

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 383

Introduced by Janssen, 15.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-3,130.04,
2 Reissue Revised Statutes of Nebraska, and sections
3 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised
4 Statutes Cumulative Supplement, 2012; to provide for
5 Nebraska Armed Forces Pride Plates; to harmonize
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 60-301, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 60-301 Sections 60-301 to 60-3,222 and sections 7 and 8
4 of this act shall be known and may be cited as the Motor Vehicle
5 Registration Act.

6 Sec. 2. Section 60-393, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

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

1 owner.

2 Sec. 3. Section 60-395, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 60-395 (1) Except as otherwise provided in subsection (2)
5 of this section and sections 60-3,121, 60-3,122.02, and 60-3,128 and
6 section 8 of this act, the registration shall expire and the
7 registered owner or lessee may, by returning the registration
8 certificate, the license plates, and, when appropriate, the
9 validation decals and by either making application on a form
10 prescribed by the department to the county treasurer of the
11 occurrence of an event described in subdivisions (a) through (e) of
12 this subsection or, in the case of a change in situs, displaying to
13 the county treasurer the registration certificate of such other state
14 as evidence of a change in situs, receive a refund of that part of
15 the unused fees and taxes on motor vehicles or trailers based on the
16 number of unexpired months remaining in the registration period from
17 the date of any of the following events:

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

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

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

24 (d) Whenever a type or class of motor vehicle or trailer
25 previously registered is subsequently declared by legislative act or

1 court decision to be illegal or ineligible to be operated or towed on
2 the public roads and no longer subject to registration fees, the
3 motor vehicle tax imposed in section 60-3,185, the motor vehicle fee
4 imposed in section 60-3,190, and the alternative fuel fee imposed in
5 section 60-3,191;

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

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

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

13 (3) If the transferor or lessee acquires another motor
14 vehicle at the time of the transfer, trade-in, or surrender, the
15 transferor or lessee shall have the credit provided for in this
16 section applied toward payment of the motor vehicle fees and taxes
17 then owing. Otherwise, the transferor or lessee shall file a claim
18 for refund with the county treasurer upon an application form
19 prescribed by the department.

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

25 (5) For purposes of this section, the date of the event

1 shall be: (a) In the case of a transfer or loss, the date of the
2 transfer or loss; (b) in the case of a change in the situs, the date
3 of registration in another state; (c) in the case of a trade-in or
4 surrender under a lease, the date of trade-in or surrender; (d) in
5 the case of a legislative act, the effective date of the act; and (e)
6 in the case of a court decision, the date the decision is rendered.

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

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

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

22 Sec. 4. Section 60-396, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 60-396 Whenever the registered owner files an application
25 with the county treasurer showing that a motor vehicle or trailer is

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

1 which it was registered, no credits shall be allowed for such month.
2 The credits may be applied against taxes and fees for new or
3 replacement motor vehicles or trailers incurred within one year after
4 cancellation of registration of the motor vehicle or trailer for
5 which the credits were allowed. When any such motor vehicle or
6 trailer is reregistered within the same registration year in which
7 its registration has been canceled, the taxes and fees shall be that
8 portion of the registration fee and the motor vehicle tax and fee for
9 the remainder of the registration year.

10 Sec. 5. Section 60-3,104, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-3,104 The department shall issue the following types
13 of license plates:

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

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

18 (3) Boat dealer license plates issued pursuant to section
19 60-379;

20 (4) Bus license plates issued pursuant to section
21 60-3,144;

22 (5) Commercial motor vehicle license plates issued
23 pursuant to section 60-3,147;

24 (6) Dealer or manufacturer license plates issued pursuant
25 to sections 60-3,114 and 60-3,115;

- 1 (7) Disabled veteran license plates issued pursuant to
2 section 60-3,124;
- 3 (8) Farm trailer license plates issued pursuant to
4 section 60-3,151;
- 5 (9) Farm truck license plates issued pursuant to section
6 60-3,146;
- 7 (10) Farm trucks with a gross weight of over sixteen tons
8 license plates issued pursuant to section 60-3,146;
- 9 (11) Fertilizer trailer license plates issued pursuant to
10 section 60-3,151;
- 11 (12) Film vehicle license plates issued pursuant to
12 section 60-383;
- 13 (13) Gold Star Family license plates issued pursuant to
14 sections 60-3,122.01 and 60-3,122.02;
- 15 (14) Handicapped or disabled person license plates issued
16 pursuant to section 60-3,113;
- 17 (15) Historical vehicle license plates issued pursuant to
18 sections 60-3,130 to 60-3,134;
- 19 (16) Local truck license plates issued pursuant to
20 section 60-3,145;
- 21 (17) Minitruck license plates issued pursuant to section
22 60-3,100;
- 23 (18) Motor vehicle license plates for motor vehicles
24 owned or operated by the state, counties, municipalities, or school
25 districts issued pursuant to section 60-3,105;

