

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 768

Introduced by Garrett, 3; Craighead, 6; Krist, 10.

Read first time January 06, 2016

Committee:

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301,
- 2 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes
- 3 Supplement, 2015; to provide for Choose Life License Plates; to
- 4 create a fund; to provide for grants to certain organizations; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Supplement, 2015, is
2 amended to read:

3 60-301 Sections 60-301 to 60-3,225 and sections 7 and 8 of this act
4 shall be known and may be cited as the Motor Vehicle Registration Act.

5 Sec. 2. Section 60-393, Revised Statutes Supplement, 2015, is
6 amended to read:

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

25 Sec. 3. Section 60-395, Revised Statutes Supplement, 2015, is
26 amended to read:

27 60-395 (1) Except as otherwise provided in subsection (2) of this
28 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, and
29 60-3,224 and section 8 of this act, the registration shall expire and the
30 registered owner or lessee may, by returning the registration
31 certificate, the license plates, and, when appropriate, the validation

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

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

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

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

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

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

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

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

27 (3) If the transferor or lessee acquires another motor vehicle at
28 the time of the transfer, trade-in, or surrender, the transferor or
29 lessee shall have the credit provided for in this section applied toward
30 payment of the motor vehicle fees and taxes then owing. Otherwise, the
31 transferor or lessee shall file a claim for refund with the county

1 treasurer upon an application form prescribed by the department.

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

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

7 (a) In the case of a transfer or loss, the date of the transfer or loss;
8 (b) in the case of a change in the situs, the date of registration in
9 another state; (c) in the case of a trade-in or surrender under a lease,
10 the date of trade-in or surrender; (d) in the case of a legislative act,
11 the effective date of the act; and (e) in the case of a court decision,
12 the date the decision is rendered.

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

16 (7) If a motor vehicle or trailer was reported stolen under section
17 60-178, a refund under this section shall not be reduced for a lost plate
18 charge and a credit under this section may be reduced for a lost plate
19 charge but the applicant shall not be required to pay the plate fee for
20 new plates.

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

27 Sec. 4. Section 60-396, Revised Statutes Supplement, 2015, is
28 amended to read:

29 60-396 Whenever the registered owner files an application with the
30 county treasurer showing that a motor vehicle or trailer is disabled and
31 has been removed from service, the registered owner may, by returning the

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

1 remainder of the registration year.

2 Sec. 5. Section 60-3,104, Revised Statutes Supplement, 2015, is
3 amended to read:

4 60-3,104 The department shall issue the following types of license
5 plates:

6 (1) Amateur radio station license plates issued pursuant to section
7 60-3,126;

8 (2) Apportionable vehicle license plates issued pursuant to section
9 60-3,203;

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

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

12 (5) Bus license plates issued pursuant to section 60-3,144;

13 (6) Choose Life License Plates issued pursuant to sections 7 and 8
14 of this act;

15 (7 ~~6~~) Commercial motor vehicle license plates issued pursuant to
16 section 60-3,147;

17 (8 ~~7~~) Dealer or manufacturer license plates issued pursuant to
18 sections 60-3,114 and 60-3,115;

19 (9 ~~8~~) Disabled veteran license plates issued pursuant to section
20 60-3,124;

21 (10 ~~9~~) Farm trailer license plates issued pursuant to section
22 60-3,151;

23 (11 ~~10~~) Farm truck license plates issued pursuant to section
24 60-3,146;

25 (12 ~~11~~) Farm trucks with a gross weight of over sixteen tons license
26 plates issued pursuant to section 60-3,146;

27 (13 ~~12~~) Fertilizer trailer license plates issued pursuant to section
28 60-3,151;

29 (14 ~~13~~) Gold Star Family license plates issued pursuant to sections
30 60-3,122.01 and 60-3,122.02;

31 (15 ~~14~~) Handicapped or disabled person license plates issued

1 pursuant to section 60-3,113;

