

## LEGISLATIVE BILL 37

Approved by the Governor June 2, 1995

Introduced by Coordsen, 32; Beutler, 28

AN ACT relating to motor vehicles; to amend sections 60-301, 60-328, 60-528, and 60-1803, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-302, 60-305.09, 60-312, 60-348, 60-4,118, and 77-2716.02, Revised Statutes Supplement, 1994; to change provisions relating to proof of financial responsibility; to change provisions relating to certificates of registration; to require proof of financial responsibility; to provide and eliminate penalties; to change provisions relating to driver's license examinations; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 60-570, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 23-186, Revised Statutes Supplement, 1994, is amended to read:

23-186. A county board may consolidate under the office of a designated county official the services provided to the public by the county assessor, the county clerk, and the county treasurer relating to the issuance of certificates of title, registration certificates, license plates, and renewal decals, notation and cancellation of liens, and collection of fees for motor vehicles as provided in sections 18-1738, 18-1738.01, 60-106, 60-107, 60-108, 60-110, 60-111, 60-112, 60-113, 60-115, 60-119, 60-122, 60-301 to 60-347, 60-6,322, 60-1803, 77-1240.03, and 77-1240.04 and section 6 of this act. In a county in which a city of the metropolitan class is located, the county board may designate the county treasurer to provide the services. In any other county, the county board may designate the county assessor, the county clerk, or the county treasurer to provide the services.

Sec. 2. Section 60-301, Reissue Revised Statutes of Nebraska, is amended to read:

60-301. For purposes of Chapter 60, article 3, and section 6 of this act, unless the context otherwise requires:

(1) Agricultural products shall mean means field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(2) Apportionable vehicle shall mean means any vehicle used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle shall does not include any recreational vehicle, vehicle displaying restricted plates, city pickup and delivery vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) be a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds, (b) be a power unit having three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles and buses used in the transportation of chartered parties may be proportionally registered at the option of the registrant;

(3) Automobile liability policy means liability insurance written by an insurance carrier duly authorized to do business in this state protecting other persons from damages for liability on account of accidents occurring subsequent to the effective date of the insurance arising out of the ownership of a motor vehicle (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of other persons in any one accident. An automobile liability policy shall not exclude liability coverage under the policy solely because the injured person making a claim is the named insured in the policy or a spouse or relative residing in the same household with the named insured;

(4) Cabin trailer shall mean means any vehicle without motive power

designed for living quarters and for being drawn by a motor vehicle and not exceeding one hundred two inches in width, forty feet in length, or thirteen and one-half feet in height;

(5) ~~(4)~~ Commercial trailer ~~shall mean means~~ any trailer or semitrailer designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and ~~shall does~~ not include farm trailers, fertilizer trailers, utility trailers, or cabin trailers;

(6) ~~(5)~~ Commercial vehicle ~~shall mean means~~ any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and ~~shall does~~ not include farm trucks;

(7) Evidence of insurance means evidence of a current and effective automobile liability policy;

(8) ~~(6)~~ Farm trailer ~~shall mean means~~ any trailer or semitrailer (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market and attached to a passenger car, commercial-licensed vehicle registered for sixteen tons or less, or farm-licensed vehicle, or (c) used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market. Such trailers shall carry on their license plate, in addition to the registration number, the letter X. Farm trailer ~~shall does~~ not include a trailer so used when attached to a farm tractor;

(9) ~~(7)~~ Farm trucks ~~shall mean means~~ trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market, (c) used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or (d) used occasionally to carry camper units or to pull boats or cabin trailers. Such trucks shall carry on their license plates, in addition to the registration number, the designation farm and the words NOT FOR HIRE;

(10) ~~(8)~~ Fertilizer trailer ~~shall mean means~~ any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less. Such trailers shall carry on their license plate, in addition to the registration number, the letter X;

(11) ~~(9)~~ Film vehicle ~~shall mean means~~ any motor vehicle or trailer used exclusively by a nonresident production company temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production;

(12) ~~(10)~~ Fleet ~~shall mean means~~ one or more apportionable vehicles;

(13) ~~(11)~~ Highways ~~shall mean means~~ public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(14) ~~(12)~~ In-state miles ~~shall mean means~~ total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) ~~(13)~~ Local truck ~~shall mean means~~ a truck and combinations of trucks, truck-tractors, or trailers or semitrailers operated solely within an incorporated city or village or within ten miles of the corporate limits of the city or village in which they are owned, operated, and registered. Such trucks shall carry on their license plates, in addition to the registration number, the designation of local truck;

