

LEGISLATIVE BILL 412

Approved by the Governor May 9, 1983

Introduced by Warner, 25

AN ACT relating to motor vehicles; to amend sections 60-305.03, 60-1306, and 66-410.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a fee as prescribed; to change certain provisions relating to registration; to change provisions relating to trip permits as prescribed; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.03. (1) In case a foreign state or territory is not reciprocal as to license fees on commercial trucks, truck-tractors, semitrailers, trailers, or buses, the owners of such nonresident vehicles from those states or territories will be required to pay the same license fees as are charged residents of this state in such foreign state or territory. In case no fees are charged in Nebraska on trucks, truck-tractors, semitrailers, trailers, or buses, other than license fees, and the reciprocity law of any other foreign state or territory does not act to exempt Nebraska trucks, truck-tractors, semitrailers, trailers, or buses operating in that state from payment of all fees whatsoever, the owners of such foreign trucks, truck-tractors, semitrailers, trailers, or buses shall be required to pay a fee in an amount equal to the fee of whatever character, other than license fee, is charged by such other state to foreign trucks, truck-tractors, semitrailers, trailers, or buses; PROVIDED, that the owners of all foreign trucks, truck-tractors, semitrailers, trailers, or buses, doing intrastate hauling in this state, shall be required to pay the same registration fees as those required to be paid by residents of this state, unless such vehicles are registered as a part of a fleet in interstate commerce, as provided in section 60-305.09. In no case

shall the fee charged to an owner of a foreign motor vehicle exceed the total fees required to be paid on like vehicles by residents of this state. The Department of Roads shall act as an agent for the Department of Motor Vehicles in collecting such fees and shall remit all such fees collected to the State Treasurer, who shall place such money in the Highway Cash Fund. Such fees may be paid at either the various weighing stations operated and maintained by the Department of Roads or at various vendor stations as determined appropriate by the Department of Roads, and such fees shall be paid at the first available location, whether that be a weighing station or a vendor station. The vendor stations shall be entitled to collect an additional fee of ten per cent of the fee collected pursuant to this section but not more than five dollars as reimbursement for the clerical work of collecting such fee.

(2) In order to effect the purposes of section 60-305.02 and subsection (1) of this section, and section 60-305.09, the Director of Motor Vehicles shall have the power, duty, and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories, or possessions of the United States, and foreign countries, states, or provinces granting to vehicles or owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state. Such agreements or arrangements shall provide that vehicles registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles from such jurisdictions in this state. Such agreements may be revised or replaced by new agreements from time to time in order to promote greater uniformity among the states. The director may withdraw from any agreement when he or she determines that it shall be for the best interest of the State of Nebraska upon thirty days' notice.

Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide, with respect to resident or nonresident fleets of apportionable commercial vehicles which are engaged in interstate and intrastate commerce, that the registrations of such fleets can be apportioned between this state and other states in which such fleets operate in accordance with the method set out in section

60-305.09. A Nebraska based fleet owner may include trailers and semitrailers in such apportionable fleet by listing them in an application filed pursuant to section 60-305.09. The registration procedure required by section 60-305.09 shall be the only such registration required and when the fees provided for in such section have been paid, the trailers and semitrailers listed on the application shall be duly registered as part of such Nebraska based fleet.

(3) In the absence of an agreement or arrangement with any jurisdiction, the Director of Motor Vehicles is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles registered in such jurisdiction, or to the owners or operators of such vehicles.

Where no written agreement or arrangement has been entered into with another jurisdiction, or declaration issued pertaining thereto, any vehicle properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits, and privileges granted by such other jurisdiction to vehicles registered in this state.

(4) Where a trailer or semitrailer has been duly registered in any jurisdiction, including those that are part of a Nebraska based fleet registered pursuant to section 60-305.09, no additional registration or license fee therefor shall be required in this state when such trailer or semitrailer is operated in combination with any truck or truck-tractor properly licensed or registered in accordance with this act or agreements, arrangements, or declarations pursuant to this act.

(5) All agreements, arrangements, declarations, and amendments authorized by this act shall be in writing and shall become effective when filed in the office of the Director of Motor Vehicles.

(6) Agreements or arrangements entered into or declarations issued under the authority of this section may contain provisions denying exemptions, benefits, and privileges granted in such agreements, arrangements, or declarations to any vehicle which is in violation of conditions stated in such agreements, arrangements, or declarations.

(7) Properly registered shall mean a vehicle licensed or registered in one of the following: (a) The jurisdiction where the person registering the vehicle has his or her legal residence, or (b) the jurisdiction in which a commercial vehicle is registered, where the operation in which such vehicle is used has a principal place of business therein, and from or in which the

vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, and the vehicle is assigned to such principal place of business, or (c) the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the person registering the commercial vehicle has licensed the vehicle as required by said jurisdiction.

(8) It shall be unlawful to operate trucks, truck-tractors, semitrailers, trailers, or buses owned by nonresidents who are not in compliance with the provisions of subsections (1) and (2) of this section and with section 60-305.02, or any agreement executed under the authority granted hereunder.

Sec. 2. That section 60-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1306. The peace officers shall have the power (1) of peace officers for the purpose of enforcing the laws relating to the trip permit provided for in section 66-410.03 and to the size, weight, load, and registration of towed vehicles, buses, motor trucks, truck-tractors, and trailers, and (2) to make arrests upon view and without warrant for any violation committed in their presence of the laws referred to in subdivision (1) of this section.

Sec. 3. That section 66-410.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-410.03. (1) The advance arrangements referred to in section 66-410.02 shall include the procuring of a permit and the furnishing and maintaining of security as defined in section 66-404 in a sum to be fixed and determined by the Tax Commissioner but not less than one thousand dollars to assure the required reporting, payment of tax, keeping of records, and payment of any penalties. The amount of security as fixed and determined by the Tax Commissioner shall be approximately two times the average monthly liability of the permit holder. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such operator is liable, whether such liability was incurred prior to or after such security is filed.

(2) Such permit may be obtained upon application to the Tax Commissioner. The Tax Commissioner shall charge a fee of one dollar for each permit issued. The holder of a permit under this section shall have the privilege of bringing into this state in the fuel supply tanks of motor vehicles any amount of motor vehicle fuel or special fuel to be used in the operation of the vehicles and for that privilege

shall pay Nebraska motor vehicle fuel or special fuel taxes.

(3) Each vehicle operated into or through Nebraska in interstate operations using motor vehicle fuel or special fuel acquired in any other state shall carry in or on each vehicle a duplicate of the permit required in this section. All fees collected shall be deposited in the state treasury and by the State Treasurer credited to the Highway Cash Fund.

(4) In lieu of the permit and security required by subsection (1) of this section, the Department of Revenue shall provide for a trip permit to be issued. Such trip permits shall be issued by various vendor stations within the state, as determined appropriate by the Department of Revenue, for a fee of ten dollars. Such permits shall be valid for a period of seventy-two hours. No more than three permits shall be used by any one owner or lessee during a single month. The Department of Roads shall act as an agent for the Department of Revenue in collecting the fees prescribed in this subsection and shall remit all such fees collected to the State Treasurer who shall place such money in the Highway Cash Fund. Such trip permits shall be available at weighing stations operated and maintained by the Department of Roads and at various vendor stations as determined appropriate by the Department of Roads. Trip permits shall be obtained at the first available location, whether that be a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten per cent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits. The Department of Revenue may contract with another state agency to act as its agent in collecting such fees and shall periodically remit all such fees collected to the State Treasurer for deposit in the Highway Cash Fund.

Sec. 4. That original sections 60-305.03, 60-1306, and 66-410.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.