read:

22 75-393 The director may participate in the unified carrier 23 registration plan and agreement pursuant to the Unified Carrier 24 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January 25 1, <u>2021</u> 2020, and may file on behalf of this state the plan required by 26 such plan and agreement for enforcement of the act in this state.

Sec. 26. Original section 60-3,183, Reissue Revised Statutes of
Nebraska, and sections 60-107, 60-119.01, 60-302.01, 60-336.01, 60-386,
60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,111.01, 60-4,132,
60-4,134, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705,
60-2909.01, 75-363, 75-364, 75-366, 75-392, and 75-393, Revised Statutes

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1 Cumulative Supplement, 2020, are repealed.