(16) ~~(14)~~ Motor vehicle ~~shall mean means~~ any vehicle propelled by any power other than muscular power except (a) mopeds as defined in section 60-637, (b) farm tractors, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (d) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (e) vehicles which run only on rails or tracks, (f) off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section 60-6,355, snowmobiles as defined in section 60-663, and minibikes as defined in section 60-636, (g) road and general-purpose

construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, and (h) self-propelled chairs used by persons who are disabled;

(17) (45) Motorcycle shall mean means any motor vehicle, except a tractor or an all-terrain vehicle as defined in section 60-6,355, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(18) (46) Noncontracting reciprocity state shall mean means any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles and, as a condition to operate on the highways of that state, (a) does not require any type of vehicle registration or allocation of vehicles for registration purposes or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

(19) (47) Owner shall mean means a person, firm, or corporation which holds a legal title of a vehicle. If (a) a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (b) a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (c) a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for purposes of Chapter 60, article 3, and section 6 of this act. For such purpose, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November 1976;

(20) (48) Park shall mean means to stop a vehicle for any length of time, whether occupied or unoccupied;

(21) (49) Passenger car shall mean means a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(22) Proof of financial responsibility has the same meaning as in section 60-501;

(23) (20) Self-propelled mobile home shall mean means a vehicle with motive power designed for living quarters;

(24) (21) Semitrailer shall mean means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(25) (22) Total fleet miles shall mean means the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(26) (23) Trailer shall mean means any vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(27) (24) Transporter shall mean means any person lawfully engaged in the business of transporting vehicles not his or her own solely for delivery thereof (a) by driving singly, (b) by driving in combinations by the towbar, fullmount, or saddle-mount methods or any combinations thereof, or (c) when a truck or tractor draws a semitrailer or tows a trailer;

(28) (25) Truck-tractor shall mean means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(29) (26) Trucks shall mean means motor vehicles equipped or used for the transportation of property;

(30) (27) Utility trailer shall mean means a trailer having a gross weight, including load thereon, of nine thousand pounds or less attached to a motor vehicle and used exclusively to carry miscellaneous items of personal property. Such trailers shall carry on their license plate, in addition to the registration number, the letter X; and

(31) (28) Vehicle shall mean means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Section 60-302, Revised Statutes Supplement, 1994, is amended to read:

60-302. (1) No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated or parked on

the highways of this state unless such vehicle is registered in accordance with Chapter 60, article 3, and section 6 of this act. There shall be a rebuttable presumption that any vehicle stored and kept more than thirty days in the state is being operated or parked on the highways of this state and shall be registered in accordance with Chapter 60, article 3, and section 6 of this act. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs as defined in section 77-1238. The application shall be a copy of a certificate of title or, in the case of a renewal of a registration, the application shall be the previous registration period's certificate. A salvage certificate of title as defined in section 60-129 and a nontransferable certificate of title provided for in section 60-131 shall not be valid for registration purposes.

(2) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility in limits for bodily injury or death and for injury to or destruction of property of others set forth in section 60-509. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration; and shall designate, by explicit description or by appropriate reference, all motor vehicles covered thereby. Such certificate or policy of motor vehicle liability insurance shall not exclude liability coverage under such certificate or policy solely because the injured person making a claim is the named insured in such certificate or policy or a spouse or relative residing in the same household with the named insured.

(3) Any nonresident owner who desires to register a vehicle or vehicles in this state shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

(4) Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by Chapter 60, article 3, and section 6 of this act. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to 60-339 and shall state whether the vehicle is propelled by motor vehicle fuel as defined in section 66-482, diesel fuel as defined in section 66-654, or alternative fuel as defined in section 66-686 and, if alternative fuel, the type of fuel. The form shall also contain a notice that bulk fuel purchasers may be subject to federal excise tax liability. The department shall prescribe a form, containing such notice, for supplying the information for vehicles to be registered. The county assessor shall include the form in each mailing made pursuant to section 77-1240.01.

(5) The county treasurer or his or her agent shall collect, in addition to the registration fees, one dollar and fifty cents for each and every certificate issued and shall remit one dollar and fifty cents of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Computerization and Operations Fund.

(6) The county treasurer or his or her agent shall collect, in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be remitted by the county treasurer to the State Treasurer for credit to the State Recreation Road Fund.

~~(7) If a citation is issued to an owner of a vehicle for a violation of this section and the owner, within ten days of issuance of the citation, properly registers and licenses the vehicle not in compliance; pays all taxes and fees due; and provides proof of such registration to the prosecuting~~

attorney, no prosecution for the offense cited shall occur.

