

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 355**

Introduced by Bolz, 29.

Read first time January 13, 2017

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 Cumulative Supplement, 2016; to provide for Native American Cultural
- 4 Awareness and History Plates; to create a fund and provide for its
- 5 use; to 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 Cumulative Supplement,  
2 2016, is amended to read:

3 60-301 Sections 60-301 to 60-3,231 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 Cumulative Supplement,  
6 2016, is 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,  
22 60-3,224, and 60-3,227 and section 8 of this act. Thereafter all such  
23 motor vehicles or trailers shall be registered on an annual basis  
24 starting in the month chosen by the owner.

25 Sec. 3. Section 60-395, Revised Statutes Cumulative Supplement,  
26 2016, is 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,  
29 60-3,224, and 60-3,227 and section 8 of this act, the registration shall  
30 expire and the registered owner or lessee may, by returning the  
31 registration certificate, the license plates, and, when appropriate, the

1 validation decals and by either making application on a form prescribed  
2 by the 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 Cumulative Supplement,  
28 2016, is 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, 60-3,224, and  
10 60-3,227 and section 8 of this act. The owner shall also receive a credit  
11 for the unused portion of the motor vehicle tax and fee based upon the  
12 number of unexpired months remaining in the registration year. When the  
13 owner registers a replacement motor vehicle or trailer at the time of  
14 filing 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 Cumulative Supplement,  
3 2016, is 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) Breast Cancer Awareness Plates issued pursuant to sections  
13 60-3,230 and 60-3,231;

14 (6) Bus license plates issued pursuant to section 60-3,144;

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

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

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

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

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

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

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

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

30 (15) Handicapped or disabled person license plates issued pursuant  
31 to section 60-3,113;

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

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

4 (18) Military Honor Plates issued pursuant to sections 60-3,122.03  
5 and 60-3,122.04;

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

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

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

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

12 (23) Mountain Lion Conservation Plates issued pursuant to sections  
13 60-3,226 and 60-3,227;

14 (24) Native American Cultural Awareness and History Plates issued  
15 pursuant to sections 7 and 8 of this act;

16 (25) (24) Nebraska Cornhusker Spirit Plates issued pursuant to  
17 sections 60-3,127 to 60-3,129;

18 (26) (25) Nebraska 150 Sesquicentennial Plates issued pursuant to  
19 sections 60-3,223 to 60-3,225;

20 (27) (26) Nonresident owner thirty-day license plates issued  
21 pursuant to section 60-382;

22 (28) (27) 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 (29) (28) 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 (30) (29) Pearl Harbor license plates issued pursuant to section  
29 60-3,122;

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

1           ~~(32)~~ ~~(31)~~ 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           ~~(33)~~ ~~(32)~~ Prisoner-of-war license plates issued pursuant to section  
5 60-3,123;  
6           ~~(34)~~ ~~(33)~~ Public power district license plates issued pursuant to  
7 section 60-3,228;  
8           ~~(35)~~ ~~(34)~~ Purple Heart license plates issued pursuant to section  
9 60-3,125;  
10           ~~(36)~~ ~~(35)~~ Recreational vehicle license plates issued pursuant to  
11 section 60-3,151;  
12           ~~(37)~~ ~~(36)~~ Repossession license plates issued pursuant to section  
13 60-375;  
14           ~~(38)~~ ~~(37)~~ Special interest motor vehicle license plates issued  
15 pursuant to section 60-3,135.01;  
16           ~~(39)~~ ~~(38)~~ Specialty license plates issued pursuant to sections  
17 60-3,104.01 and 60-3,104.02;  
18           ~~(40)~~ ~~(39)~~ Trailer license plates issued for trailers owned or  
19 operated by the state, counties, municipalities, or school districts  
20 issued pursuant to section 60-3,106;  
21           ~~(41)~~ ~~(40)~~ Trailer license plates issued pursuant to section  
22 60-3,100;  
23           ~~(42)~~ ~~(41)~~ Trailer license plates issued for trailers owned or  
24 operated by a public power district pursuant to section 60-3,228;  
25           ~~(43)~~ ~~(42)~~ Trailers exempt pursuant to section 60-3,108;  
26           ~~(44)~~ ~~(43)~~ Transporter license plates issued pursuant to section  
27 60-378;  
28           ~~(45)~~ ~~(44)~~ Trucks or combinations of trucks, truck-tractors, or  
29 trailers which are not for hire and engaged in soil and water  
30 conservation work and used for the purpose of transporting pipe and  
31 equipment exclusively used by such contractors for soil and water

1 conservation construction license plates issued pursuant to section  
2 60-3,149;

3 ~~(46)~~ (45) Utility trailer license plates issued pursuant to section  
4 60-3,151; and

5 ~~(47)~~ (46) Well-boring apparatus and well-servicing equipment license  
6 plates issued pursuant to section 60-3,109.

7 Sec. 6. Section 60-3,130.04, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

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

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

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

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

1 handicapped or disabled person license plates, specialty license plates,  
2 special interest motor vehicle license plates, Military Honor Plates,  
3 Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, or  
4 Mountain Lion Conservation Plates, or Native American Cultural Awareness  
5 and History Plates.

