

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 46

Introduced by Watermeier, 1.

Read first time January 05, 2017

Committee:

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 43-1906,
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, 2016; to provide additional funding for the
5 Nebraska Child Abuse Prevention Fund; to provide for Choose Life
6 License Plates; to change provisions relating to personalized
7 message license plates; to harmonize provisions; and to repeal the
8 original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1906, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1906 (1) There is hereby established the Nebraska Child Abuse
4 Prevention Fund. The additional docket fee as provided in section
5 33-106.03, the fees for Choose Life License Plates as provided in section
6 9 of this act, the additional charge for supplying a certified copy of
7 the record of any birth as provided in sections 71-612, 71-617.15,
8 71-627, and 71-628, and all amounts which may be received from grants,
9 gifts, bequests, the federal government, or other sources granted or
10 given for the purposes specified in sections 43-1901 to 43-1906 shall be
11 remitted to the State Treasurer for credit to the Nebraska Child Abuse
12 Prevention Fund. The fund shall be administered and disbursed by the
13 department.

14 (2) Any money in the fund available for investment shall be invested
15 by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.

17 (3) In any one fiscal year, no more than twenty percent of the
18 annually appropriated funds shall be disbursed to any one agency,
19 organization, or individual.

20 (4) Funds allocated from the fund shall only be used for purposes
21 authorized under sections 43-1901 to 43-1906 and shall not be used to
22 supplant any existing governmental program or service. No grants may be
23 made to any state department or agency.

24 Sec. 2. Section 60-301, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-301 Sections 60-301 to 60-3,231 and sections 8 and 9 of this act
27 shall be known and may be cited as the Motor Vehicle Registration Act.

28 Sec. 3. Section 60-393, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-393 Any owner who has two or more motor vehicles or trailers
31 required to be registered under the Motor Vehicle Registration Act may

1 register all such motor vehicles or trailers on a calendar-year basis or
2 on an annual basis for the same registration period beginning in a month
3 chosen by the owner. When electing to establish the same registration
4 period for all such motor vehicles or trailers, the owner shall pay the
5 registration fee, the motor vehicle tax imposed in section 60-3,185, the
6 motor vehicle fee imposed in section 60-3,190, and the alternative fuel
7 fee imposed in section 60-3,191 on each motor vehicle for the number of
8 months necessary to extend its current registration period to the
9 registration period under which all such motor vehicles or trailers will
10 be registered. Credit shall be given for registration paid on each motor
11 vehicle or trailer when the motor vehicle or trailer has a later
12 expiration date than that chosen by the owner except as otherwise
13 provided in sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
14 60-3,224, and 60-3,227 and section 9 of this act. Thereafter all such
15 motor vehicles or trailers shall be registered on an annual basis
16 starting in the month chosen by the owner.

17 Sec. 4. Section 60-395, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 60-395 (1) Except as otherwise provided in subsection (2) of this
20 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
21 60-3,224, and 60-3,227 and section 9 of this act, the registration shall
22 expire and the registered owner or lessee may, by returning the
23 registration certificate, the license plates, and, when appropriate, the
24 validation decals and by either making application on a form prescribed
25 by the department to the county treasurer of the occurrence of an event
26 described in subdivisions (a) through (e) of this subsection or, in the
27 case of a change in situs, displaying to the county treasurer the
28 registration certificate of such other state as evidence of a change in
29 situs, receive a refund of that part of the unused fees and taxes on
30 motor vehicles or trailers based on the number of unexpired months
31 remaining in the registration period from the date of any of the

1 following events:

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

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

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

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

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

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

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

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

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

29 (5) For purposes of this section, the date of the event shall be:

30 (a) In the case of a transfer or loss, the date of the transfer or loss;

31 (b) in the case of a change in the situs, the date of registration in

1 another state; (c) in the case of a trade-in or surrender under a lease,
2 the date of trade-in or surrender; (d) in the case of a legislative act,
3 the effective date of the act; and (e) in the case of a court decision,
4 the date the decision is rendered.

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

8 (7) If a motor vehicle or trailer was reported stolen under section
9 60-178, a refund under this section shall not be reduced for a lost plate
10 charge and a credit under this section may be reduced for a lost plate
11 charge but the applicant shall not be required to pay the plate fee for
12 new plates.

