

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 128

Introduced by Hughes, 44.

Read first time January 10, 2019

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04,
2 Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393,
3 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes
4 Cumulative Supplement, 2018; to provide for Wildlife Conservation
5 Plates; to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 37-327.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 37-327.04 The Game and Parks Commission Educational Fund is created.
4 The fund shall consist of money credited pursuant to section 60-3,227 and
5 section 9 of this act and any other money as determined by the
6 Legislature. The commission shall use the fund to provide youth education
7 programs relating to wildlife conservation practices. Any money in the
8 fund available for investment shall be invested by the state investment
9 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
10 State Funds Investment Act.

11 Sec. 2. Section 60-301, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 60-301 Sections 60-301 to 60-3,235 and sections 8 and 9 of this act
14 shall be known and may be cited as the Motor Vehicle Registration Act.

15 Sec. 3. Section 60-393, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 60-393 Any owner who has two or more motor vehicles or trailers
18 required to be registered under the Motor Vehicle Registration Act may
19 register all such motor vehicles or trailers on a calendar-year basis or
20 on an annual basis for the same registration period beginning in a month
21 chosen by the owner. When electing to establish the same registration
22 period for all such motor vehicles or trailers, the owner shall pay the
23 registration fee, the motor vehicle tax imposed in section 60-3,185, the
24 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
25 fee imposed in section 60-3,191 on each motor vehicle for the number of
26 months necessary to extend its current registration period to the
27 registration period under which all such motor vehicles or trailers will
28 be registered. Credit shall be given for registration paid on each motor
29 vehicle or trailer when the motor vehicle or trailer has a later
30 expiration date than that chosen by the owner except as otherwise
31 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,

1 60-3,224, 60-3,227, 60-3,233, ~~and~~ 60-3,235, and section 9 of this act.
2 Thereafter all such motor vehicles or trailers shall be registered on an
3 annual basis starting in the month chosen by the owner.

4 Sec. 4. Section 60-395, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 60-395 (1) Except as otherwise provided in subsection (2) of this
7 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
8 60-3,224, 60-3,227, 60-3,231, 60-3,233, ~~and~~ 60-3,235, and section 9 of
9 this act, the registration shall expire and the registered owner or
10 lessee may, by returning the registration certificate, the license
11 plates, and, when appropriate, the validation decals and by either making
12 application on a form prescribed by the department to the county
13 treasurer of the occurrence of an event described in subdivisions (a)
14 through (e) of this subsection or, in the case of a change in situs,
15 displaying to the county treasurer the registration certificate of such
16 other state as evidence of a change in situs, receive a refund of that
17 part of the unused fees and taxes on motor vehicles or trailers based on
18 the number of unexpired months remaining in the registration period from
19 the date of any of the following events:

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

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

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

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

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

31 or

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

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

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

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

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

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

26 (7) If a motor vehicle or trailer was reported stolen under section
27 60-178, a refund under this section shall not be reduced for a lost plate
28 charge and a credit under this section may be reduced for a lost plate
29 charge but the applicant shall not be required to pay the plate fee for
30 new plates.

31 (8) The county treasurer shall refund the motor vehicle fee and

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

6 Sec. 5. Section 60-396, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 60-396 Whenever the registered owner files an application with the
9 county treasurer showing that a motor vehicle or trailer is disabled and
10 has been removed from service, the registered owner may, by returning the
11 registration certificate, the license plates, and, when appropriate, the
12 validation decals or, in the case of the unavailability of such
13 registration certificate or certificates, license plates, or validation
14 decals, then by making an affidavit to the county treasurer of such
15 disablement and removal from service, receive a credit for a portion of
16 the registration fee from the fee deposited with the State Treasurer at
17 the time of registration based upon the number of unexpired months
18 remaining in the registration year except as otherwise provided in
19 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224,
20 60-3,227, 60-3,233, ~~and 60-3,235,~~ and section 9 of this act. The owner
21 shall also receive a credit for the unused portion of the motor vehicle
22 tax and fee based upon the number of unexpired months remaining in the
23 registration year. When the owner registers a replacement motor vehicle
24 or trailer at the time of filing such affidavit, the credit may be
25 immediately applied against the registration fee and the motor vehicle
26 tax and fee for the replacement motor vehicle or trailer. When no such
27 replacement motor vehicle or trailer is so registered, the county
28 treasurer shall forward the application and affidavit, if any, to the
29 State Treasurer who shall determine the amount, if any, of the allowable
30 credit for the registration fee and issue a credit certificate to the
31 owner. For the motor vehicle tax and fee, the county treasurer shall

