

LEGISLATIVE BILL 78

Approved by the Governor April 16, 2021

Introduced by Gragert, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, and 80-414, Revised Statutes Cumulative Supplement, 2020; to require applicants for certain license plates to register with the Department of Veterans' Affairs as prescribed; to change provisions relating to a registry of the Department of Veterans' Affairs; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-3,122.02, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,122.02 (1) Any person who is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States A person may apply to the department for Gold Star Family plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section 60-3,198. An applicant receiving a Gold Star Family plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. In order to be eligible for Gold Star Family plates, a person shall register with the Department of Veterans' Affairs pursuant to section 80-414. The Gold Star Family plates shall be issued upon payment of the license fee described in subsection (2) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section 80-414 furnishing proof satisfactory to the department that the applicant is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States.

(2)(a)(i) Until January 1, 2021, each application for initial issuance of consecutively numbered Gold Star Family plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee for initial issuance and renewal of such plates to the Nebraska Veteran Cemetery System Operation Fund.

(ii) Beginning January 1, 2021, no additional fee shall be required for consecutively numbered Gold Star Family plates issued under this section and such plates shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.

(b)(i) Each application for initial issuance of personalized message Gold Star Family plates shall be accompanied by a fee of forty dollars. An application for renewal of such plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Nebraska Veteran Cemetery System Operation Fund.

(ii) Beginning January 1, 2021:

(A) No license plate fee under section 60-3,102 shall be required for personalized message Gold Star Family plates issued under this section, other than the renewal fee provided for in subdivision (2)(b)(i) of this section; and

(B) Such plates shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually and the renewal fee provided for in subdivision (2)(b)(i) of this section is paid.

(3)(a) When the department receives an application for Gold Star Family plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. The county treasurer or the department shall issue Gold Star Family plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Gold Star Family plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request and without charge.

(b) This subdivision applies beginning on an implementation date designated by the director. The director shall designate an implementation date that is on or before January 1, 2021. The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

(4) The owner of a motor vehicle or trailer bearing Gold Star Family plates may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates, if any, credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Until January 1, 2021, application for such transfer shall be accompanied by a fee of three dollars. Beginning January 1, 2021, no such fee shall be required. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5) If the cost of manufacturing Gold Star Family plates at any time exceeds the amount charged for license plates pursuant to section 60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Gold Star Family plates and the amount charged pursuant to section 60-3,102 with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.

Sec. 2. Section 60-3,123, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,123 (1) Any person who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-385, apply to the department for license plates designed to indicate that he or she is a former prisoner of war.

(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to section 80-414. The license plates shall be issued upon the applicant paying the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section 80-414 furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) Until January 1, 2021, the applicant for license plates under this section shall pay the license plate fee required under section 60-3,102. Beginning January 1, 2021, no license plate fee shall be required for license plates under this section.

(4) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued replacement license plates upon request and without charge.

(5) Beginning January 1, 2021, license plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.

(6) This subsection applies beginning on an implementation date designated by the director. The director shall designate an implementation date that is on or before January 1, 2021. The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

Sec. 3. Section 60-3,124, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,124 (1) Any person who is a veteran of the United States Armed Forces, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who is classified by the United States Department of Veterans Affairs as one hundred percent service-connected disabled may, in addition to the application required in section 60-385, apply to the Department of Motor Vehicles for license plates designed by the department to indicate that the applicant is a disabled veteran. The inscription on the license plates shall be D.A.V. immediately below the license plate number to indicate that the holder of the license plates is a disabled veteran.

(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to

~~section 80-414. The plates shall be issued upon the applicant paying the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section 80-414 furnishing proof satisfactory to the department that the applicant is a disabled veteran.~~ Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) Until January 1, 2021, the applicant for license plates under this section shall pay the license plate fee required under section 60-3,102. Beginning January 1, 2021, no license plate fee shall be required for license plates under this section.

(4) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates as provided in section 60-3,157.

(5) Beginning January 1, 2021, license plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.

(6) This subsection applies beginning on an implementation date designated by the director. The director shall designate an implementation date that is on or before January 1, 2021. The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

Sec. 4. Section 60-3,125, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-3,125 (1) Any person may, in addition to the application required by section 60-385, apply to the department for license plates designed by the department to indicate that the applicant has received from the federal government an award of a Purple Heart. The inscription of the plates shall be designed so as to include a facsimile of the award and beneath any numerical designation upon the plates pursuant to section 60-370 the words Purple Heart separately on one line and the words Combat Wounded on the line below.

~~(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to section 80-414. The license plates shall be issued upon payment of the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section 80-414 furnishing proof satisfactory to the department that the applicant was awarded the Purple Heart.~~ Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) Until January 1, 2021, the applicant for license plates under this section shall pay the license plate fee required under section 60-3,102. Beginning January 1, 2021, no license plate fee shall be required for license plates under this section.

(4) If license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.

(5) Beginning January 1, 2021, license plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.

(6) This subsection applies beginning on an implementation date designated by the director. The director shall designate an implementation date that is on or before January 1, 2021. The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

Sec. 5. Section 80-414, Revised Statutes Cumulative Supplement, 2020, is amended to read:

80-414 (1) The Department of Veterans' Affairs shall create and maintain a registry of residents of Nebraska who meet the requirements ~~for:~~ ~~of subsection (1) of section 60-3,122.04 or subsection (1) of section 60-4,189.~~

- (a) Gold Star Family license plates under section 60-3,122.02;
- (b) Military Honor Plates under section 60-3,122.04;
- (c) Prisoner-of-war license plates under section 60-3,123;
- (d) Disabled veteran license plates under section 60-3,124;
- (e) Purple Heart license plates under section 60-3,125; and
- (f) A veteran designation on an operator's license or a state identification card under section 60-4,189.

(2) The Department of Veterans' Affairs may adopt and promulgate rules and

regulations governing the establishment and maintenance of the registry. The registry may be used to assist the department in carrying out the duties of the department and shall provide for the collection of sufficient information to identify an individual who qualifies for a license plate or designation listed in subsection (1) of this section ~~Military Honor Plates or a veteran designation on his or her operator's license or state identification card issued by the Department of Motor Vehicles.~~ The registry may include information such as identifying information on an individual, an individual's records on active duty or reserve duty in the armed forces of the United States, or an individual's status of active duty, reserve duty, retired, discharged, or other.

(3) ~~(2)~~ Any resident of Nebraska who meets the requirements for a license plate or designation listed in subsection (1) of this section ~~of subsection (1) of section 60-3,122.04 or subsection (1) of section 60-4,189~~ shall register with the Department of Veterans' Affairs using the registry created by this section before being eligible for such license plate or designation ~~Military Honor Plates or a veteran designation on his or her operator's license or state identification card issued by the Department of Motor Vehicles.~~ No person shall be deemed eligible until his or her status has been verified on the registry.

(4) ~~(3)~~ The Department of Motor Vehicles may adopt and promulgate rules and regulations governing use of the registry of the Department of Veterans' Affairs for determination of eligibility for a license plate or designation listed in subsection (1) of this section ~~the issuance of Military Honor Plates or a veteran designation on operators' licenses and state identification cards.~~

(5) ~~(4)~~ The eligibility requirements described in section 60-4,189 that are used in determining eligibility for a veteran designation on an operator's license or a state identification card shall apply only for purposes of such section and shall not apply in determining veteran status for any other purpose.

Sec. 6. This act becomes operative on January 1, 2022.

Sec. 7. Original sections 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, and 80-414, Revised Statutes Cumulative Supplement, 2020, are repealed.