13 (8) The county treasurer shall refund the motor vehicle fee and
14 registration fee from the fees which have not been transferred to the
15 State Treasurer. The county treasurer shall make payment to the claimant
16 from the undistributed motor vehicle taxes of the taxing unit where the
17 tax money was originally distributed. No refund of less than two dollars
18 shall be paid.

19 Sec. 5. Section 60-396, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-396 Whenever the registered owner files an application with the
22 county treasurer showing that a motor vehicle or trailer is disabled and
23 has been removed from service, the registered owner may, by returning the
24 registration certificate, the license plates, and, when appropriate, the
25 validation decals or, in the case of the unavailability of such
26 registration certificate or certificates, license plates, or validation
27 decals, then by making an affidavit to the county treasurer of such
28 disablement and removal from service, receive a credit for a portion of
29 the registration fee from the fee deposited with the State Treasurer at
30 the time of registration based upon the number of unexpired months
31 remaining in the registration year except as otherwise provided in

1 sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, and
2 60-3,227 and section 9 of this act. The owner shall also receive a credit
3 for the unused portion of the motor vehicle tax and fee based upon the
4 number of unexpired months remaining in the registration year. When the
5 owner registers a replacement motor vehicle or trailer at the time of
6 filing such affidavit, the credit may be immediately applied against the
7 registration fee and the motor vehicle tax and fee for the replacement
8 motor vehicle or trailer. When no such replacement motor vehicle or
9 trailer is so registered, the county treasurer shall forward the
10 application and affidavit, if any, to the State Treasurer who shall
11 determine the amount, if any, of the allowable credit for the
12 registration fee and issue a credit certificate to the owner. For the
13 motor vehicle tax and fee, the county treasurer shall determine the
14 amount, if any, of the allowable credit and issue a credit certificate to
15 the owner. When such motor vehicle or trailer is removed from service
16 within the same month in which it was registered, no credits shall be
17 allowed for such month. The credits may be applied against taxes and fees
18 for new or replacement motor vehicles or trailers incurred within one
19 year after cancellation of registration of the motor vehicle or trailer
20 for which the credits were allowed. When any such motor vehicle or
21 trailer is reregistered within the same registration year in which its
22 registration has been canceled, the taxes and fees shall be that portion
23 of the registration fee and the motor vehicle tax and fee for the
24 remainder of the registration year.

25 Sec. 6. Section 60-3,104, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-3,104 The department shall issue the following types of license
28 plates:

29 (1) Amateur radio station license plates issued pursuant to section
30 60-3,126;

31 (2) Apportionable vehicle license plates issued pursuant to section

- 1 60-3,203;
- 2 (3) Autocycle license plates issued pursuant to section 60-3,100;
- 3 (4) Boat dealer license plates issued pursuant to section 60-379;
- 4 (5) Breast Cancer Awareness Plates issued pursuant to sections
- 5 60-3,230 and 60-3,231;
- 6 (6) Bus license plates issued pursuant to section 60-3,144;
- 7 (7) Choose Life License Plates issued pursuant to sections 8 and 9
- 8 of this act;
- 9 (8) ~~(7)~~ Commercial motor vehicle license plates issued pursuant to
- 10 section 60-3,147;
- 11 (9) ~~(8)~~ Dealer or manufacturer license plates issued pursuant to
- 12 sections 60-3,114 and 60-3,115;
- 13 (10) ~~(9)~~ Disabled veteran license plates issued pursuant to section
- 14 60-3,124;
- 15 (11) ~~(10)~~ Farm trailer license plates issued pursuant to section
- 16 60-3,151;
- 17 (12) ~~(11)~~ Farm truck license plates issued pursuant to section
- 18 60-3,146;
- 19 (13) ~~(12)~~ Farm trucks with a gross weight of over sixteen tons
- 20 license plates issued pursuant to section 60-3,146;
- 21 (14) ~~(13)~~ Fertilizer trailer license plates issued pursuant to
- 22 section 60-3,151;
- 23 (15) ~~(14)~~ Gold Star Family license plates issued pursuant to
- 24 sections 60-3,122.01 and 60-3,122.02;
- 25 (16) ~~(15)~~ Handicapped or disabled person license plates issued
- 26 pursuant to section 60-3,113;
- 27 (17) ~~(16)~~ Historical vehicle license plates issued pursuant to
- 28 sections 60-3,130 to 60-3,134;
- 29 (18) ~~(17)~~ Local truck license plates issued pursuant to section
- 30 60-3,145;
- 31 (19) ~~(18)~~ Military Honor Plates issued pursuant to sections