6       Sec. 7. (1) The department shall design license plates to be known  
7 as Native American Cultural Awareness and History Plates. The department  
8 shall create designs reflecting the unique culture and history of Native  
9 American tribes historically and currently located in Nebraska. The  
10 design shall be selected on the basis of limiting the manufacturing cost  
11 of each plate to an amount less than or equal to the amount charged for  
12 license plates pursuant to section 60-3,102. The department shall make  
13 applications available for this type of plate by October 1, 2017. The  
14 department may adopt and promulgate rules and regulations to carry out  
15 this section and section 8 of this act.

16       (2) One type of Native American Cultural Awareness and History  
17 Plates shall be alphanumeric plates.

18       The department shall:

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

20       (b) Not use a county designation.

21       (3) One type of Native American Cultural Awareness and History  
22 Plates shall be personalized message plates. Such plates shall be issued  
23 subject to the same conditions specified for personalized message license  
24 plates in section 60-3,118, except that a maximum of five characters may  
25 be used.

26       Sec. 8. (1) Beginning October 1, 2017, a person may apply to the  
27 department for Native American Cultural Awareness and History Plates in  
28 lieu of regular license plates on an application prescribed and provided  
29 by the department for any motor vehicle or trailer, except for a motor  
30 vehicle or trailer registered under section 60-3,198. An applicant  
31 receiving a Native American Cultural Awareness and History Plate for a

1 farm truck with a gross weight of over sixteen tons shall affix the  
2 appropriate tonnage decal to the plate. The department shall make forms  
3 available for such applications through the county treasurers. The  
4 license plates shall be issued upon payment of the license fee described  
5 in subsection (2) of this section.

6 (2)(a) In addition to all other fees required for registration under  
7 the Motor Vehicle Registration Act, each application for initial issuance  
8 or renewal of alphanumeric Native American Cultural Awareness and History  
9 Plates shall be accompanied by a fee of five dollars. County treasurers  
10 collecting fees pursuant to this subdivision shall remit them to the  
11 State Treasurer. The State Treasurer shall credit five dollars of the fee  
12 to the Native American Scholarship and Leadership Fund.

13 (b) In addition to all other fees required for registration under  
14 the Motor Vehicle Registration Act, each application for initial issuance  
15 or renewal of personalized message Native American Cultural Awareness and  
16 History Plates shall be accompanied by a fee of forty dollars. County  
17 treasurers collecting fees pursuant to this subdivision shall remit them  
18 to the State Treasurer. The State Treasurer shall credit twenty-five  
19 percent of the fee for initial issuance and renewal of such plates to the  
20 Department of Motor Vehicles Cash Fund and seventy-five percent of the  
21 fee to the Native American Scholarship and Leadership Fund.

22 (3) When the department receives an application for Native American  
23 Cultural Awareness and History Plates, the department shall deliver the  
24 plates to the county treasurer of the county in which the motor vehicle  
25 or trailer is registered. The county treasurer shall issue Native  
26 American Cultural Awareness and History Plates in lieu of regular license  
27 plates when the applicant complies with the other provisions of the Motor  
28 Vehicle Registration Act for registration of the motor vehicle or  
29 trailer. If Native American Cultural Awareness and History Plates are  
30 lost, stolen, or mutilated, the licensee shall be issued replacement  
31 license plates upon request pursuant to section 60-3,157.

1           (4) The owner of a motor vehicle or trailer bearing Native American  
2 Cultural Awareness and History Plates may apply to the county treasurer  
3 to have such plates transferred to a motor vehicle or trailer other than  
4 the motor vehicle or trailer for which such plates were originally  
5 purchased if such motor vehicle or trailer is owned by the owner of the  
6 plates. The owner may have the unused portion of the fee for the plates  
7 credited to the other motor vehicle or trailer which will bear the plates  
8 at the rate of eight and one-third percent per month for each full month  
9 left in the registration period. Application for such transfer shall be  
10 accompanied by a fee of three dollars. Fees collected pursuant to this  
11 subsection shall be remitted to the State Treasurer for credit to the  
12 Department of Motor Vehicles Cash Fund.

13           (5) If the cost of manufacturing Native American Cultural Awareness  
14 and History Plates at any time exceeds the amount charged for license  
15 plates pursuant to section 60-3,102, any money to be credited to the  
16 Native American Scholarship and Leadership Fund shall instead be credited  
17 first to the Highway Trust Fund in an amount equal to the difference  
18 between the manufacturing costs of Native American Cultural Awareness and  
19 History Plates and the amount charged pursuant to section 60-3,102 with  
20 respect to such plates and the remainder shall be credited to the Native  
21 American Scholarship and Leadership Fund.

22           Sec. 9. The Native American Scholarship and Leadership Fund is  
23 created. The fund shall be administered by the Commission on Indian  
24 Affairs and shall consist of money credited to the fund pursuant to  
25 section 8 of this act. The commission shall use the fund to provide  
26 scholarships to Native Americans to attend a postsecondary educational  
27 institution in this state and to provide other leadership opportunities  
28 to Native Americans as determined by the commission. Any money in the  
29 fund available for investment shall be invested by the state investment  
30 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
31 State Funds Investment Act.

1           Sec. 10.     Original sections 60-301, 60-393, 60-395, 60-396,  
2 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016,  
3 are repealed.