1 (19) Motor vehicles exempt pursuant to section 60-3,107;
2 (20) Motorcycle license plates issued pursuant to section
3 60-3,100;
4 (21) Nebraska Armed Forces Pride Plates issued pursuant
5 to sections 7 and 8 of this act;
6 ~~(21)~~—~~(22)~~ Nebraska Cornhusker Spirit Plates issued
7 pursuant to sections 60-3,127 to 60-3,129;
8 ~~(22)~~—~~(23)~~ Nonresident owner thirty-day license plates
9 issued pursuant to section 60-382;
10 ~~(23)~~—~~(24)~~ Passenger car having a seating capacity of ten
11 persons or less and not used for hire issued pursuant to section
12 60-3,143;
13 ~~(24)~~—~~(25)~~ Passenger car having a seating capacity of ten
14 persons or less and used for hire issued pursuant to section
15 60-3,143;
16 ~~(25)~~—~~(26)~~ Pearl Harbor license plates issued pursuant to
17 section 60-3,122;
18 ~~(26)~~—~~(27)~~ Personal-use dealer license plates issued
19 pursuant to section 60-3,116;
20 ~~(27)~~—~~(28)~~ Personalized message license plates for motor
21 vehicles and cabin trailers, except commercial motor vehicles
22 registered for over ten tons gross weight, issued pursuant to
23 sections 60-3,118 to 60-3,121;
24 ~~(28)~~—~~(29)~~ Prisoner-of-war license plates issued pursuant
25 to section 60-3,123;

1 ~~(29)~~(30) Purple Heart license plates issued pursuant to
2 section 60-3,125;

3 ~~(30)~~(31) Recreational vehicle license plates issued
4 pursuant to section 60-3,151;

5 ~~(31)~~(32) Repossession license plates issued pursuant to
6 section 60-375;

7 ~~(32)~~(33) Special interest motor vehicle license plates
8 issued pursuant to section 60-3,135.01;

9 ~~(33)~~(34) Specialty license plates issued pursuant to
10 sections 60-3,104.01 and 60-3,104.02;

11 ~~(34)~~(35) Trailer license plates issued for trailers
12 owned or operated by the state, counties, municipalities, or school
13 districts issued pursuant to section 60-3,106;

14 ~~(35)~~(36) Trailer license plates issued pursuant to
15 section 60-3,100;

16 ~~(36)~~(37) Trailers exempt pursuant to section 60-3,108;

17 ~~(37)~~(38) Transporter license plates issued pursuant to
18 section 60-378;

19 ~~(38)~~(39) Trucks or combinations of trucks, truck-
20 tractors, or trailers which are not for hire and engaged in soil and
21 water conservation work and used for the purpose of transporting pipe
22 and equipment exclusively used by such contractors for soil and water
23 conservation construction license plates issued pursuant to section
24 60-3,149;

25 ~~(39)~~(40) Utility trailer license plates issued pursuant

1 to section 60-3,151; and

2 ~~(40)~~—(41) Well-boring apparatus and well-servicing
3 equipment license plates issued pursuant to section 60-3,109.

4 Sec. 6. Section 60-3,130.04, Reissue Revised Statutes of
5 Nebraska, is amended to read:

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

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

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

1 (4) License plates used pursuant to this section
2 corresponding to the year of manufacture of the vehicle shall not be
3 personalized message license plates, Pearl Harbor license plates,
4 prisoner-of-war license plates, disabled veteran license plates,
5 Purple Heart license plates, amateur radio station license plates,
6 Nebraska Cornhusker Spirit Plates, handicapped or disabled person
7 license plates, ~~or~~ specialty license plates, or Nebraska Armed Forces
8 Pride Plates.

9 Sec. 7. (1) The department shall design license plates to
10 be known as Nebraska Armed Forces Pride Plates. The department shall
11 ensure that the design provides for:

12 (a) The prominent display on the left side of the license
13 plate of the seal or symbol of one of the following armed forces:
14 United States Army, United States Navy, United States Marine Corps,
15 United States Coast Guard, United States Air Force, Nebraska National
16 Guard, or Nebraska Air National Guard;

17 (b) Common background colors determined to best provide
18 suitable reflection and contrast and blend well with the design and
19 colors of each armed forces seal or symbol;

20 (c) A reflection of support for Nebraskans who have or
21 are serving in the armed forces; and

22 (d) Enhanced desirability of Nebraska Armed Forces Pride
23 Plates to former and present armed forces personnel.

24 (2) The design shall be selected on the basis of limiting
25 the manufacturing cost of each plate to an amount less than or equal

1 to the amount charged for license plates pursuant to section
2 60-3,102. The department shall make applications available for this
3 type of plate when it is designed. The department may adopt and
4 promulgate rules and regulations to carry out this section and
5 section 8 of this act. Any such rules and regulations shall include
6 the documentation needed to comply with subsection (1) of section 8
7 of this act.