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

12 Sec. 6. Section 60-3,104, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 60-3,104 The department shall issue the following types of license
15 plates:

16 (1) Amateur radio station license plates issued pursuant to section
17 60-3,126;

18 (2) Apportionable vehicle license plates issued pursuant to section
19 60-3,203;

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

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

22 (5) Breast Cancer Awareness Plates issued pursuant to sections
23 60-3,230 and 60-3,231;

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

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

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

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

31 (10) Disabled veteran license plates issued pursuant to section

- 1 60-3,124;
- 2 (11) Farm trailer license plates issued pursuant to section
- 3 60-3,151;
- 4 (12) Farm truck license plates issued pursuant to section 60-3,146;
- 5 (13) Farm trucks with a gross weight of over sixteen tons license
- 6 plates issued pursuant to section 60-3,146;
- 7 (14) Fertilizer trailer license plates issued pursuant to section
- 8 60-3,151;
- 9 (15) Gold Star Family license plates issued pursuant to sections
- 10 60-3,122.01 and 60-3,122.02;
- 11 (16) Handicapped or disabled person license plates issued pursuant
- 12 to section 60-3,113;
- 13 (17) Historical vehicle license plates issued pursuant to sections
- 14 60-3,130 to 60-3,134;
- 15 (18) Local truck license plates issued pursuant to section 60-3,145;
- 16 (19) Metropolitan utilities district license plates issued pursuant
- 17 to section 60-3,228;
- 18 (20) Military Honor Plates issued pursuant to sections 60-3,122.03
- 19 and 60-3,122.04;
- 20 (21) Minitruck license plates issued pursuant to section 60-3,100;
- 21 (22) 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 (23) Motor vehicles exempt pursuant to section 60-3,107;
- 25 (24) Motorcycle license plates issued pursuant to section 60-3,100;
- 26 (25) Mountain Lion Conservation Plates issued pursuant to sections
- 27 60-3,226 and 60-3,227;
- 28 (26) Native American Cultural Awareness and History Plates issued
- 29 pursuant to sections 60-3,234 and 60-3,235;
- 30 (27) Nebraska Cornhusker Spirit Plates issued pursuant to sections
- 31 60-3,127 to 60-3,129;

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

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

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

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

11 (32) Pearl Harbor license plates issued pursuant to section
12 60-3,122;

13 (33) Personal-use dealer license plates issued pursuant to section
14 60-3,116;

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

19 (35) Prisoner-of-war license plates issued pursuant to section
20 60-3,123;

21 (36) Public power district license plates issued pursuant to section
22 60-3,228;

23 (37) Purple Heart license plates issued pursuant to section
24 60-3,125;

25 (38) Recreational vehicle license plates issued pursuant to section
26 60-3,151;

27 (39) Repossession license plates issued pursuant to section 60-375;

28 (40) Special interest motor vehicle license plates issued pursuant
29 to section 60-3,135.01;

30 (41) Specialty license plates issued pursuant to sections
31 60-3,104.01 and 60-3,104.02;

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

4 (43) Trailer license plates issued pursuant to section 60-3,100;

5 (44) Trailer license plates issued for trailers owned or operated by
6 a metropolitan utilities district or public power district pursuant to
7 section 60-3,228;

8 (45) Trailers exempt pursuant to section 60-3,108;

9 (46) Transporter license plates issued pursuant to section 60-378;

10 (47) Trucks or combinations of trucks, truck-tractors, or trailers
11 which are not for hire and engaged in soil and water conservation work
12 and used for the purpose of transporting pipe and equipment exclusively
13 used by such contractors for soil and water conservation construction
14 license plates issued pursuant to section 60-3,149;

15 (48) Utility trailer license plates issued pursuant to section
16 60-3,151; ~~and~~

17 (49) Well-boring apparatus and well-servicing equipment license
18 plates issued pursuant to section 60-3,109; and -

19 (50) Wildlife Conservation Plates issued pursuant to sections 8 and
20 9 of this act.