- 1 60-3,122.03 and 60-3,122.04;
- 2 ~~(20)~~ (19) Minitruck license plates issued pursuant to section
- 3 60-3,100;
- 4 ~~(21)~~ (20) Motor vehicle license plates for motor vehicles owned or
- 5 operated by the state, counties, municipalities, or school districts
- 6 issued pursuant to section 60-3,105;
- 7 ~~(22)~~ (21) Motor vehicles exempt pursuant to section 60-3,107;
- 8 ~~(23)~~ (22) Motorcycle license plates issued pursuant to section
- 9 60-3,100;
- 10 ~~(24)~~ (23) Mountain Lion Conservation Plates issued pursuant to
- 11 sections 60-3,226 and 60-3,227;
- 12 ~~(25)~~ (24) Nebraska Cornhusker Spirit Plates issued pursuant to
- 13 sections 60-3,127 to 60-3,129;
- 14 ~~(26)~~ (25) Nebraska 150 Sesquicentennial Plates issued pursuant to
- 15 sections 60-3,223 to 60-3,225;
- 16 ~~(27)~~ (26) Nonresident owner thirty-day license plates issued
- 17 pursuant to section 60-382;
- 18 ~~(28)~~ (27) Passenger car having a seating capacity of ten persons or
- 19 less and not used for hire issued pursuant to section 60-3,143 other than
- 20 autocycles;
- 21 ~~(29)~~ (28) Passenger car having a seating capacity of ten persons or
- 22 less and used for hire issued pursuant to section 60-3,143 other than
- 23 autocycles;
- 24 ~~(30)~~ (29) Pearl Harbor license plates issued pursuant to section
- 25 60-3,122;
- 26 ~~(31)~~ (30) Personal-use dealer license plates issued pursuant to
- 27 section 60-3,116;
- 28 ~~(32)~~ (31) Personalized message license plates for motor vehicles,
- 29 trailers, and semitrailers, except motor vehicles, trailers, and
- 30 semitrailers registered under section 60-3,198 and cabin trailers, except
- 31 commercial motor vehicles registered for over ten tons gross weight,

1 issued pursuant to sections 60-3,118 to 60-3,121;

2 (33) ~~(32)~~ Prisoner-of-war license plates issued pursuant to section
3 60-3,123;

4 (34) ~~(33)~~ Public power district license plates issued pursuant to
5 section 60-3,228;

6 (35) ~~(34)~~ Purple Heart license plates issued pursuant to section
7 60-3,125;

8 (36) ~~(35)~~ Recreational vehicle license plates issued pursuant to
9 section 60-3,151;

10 (37) ~~(36)~~ Repossession license plates issued pursuant to section
11 60-375;

12 (38) ~~(37)~~ Special interest motor vehicle license plates issued
13 pursuant to section 60-3,135.01;

14 (39) ~~(38)~~ Specialty license plates issued pursuant to sections
15 60-3,104.01 and 60-3,104.02;

16 (40) ~~(39)~~ Trailer license plates issued for trailers owned or
17 operated by the state, counties, municipalities, or school districts
18 issued pursuant to section 60-3,106;

19 (41) ~~(40)~~ Trailer license plates issued pursuant to section
20 60-3,100;

21 (42) ~~(41)~~ Trailer license plates issued for trailers owned or
22 operated by a public power district pursuant to section 60-3,228;

23 (43) ~~(42)~~ Trailers exempt pursuant to section 60-3,108;

24 (44) ~~(43)~~ Transporter license plates issued pursuant to section
25 60-378;

26 (45) ~~(44)~~ Trucks or combinations of trucks, truck-tractors, or
27 trailers which are not for hire and engaged in soil and water
28 conservation work and used for the purpose of transporting pipe and
29 equipment exclusively used by such contractors for soil and water
30 conservation construction license plates issued pursuant to section
31 60-3,149;

1 ~~(46)~~ ~~(45)~~ Utility trailer license plates issued pursuant to section
2 60-3,151; and

3 ~~(47)~~ ~~(46)~~ Well-boring apparatus and well-servicing equipment license
4 plates issued pursuant to section 60-3,109.