8 (3) One type of Nebraska Armed Forces Pride Plates shall
9 be alphanumeric plates. The department shall:

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

11 (b) Not use a county designation.

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

17 Sec. 8. (1) Beginning January 2, 2015, an eligible person
18 may apply to the department for Nebraska Armed Forces Pride Plates in
19 lieu of regular license plates on an application prescribed and
20 provided by the department for any motor vehicle, trailer,
21 semitrailer, or cabin trailer, except for a motor vehicle or trailer
22 registered under section 60-3,198. An applicant receiving a Nebraska
23 Armed Forces Pride Plate for a farm truck with a gross weight of over
24 sixteen tons shall affix the appropriate tonnage decal to the plate.
25 The department shall make forms available for such applications

1 through the county treasurers. The license plates shall be issued
2 upon payment of the license fee described in subsection (2) of this
3 section, if any such fee is due, and furnishing proof satisfactory to
4 the department that the applicant is (a) active duty armed forces
5 personnel serving in any of the armed forces listed in subdivision
6 (1)(a) of section 7 of this act, (b) an armed forces reservist of any
7 of such armed forces, (c) a veteran of any of such armed forces who
8 was discharged or otherwise separated with a characterization of
9 honorable or general (under honorable conditions), or (d) the
10 surviving spouse of any of such eligible armed forces personnel. A
11 veteran or the surviving spouse of a veteran who served in more than
12 one of the armed forces may, upon proof of such service satisfactory
13 to the department, select the armed force to be represented on the
14 Nebraska Armed Forces Pride Plates. Any person using Nebraska Armed
15 Forces Pride Plates shall surrender the plates to the county
16 treasurer if such person is no longer eligible for the plates or is
17 convicted of a felony which would result in the loss of military or
18 veterans benefits. Regular plates shall be issued to any such person
19 upon surrender of the Nebraska Armed Forces Pride Plates for a three-
20 dollar transfer fee and forfeiture of any of the remaining annual
21 fee. The three-dollar transfer fee shall be remitted to the State
22 Treasurer for credit to the Department of Motor Vehicles Cash Fund.

23 (2)(a) Each application for initial issuance or renewal
24 of alphanumeric Nebraska Armed Forces Pride Plates shall be
25 accompanied by a fee of five dollars, except that an applicant may

1 elect, for one set of Nebraska Armed Forces Pride Plates to be issued
2 to such applicant, not to pay the fee for initial issuance and
3 renewal of such plates, in which case such fees shall be waived.
4 County treasurers collecting fees for renewals pursuant to this
5 subdivision shall remit them to the State Treasurer. The State
6 Treasurer shall credit five dollars of the fee for initial issuance
7 and renewal of such plates, if any such fees were paid, to the
8 Nebraska Veteran Cemetery System Operation Fund.

9 (b) Each application for initial issuance or renewal of
10 personalized message Nebraska Armed Forces Pride Plates shall be
11 accompanied by a fee of forty dollars. County treasurers collecting
12 fees for renewals pursuant to this subdivision shall remit them to
13 the State Treasurer. The State Treasurer shall credit twenty-five
14 percent of the fee for initial issuance and renewal of such plates to
15 the Department of Motor Vehicles Cash Fund and seventy-five percent
16 of the fee to the Nebraska Veteran Cemetery System Operation Fund.

17 (3) When the department receives an application for
18 Nebraska Armed Forces Pride Plates, the department shall deliver the
19 plates to the county treasurer of the county in which the motor
20 vehicle or cabin trailer is registered. The county treasurer shall
21 issue Nebraska Armed Forces Pride Plates in lieu of regular license
22 plates when the applicant complies with the other provisions of the
23 Motor Vehicle Registration Act for registration of the motor vehicle
24 or cabin trailer. If Nebraska Armed Forces Pride Plates are lost,
25 stolen, or mutilated, the licensee shall be issued replacement

1 license plates upon request and without charge.

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

14 (5) If the cost of manufacturing Nebraska Armed Forces
15 Pride Plates at any time exceeds the amount charged for license
16 plates pursuant to section 60-3,102, any money to be credited to the
17 Nebraska Veteran Cemetery System Operation Fund shall instead be
18 credited first to the Highway Trust Fund in an amount equal to the
19 difference between the manufacturing costs of Nebraska Armed Forces
20 Pride Plates and the amount charged pursuant to section 60-3,102 with
21 respect to such plates and the remainder shall be credited to the
22 Nebraska Veteran Cemetery System Operation Fund.

23 Sec. 9. Original section 60-3,130.04, Reissue Revised
24 Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396,
25 and 60-3,104, Revised Statutes Cumulative Supplement, 2012, are

LB 383

LB 383

1 repealed.