(7) If a citation is issued to an owner or operator of a vehicle for a violation of this section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

(8) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 60-301 to 60-347 and section 6 of this act shall be performed by the designated county official.

Sec. 4. Section 60-305.09, Revised Statutes Supplement, 1994, is amended to read:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344 and section 6 of this act, register and license such fleet for operation in this state by filing a sworn statement and the application required by section 60-305.16 with the Department of Motor Vehicles. The statement shall be in such form and contain such information as the department requires, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. Upon receipt of such statement and application, the department shall determine the total fee payment which shall be equal to the amount of fees due pursuant to section 60-305.16 and the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which permits the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be remitted to the State Treasurer for credit to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 and section 6 of this act for movement or operation in the State of Nebraska except as provided in section 60-305.16. The proportional registration and licensing provision of this section shall apply to vehicles added to such fleets and operated in this state during the license year except with regard to permanent license plates issued under section 60-305.16.

The right of applicants to proportional registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the department.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department

which shall show the operations of the preceding year in other states and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be remitted by the department to the State Treasurer for credit to the Interstate Registration Operations Cash Fund. No deficiency shall be assessed and no claim for credit shall be allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If the department claims that a greater amount of fee is due under this section than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the Director of Motor Vehicles for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-4,105, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner. A certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal if no appeal is taken or upon final judicial determination if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid.

(5) Every applicant who licenses any vehicles under this section and section 60-305.16 shall have his or her registration certificates issued only after all fees under such sections are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the director as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that if the registered owner applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, he or she may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. No refund shall be allowed for any fees paid under section 60-305.16. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered

motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. No credit shall be allowed for any fees paid under section 60-305.16. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year. The fee for any permanent license plate issued for such addition pursuant to section 60-305.16 shall be the full fee required by such section, regardless of the number of months remaining in the license year.

(10) In lieu of registration under subsections (1) ~~to through~~ (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

(11) In lieu of registration under subsections (1) ~~to through~~ (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the department in collecting such fees and shall remit all such fees collected to the State Treasurer for credit to the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 5. Section 60-312, Revised Statutes Supplement, 1994, is amended to read:

60-312. (1) ~~The county treasurer or designated county official as provided in section 60-302 shall furnish each applicant for registration and on each renewal of registration, a certificate of registration which shall contain upon the face thereof the following data: The name of the registered owner of the motor vehicle, his or her post office address, a description of the vehicle as set forth in the application for registration, and the type of fuel used to propel the motor vehicle, whether motor vehicle fuel, diesel fuel, or alternative fuel and, if alternative fuel, the type of fuel. ~~The certificate shall have and contain the identical registration number denoted on the number plate, in connection with which such certificate shall be issued. It and shall be valid only for the registration period for which it is issued. The certificate shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility is required in Nebraska. By paying the required registration fees every person whose name appears on the title of the motor vehicle certifies that he or she will maintain a current and effective automobile liability policy or proof of financial responsibility for the motor vehicle at the time of registration and while the motor vehicle is operated on a public highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon demand.~~~~

(2) It shall be unlawful for any owner to pay the required

registration fees when the owner does not, at the time of paying the fees or during the entire registration period, have or keep in effect a current and effective automobile liability policy or proof of financial responsibility. Any person violating this subsection shall be guilty of a Class IV misdemeanor. The penalty shall be mandatory and shall not be suspended by a court.

Sec. 6. It shall be unlawful for any owner of a motor vehicle which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or which is required to be registered in this state and which is operated on a public highway of this state to allow the operation of the motor vehicle on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation of his or her motor vehicle on a public highway of this state in violation of this section when the motor vehicle is being operated by a person other than the owner. An owner of a motor vehicle who operates the motor vehicle or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. The penalty shall be mandatory and shall not be suspended by a court.

An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate law enforcement agency that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time of such request.

Sec. 7. Section 60-328, Reissue Revised Statutes of Nebraska, is amended to read:

60-328. The provisions of sections 60-301 to 60-326.01 and section 6 of this act relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a nonresident of this state, other than a foreign corporation doing business in this state, if the owner thereof has complied with the provisions of the law of the foreign country, state, territory, or federal district of his or her residence relative to registration of motor vehicles and the display of registration numbers thereon and conspicuously displays his or her registration numbers as required thereby.