2 (16 15) Historical vehicle license plates issued pursuant to
3 sections 60-3,130 to 60-3,134;

4 (17 16) Local truck license plates issued pursuant to section
5 60-3,145;

6 (18 17) Military Honor Plates issued pursuant to sections
7 60-3,122.03 and 60-3,122.04;

8 (19 18) Minitruck license plates issued pursuant to section
9 60-3,100;

10 (20 19) Motor vehicle license plates for motor vehicles owned or
11 operated by the state, counties, municipalities, or school districts
12 issued pursuant to section 60-3,105;

13 (21 20) Motor vehicles exempt pursuant to section 60-3,107;

14 (22 21) Motorcycle license plates issued pursuant to section
15 60-3,100;

16 (23 22) Nebraska Cornhusker Spirit Plates issued pursuant to
17 sections 60-3,127 to 60-3,129;

18 (24 23) Nebraska 150 Sesquicentennial Plates issued pursuant to
19 sections 60-3,223 to 60-3,225;

20 (25 24) Nonresident owner thirty-day license plates issued pursuant
21 to section 60-382;

22 (26 25) Passenger car having a seating capacity of ten persons or
23 less and not used for hire issued pursuant to section 60-3,143 other than
24 autocycles;

25 (27 26) Passenger car having a seating capacity of ten persons or
26 less and used for hire issued pursuant to section 60-3,143 other than
27 autocycles;

28 (28 27) Pearl Harbor license plates issued pursuant to section
29 60-3,122;

30 (29 28) Personal-use dealer license plates issued pursuant to
31 section 60-3,116;

1 (30 29) Personalized message license plates for motor vehicles and
2 cabin trailers, except commercial motor vehicles registered for over ten
3 tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

4 (31 30) Prisoner-of-war license plates issued pursuant to section
5 60-3,123;

6 (32 31) Purple Heart license plates issued pursuant to section
7 60-3,125;

8 (33 32) Recreational vehicle license plates issued pursuant to
9 section 60-3,151;

10 (34 33) Repossession license plates issued pursuant to section
11 60-375;

12 (35 34) Special interest motor vehicle license plates issued
13 pursuant to section 60-3,135.01;

14 (36 35) Specialty license plates issued pursuant to sections
15 60-3,104.01 and 60-3,104.02;

16 (37 36) Trailer license plates issued for trailers owned or operated
17 by the state, counties, municipalities, or school districts issued
18 pursuant to section 60-3,106;

19 (38 37) Trailer license plates issued pursuant to section 60-3,100;

20 (39 38) Trailers exempt pursuant to section 60-3,108;

21 (40 39) Transporter license plates issued pursuant to section
22 60-378;

23 (41 40) Trucks or combinations of trucks, truck-tractors, or
24 trailers which are not for hire and engaged in soil and water
25 conservation work and used for the purpose of transporting pipe and
26 equipment exclusively used by such contractors for soil and water
27 conservation construction license plates issued pursuant to section
28 60-3,149;

29 (42 41) Utility trailer license plates issued pursuant to section
30 60-3,151; and

31 (43 42) Well-boring apparatus and well-servicing equipment license

1 plates issued pursuant to section 60-3,109.

2 Sec. 6. Section 60-3,130.04, Revised Statutes Supplement, 2015, is
3 amended to read:

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

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

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

22 (4) License plates used pursuant to this section corresponding to
23 the year of manufacture of the vehicle shall not be personalized message
24 license plates, Pearl Harbor license plates, prisoner-of-war license
25 plates, disabled veteran license plates, Purple Heart license plates,
26 amateur radio station license plates, Nebraska Cornhusker Spirit Plates,
27 handicapped or disabled person license plates, specialty license plates,
28 special interest motor vehicle license plates, Military Honor Plates, ~~or~~
29 Nebraska 150 Sesquicentennial Plates, or Choose Life License Plates.