21 Sec. 7. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 60-3,130.04 (1) An owner of a historical vehicle eligible for
24 registration under section 60-3,130 may use a license plate or plates
25 designed by this state in the year corresponding to the model year when
26 the vehicle was manufactured in lieu of the plates designed pursuant to
27 section 60-3,130.03 subject to the approval of the department. The
28 department shall inspect the plate or plates and may approve the plate or
29 plates if it is determined that the model-year license plate or plates
30 are legible and serviceable and that the license plate numbers do not
31 conflict with or duplicate other numbers assigned and in use. An

1 original-issued license plate or plates that have been restored to
2 original condition may be used when approved by the department.

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

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

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

21 Sec. 8. (1) The department shall design license plates to be known
22 as Wildlife Conservation Plates. The department shall create no more than
23 three designs reflecting support for the conservation of Nebraska
24 wildlife, including sandhill cranes, bighorn sheep, and cutthroat trout.
25 Each design shall be selected on the basis of limiting the manufacturing
26 cost of each plate to an amount less than or equal to the amount charged
27 for license plates pursuant to section 60-3,102. The department shall
28 make applications available for this type of plate by January 1, 2020.
29 The department may adopt and promulgate rules and regulations to carry
30 out this section and section 9 of this act.

31 (2) One type of Wildlife Conservation Plates shall be alphanumeric

1 plates. The department shall:

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

3 (b) Not use a county designation.

4 (3) One type of Wildlife Conservation Plates shall be personalized
5 message plates. Such plates shall be issued subject to the same
6 conditions specified for personalized message license plates in section
7 60-3,118, except that a maximum of five characters may be used.

8 Sec. 9. (1) Beginning January 1, 2020, a person may apply to the
9 department for Wildlife Conservation Plates in lieu of regular license
10 plates on an application prescribed and provided by the department for
11 any motor vehicle, trailer, or semitrailer, except for a motor vehicle,
12 trailer, or semitrailer registered under section 60-3,198. An applicant
13 receiving a Wildlife Conservation Plate for a farm truck with a gross
14 weight of over sixteen tons shall affix the appropriate tonnage decal to
15 the plate. The department shall make forms available for such
16 applications through the county treasurers. The license plates shall be
17 issued upon payment of the license fee described in subsection (2) of
18 this section.

19 (2)(a) In addition to all other fees required for registration under
20 the Motor Vehicle Registration Act, each application for initial issuance
21 of alphanumeric Wildlife Conservation Plates shall be accompanied by a
22 fee of five dollars. An application for renewal of such plates shall be
23 accompanied by a fee of five dollars. County treasurers collecting fees
24 pursuant to this subdivision shall remit them to the State Treasurer. The
25 State Treasurer shall credit five dollars of the fee to the Game and
26 Parks Commission Educational Fund.

27 (b) In addition to all other fees required for registration under
28 the Motor Vehicle Registration Act, each application for initial issuance
29 or renewal of personalized message Wildlife Conservation Plates shall be
30 accompanied by a fee of forty dollars. County treasurers collecting fees
31 pursuant to this subdivision shall remit them to the State Treasurer. The

1 State Treasurer shall credit twenty-five percent of the fee for initial
2 issuance and renewal of such plates to the Department of Motor Vehicles
3 Cash Fund and seventy-five percent of the fee to the Game and Parks
4 Commission Educational Fund.

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

17 (4) The owner of a motor vehicle, trailer, or semitrailer bearing
18 Wildlife Conservation Plates may apply to the county treasurer to have
19 such plates transferred to a motor vehicle other than the vehicle for
20 which such plates were originally purchased if such vehicle is owned by
21 the owner of the plates. The owner may have the unused portion of the fee
22 for the plates credited to the other vehicle which will bear the plates
23 at the rate of eight and one-third percent per month for each full month
24 left in the registration period. Application for such transfer shall be
25 accompanied by a fee of three dollars. Fees collected pursuant to this
26 subsection shall be remitted to the State Treasurer for credit to the
27 Department of Motor Vehicles Cash Fund.

28 (5) If the cost of manufacturing Wildlife Conservation Plates at any
29 time exceeds the amount charged for license plates pursuant to section
30 60-3,102, any money to be credited to the Game and Parks Commission
31 Educational Fund shall instead be credited first to the Highway Trust

1 Fund in an amount equal to the difference between the manufacturing costs
2 of Wildlife Conservation Plates and the amount charged pursuant to
3 section 60-3,102 with respect to such plates and the remainder shall be
4 credited to the Game and Parks Commission Educational Fund.

5 Sec. 10. Original section 37-327.04, Reissue Revised Statutes of
6 Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and
7 60-3,130.04, Revised Statutes Cumulative Supplement, 2018, are repealed.