The provisions of this section shall be operative as to motor vehicles owned by a nonresident of this state only to the extent that, under the laws of the foreign country, state, territory, or federal district of his or her residence, like exemptions and privileges are guaranteed to motor vehicles duly registered under the laws of and owned by residents of this state or to a vehicle duly licensed in the state of residence and operated by a nonresident agricultural worker, certified by the Department of Labor, Division of Employment, as engaged in temporary agricultural employment in this state, for a period of not to exceed sixty days. If a truck, truck-tractor, semitrailer, or trailer is lawfully licensed under the laws of another state or province and is engaged in hauling grain or other seasonally harvested products from the field where they are harvested to storage or market during the period from June 1 to December 15 of each year or under emergency conditions, the right to operate over the highways of this state for a period of ninety days shall be authorized by obtaining a permit therefor from the county treasurer or his or her agent. Such permit shall be issued upon the payment of a fee of twenty dollars for a truck or one hundred fifty dollars for any combination of truck, truck-tractor, semitrailer, or trailer. The fees for such permits, when collected, shall be remitted to the Department of Motor Vehicles which shall remit them to the State Treasurer for credit to the Highway Cash Fund.

Sec. 8. Section 60-348, Revised Statutes Supplement, 1994, is amended to read:

60-348. Any person, firm, association, partnership, limited liability company, or corporation which violates any provision of sections 60-301 to 60-347 and section 6 of this act for which a penalty is not otherwise provided shall be guilty of a Class III misdemeanor.

Sec. 9. Section 60-4,118, Revised Statutes Supplement, 1994, is amended to read:

60-4,118. (1) No operator's license shall be granted to any



applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety. The Department of Motor Vehicles, with the advice of the Health Advisory Board, shall adopt and promulgate rules and regulations:

(a) Requiring a minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and

(b) Requiring a minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.

(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met.

(3) If the application for an operator's license discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director with the advice of the Health Advisory Board, to show the necessary ability to safely operate a motor vehicle on the highways. The director may also require the person to appear before the board or a designee of the board. If the examiner, board, or designee is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.

(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, request the advice of the Health Advisory Board and may give notice to the person to appear before an examiner, the board, or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.

(b) A refusal to appear before an examiner, the board, or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.

(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.

(d) If in the opinion of the board the person cannot qualify at the examination by the board, the board shall advise the director. If the director determines after consideration of the advice of the board that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.

(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

(5) No operator's license referred to in this section shall, under any circumstances, be issued to any person who has not attained the age of sixteen years, but upon application therefor and proof of age in the manner provided in section 60-484, any such person may take the examination required by this section at any time within sixty days prior to his or her sixteenth birthday.

(6)(a) Upon receipt of a certified copy of a court order issued pursuant to section 60-6,211.05 and of sufficient evidence that the defendant

has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such court order and upon payment by the defendant of the fee provided in section 60-4,115, the director shall issue to the defendant a Class O license restricted to the operation of a motor vehicle equipped with an ignition interlock device.

(b) Upon expiration of the court order issued pursuant to section 60-6,211.05, the defendant may apply to the department in writing for issuance of an operator's license which does not contain such restriction. If the license surrendered by the defendant under subdivision (a) of this subsection has not expired, the director shall return such license to the defendant. If such license has expired, the defendant shall reapply for an operator's license pursuant to the Motor Vehicle Operator's License Act.

Sec. 10. Section 60-528, Reissue Revised Statutes of Nebraska, is amended to read:

60-528. Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof by filing:

- (1) A certificate of insurance as provided in section 60-529 or 60-531;
- (2) A bond as provided in sections 60-547 and 60-548;
- (3) A certificate of deposit of money or securities as provided in section 60-549; or
- (4) A certificate of self-insurance as provided in sections 60-562 to 60-564.

The department shall issue to any person providing the proof of financial responsibility a copy of any filing described in subdivision (2), (3), or (4) of this section with the department's seal affixed to the copy. Any person providing such proof as a requirement of registration of a motor vehicle pursuant to section 60-302; and such copy with seal affixed shall be accepted by the county treasurers or designated county officials as provided in section 60-302 as proof of financial responsibility.