30 Sec. 7. (1) The department shall design license plates to be known
31 as Choose Life License Plates. The department shall create designs

1 reflecting support for the protection of Nebraska's children, both born
2 and unborn. The design shall be selected on the basis of limiting the
3 manufacturing cost of each plate to an amount less than or equal to the
4 amount charged for license plates pursuant to section 60-3,102. The
5 department shall make applications available for this type of plate when
6 it is designed. The department may adopt and promulgate rules and
7 regulations to carry out this section and section 8 of this act.

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

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

11 (b) Not use a county designation.

12 (3) One type of Choose Life License Plates shall be personalized
13 message plates. Such plates shall be issued subject to the same
14 conditions specified for personalized message license plates in section
15 60-3,118, except that a maximum of five characters may be used.

16 Sec. 8. (1) A person may apply to the department for Choose Life
17 License Plates in lieu of regular license plates on an application
18 prescribed and provided by the department for any motor vehicle or cabin
19 trailer, except for a motor vehicle or cabin trailer registered under
20 section 60-3,198. An applicant receiving a Choose Life License Plate for
21 a farm truck with a gross weight of over sixteen tons shall affix the
22 appropriate tonnage decal to the plate. The department shall make forms
23 available for such applications through the county treasurers. The
24 license plates shall be issued upon payment of the license fee described
25 in subsection (2) of this section.

26 (2)(a) In addition to all other fees required for registration under
27 the Motor Vehicle Registration Act, each application for initial issuance
28 of alphanumeric Choose Life License Plates shall be accompanied by a fee
29 of five dollars. An application for renewal of such plates shall be
30 accompanied by a fee of five dollars. County treasurers collecting fees
31 pursuant to this subdivision shall remit them to the State Treasurer. The

1 State Treasurer shall credit five dollars of the fee to the Choose Life
2 Pregnancy and Adoption Fund.

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

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

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

1 (5) If the cost of manufacturing Choose Life License Plates at any
2 time exceeds the amount charged for license plates pursuant to section
3 60-3,102, any money to be credited to the Choose Life Pregnancy and
4 Adoption Fund shall instead be credited first to the Highway Trust Fund
5 in an amount equal to the difference between the manufacturing costs of
6 Choose Life License Plates and the amount charged pursuant to section
7 60-3,102 with respect to such plates and the remainder shall be credited
8 to the Choose Life Pregnancy and Adoption Fund.

9 Sec. 9. (1) The Choose Life Pregnancy and Adoption Fund is created.
10 The fund shall consist of money credited pursuant to section 8 of this
11 act and any other money as determined by the Legislature. The fund shall
12 be administered by the Department of Health and Human Services and shall
13 be used to provide grants to eligible organizations for counseling,
14 training, pregnancy testing, or other material needs of pregnant women
15 who are considering placing their children for adoption, including the
16 provision of clothing, housing, prenatal care, food, utilities, and
17 transportation. The amount of the grants shall be determined by the
18 department based on available funding.

19 (2) For purposes of this section, eligible organization means an
20 organization in this state that:

21 (a) Qualifies as a charitable organization under section 501(c)(3)
22 of the Internal Revenue Code;

23 (b) Provides counseling and material assistance to pregnant women
24 who are considering placing their children for adoption;

25 (c) Does not charge for services provided;

26 (d) Does not provided abortions or abortion-related services or make
27 referrals to abortion providers;

28 (e) Is not affiliated with an organization that provides abortions
29 or abortion-related services or makes referrals to abortion providers;
30 and

31 (f) Does not contract with an organization that provides abortions

1 or abortion-related services or makes referrals to abortion providers.

2 (3) Any money in the Choose Life Pregnancy and Adoption Fund

3 available for investment shall be invested by the state investment

4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

5 State Funds Investment Act.

6 Sec. 10. Original sections 60-301, 60-393, 60-395, 60-396,

7 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015, are

8 repealed.