5 Sec. 7. Section 60-3,130.04, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

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

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

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

25 (4) License plates used pursuant to this section corresponding to
26 the year of manufacture of the vehicle shall not be personalized message
27 license plates, Pearl Harbor license plates, prisoner-of-war license
28 plates, disabled veteran license plates, Purple Heart license plates,
29 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
30 handicapped or disabled person license plates, specialty license plates,
31 special interest motor vehicle license plates, Military Honor Plates,

1 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, or
2 Mountain Lion Conservation Plates, or Choose Life License Plates.

3 Sec. 8. (1) The department shall design license plates to be known
4 as Choose Life License Plates. The department shall create designs
5 reflecting support for the protection of Nebraska's children. The design
6 shall be selected on the basis of limiting the manufacturing cost of each
7 plate to an amount less than or equal to the amount charged for license
8 plates pursuant to section 60-3,102. The department shall make
9 applications available for this type of plate beginning January 1, 2018.
10 The department may adopt and promulgate rules and regulations to carry
11 out this section and section 9 of this act.

12 (2) One type of Choose Life License Plates shall be alphanumeric
13 plates. The department shall:

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

15 (b) Not use a county designation.

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

20 Sec. 9. (1) Beginning January 1, 2018, a person may apply to the
21 department for Choose Life License Plates in lieu of regular license
22 plates on an application prescribed and provided by the department for
23 any motor vehicle or trailer, except for a motor vehicle or trailer
24 registered under section 60-3,198. An applicant receiving a Choose Life
25 License Plate for a farm truck with a gross weight of over sixteen tons
26 or a commercial truck or truck-tractor with a gross weight of five tons
27 or over shall affix the appropriate tonnage decal to the plate. The
28 department shall make forms available for such applications through the
29 county treasurers. The license plates shall be issued upon payment of the
30 license fee described in subsection (2) of this section.

31 (2)(a) In addition to all other fees required for registration under

1 the Motor Vehicle Registration Act, each application for initial issuance
2 of alphanumeric Choose Life License Plates shall be accompanied by a fee
3 of five dollars. An application for renewal of such plates shall be
4 accompanied by a fee of five dollars. County treasurers collecting fees
5 pursuant to this subdivision shall remit them to the State Treasurer. The
6 State Treasurer shall credit five dollars of the fee to the Nebraska
7 Child Abuse Prevention Fund.

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

17 (3) When the department receives an application for Choose Life
18 License Plates, the department shall deliver the plates to the county
19 treasurer of the county in which the motor vehicle or trailer is
20 registered. The county treasurer shall issue Choose Life License Plates
21 in lieu of regular license plates when the applicant complies with the
22 other provisions of the Motor Vehicle Registration Act for registration
23 of the motor vehicle or trailer. If Choose Life License Plates are lost,
24 stolen, or mutilated, the licensee shall be issued replacement license
25 plates upon request pursuant to section 60-3,157.

26 (4) The owner of a motor vehicle or trailer bearing Choose Life
27 License Plates may apply to the county treasurer to have such plates
28 transferred to a motor vehicle other than the vehicle for which such
29 plates were originally purchased if such vehicle is owned by the owner of
30 the plates. The owner may have the unused portion of the fee for the
31 plates credited to the other vehicle which will bear the plates at the

1 rate of eight and one-third percent per month for each full month left in
2 the registration period. Application for such transfer shall be
3 accompanied by a fee of three dollars. Fees collected pursuant to this
4 subsection shall be remitted to the State Treasurer for credit to the
5 Department of Motor Vehicles Cash Fund.

6 (5) If the cost of manufacturing Choose Life License Plates at any
7 time exceeds the amount charged for license plates pursuant to section
8 60-3,102, any money to be credited to the Nebraska Child Abuse Prevention
9 Fund shall instead be credited first to the Highway Trust Fund in an
10 amount equal to the difference between the manufacturing costs of Choose
11 Life License Plates and the amount charged pursuant to section 60-3,102
12 with respect to such plates and the remainder shall be credited to the
13 Nebraska Child Abuse Prevention Fund.

14 Sec. 10. Original section 43-1906, Reissue Revised Statutes of
15 Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and
16 60-3,130.04, Revised Statutes Cumulative Supplement, 2016, are repealed.