Sec. 11. Section 60-1803, Reissue Revised Statutes of Nebraska, is amended to read:

60-1803. Every owner of a camper unit shall make application for a permit to the county treasurer or designated county official as provided in section 60-302 of the county in which such owner resides or is domiciled or conducts a bona fide business, or if such owner is not a resident of this state, such application shall be made to the county treasurer or designated county official of the county in which such owner actually lives or conducts a bona fide business, except as otherwise expressly provided. Any person, firm, association, or corporation who is neither a resident of this state nor domiciled herein in this state, but who desires to obtain a permit for a camper unit owned by such person, firm, association, or corporation, may register the same in any county of this state. The application shall contain a statement of the name, post office address, and place of residence of the applicant, a description of the camper unit, including the name of the maker, the number, if any, affixed or assigned thereto by the manufacturer, the weight, width, and length of the vehicle, the year, the model, and the trade name or other designation given thereto by the manufacturer, if any. Camper unit permits required by sections 60-1801 to 60-1808 shall be issued by the county treasurer or designated county official in the same manner as motor vehicle licenses as provided in sections 60-301 to 60-344 and section 6 of this act, except as otherwise herein expressly provided. Every applicant for permit, at the time of making such application, shall exhibit to the county treasurer or designated county official evidence of ownership of such camper unit. Contemporaneously with such application, the applicant shall pay a permit fee in the amount of two dollars which shall be distributed in the same manner as all other motor vehicle license fees. Upon proper application being made and the payment of the permit fee and the tax provided in section 60-1806, the applicant shall be issued a permit.

Sec. 12. Section 77-2716.02, Revised Statutes Supplement, 1994, is amended to read:

77-2716.02. (1) For all tax years beginning or deemed to begin on or after January 1, 1992, and before January 1, 1993, there is hereby imposed on all taxpayers, in addition to the tax imposed by sections 77-2714 to 77-27,123, a surcharge of two percent of all depreciation deducted by a person subject to the Nebraska Revenue Act of 1967. The surcharge imposed by this section shall be an excise tax. The surcharge imposed by this section shall be reported on a form prescribed by the Department of Revenue and shall be due and payable at the time the income tax return required by sections 77-2714 to 77-27,123 is due. No credits against the payment of any tax shall be allowed as a credit against the surcharge imposed by this section.

(2) For purposes of this section, depreciation shall mean any deduction for cost recovery allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended, on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles, semitrailers, trailers, and truck-tractors required to be registered under sections 60-301 to 60-347 and section 6 of this act, except that for a financial institution subject to the tax imposed by section 77-3802, depreciation shall mean any reduction in net financial income for cost recovery on tangible property used in a trade or business or tangible property held for the production of income, other than motor vehicles, semitrailers, trailers, and truck-tractors required to be registered under sections 60-301 to 60-347 and section 6 of this act, that is comparable to amounts allowable under section 167, 168, 169, or 179 of the Internal Revenue Code of 1986, as amended.

(3) The following special rules shall be used in calculating the surcharge on depreciation:

(a) Each beneficiary shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the estate's or trust's depreciation;

(b) Each partner shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the partnership's depreciation;

(c) Each shareholder in a subchapter S corporation shall include in his or her depreciation for purposes of computing the surcharge his or her proportionate share of the corporation's depreciation from the conduct of a business, trade, profession, or occupation within this state determined under subsection (2) of section 77-2734.01;

(d) For purposes of subdivisions (3)(a), (b), and (c) of this section, the proportionate share of depreciation for a beneficiary, partner, or shareholder shall be the depreciation used in determining the income or loss reported by the beneficiary, partner, or shareholder on a return subject to the surcharge, whether or not the return for the estate, trust, partnership, or subchapter S corporation is for the identical period;

(e) For a resident individual, the depreciation subject to the surcharge shall be the total depreciation used in calculating federal adjusted gross income, reduced proportionally to the extent income from the trade or business is actually taxed in another state. A resident individual shall make a separate calculation for each trade or business;

(f) For a nonresident individual, the portion of the nonresident's total depreciation subject to the surcharge shall be the same as the proportionate share of his or her income subject to the tax in this state under subsection (3) of section 77-2715;

(g) For a corporate taxpayer that is subject to tax in another state, the surcharge shall be based on the depreciation connected with the taxpayer's operations in this state as determined through the use of the sales factor contained in section 77-2734.14; and

(h) For a financial institution subject to the tax imposed by section 77-3802, the surcharge shall be based on the depreciation connected with the financial institution's operation in this state as determined in the same manner as income is apportioned under subdivision (2) of section 77-3805.

(4) For purposes of administering the surcharge imposed pursuant to this section, statutory provisions relating to the income tax shall apply, including provisions relating to interest and penalties.

(5) The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 13. The Revisor of Statutes shall assign section 6 of this act to Chapter 60, article 3.

Sec. 14. This act becomes operative on January 1, 1996.

Sec. 15. Original sections 60-301, 60-328, 60-528, and 60-1803, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-302, 60-305.09, 60-312, 60-348, 60-4,118, and 77-2716.02, Revised Statutes Supplement, 1994, are repealed.

Sec. 16. The following section is outright repealed: Section 60-570, Reissue Revised Statutes of Nebraska.