

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 596

Introduced by Price, 3.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-3,104.02
2 and 60-3,125, Reissue Revised Statutes of Nebraska, and
3 section 60-3,104.01, Revised Statutes Cumulative
4 Supplement, 2012; to change provisions relating to
5 specialty license plates and Purple Heart license plates;
6 and to repeal the original sections.

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

1 Section 1. Section 60-3,104.01, Revised Statutes
2 Cumulative Supplement, 2012, is amended to read:

3 60-3,104.01 (1) A person may apply for specialty license
4 plates in lieu of regular license plates on an application prescribed
5 and provided by the department pursuant to section 60-3,104.02 for
6 any motor vehicle, trailer, semitrailer, or cabin trailer, except for
7 motor vehicles or trailers registered under section 60-3,198. An
8 applicant receiving a specialty license plate for a farm truck with a
9 gross weight of over sixteen tons or for a commercial motor vehicle
10 registered for a gross weight of five tons or over shall affix the
11 appropriate tonnage decal to the plate. The department shall make
12 forms available for such applications.

13 (2) Each application for initial issuance or renewal of
14 specialty license plates shall be accompanied by a fee of seventy
15 dollars. Fees collected pursuant to this subsection shall be remitted
16 to the State Treasurer. The State Treasurer shall credit fifteen
17 percent of the ~~such~~ fee for initial issuance and renewal of specialty
18 license plates to the Department of Motor Vehicles Cash Fund and
19 eighty-five percent of the ~~such~~ fee to the Highway Trust Fund.

20 (3) Each application for initial issuance or renewal of
21 specialty license plates for a nationally recognized military
22 association shall, in addition to the fee required pursuant to
23 subsection (2) of this section, be accompanied by a fee of five
24 dollars. Fees collected pursuant to this subsection shall be remitted
25 to the State Treasurer. The State Treasurer shall credit such fee to

1 the Nebraska Veteran Cemetery System Operation Fund.

2 ~~(2)~~(4) When the department receives an application for
3 specialty license plates, it shall deliver the plates to the county
4 treasurer of the county in which the motor vehicle, trailer,
5 semitrailer, or cabin trailer is registered. The county treasurer
6 shall issue specialty license plates in lieu of regular license
7 plates when the applicant complies with the other provisions of law
8 for registration of the motor vehicle, trailer, semitrailer, or cabin
9 trailer. If specialty license plates are lost, stolen, or mutilated,
10 the licensee shall be issued replacement license plates pursuant to
11 section 60-3,157.

12 ~~(3)(a)~~(5)(a) The owner of a motor vehicle, trailer,
13 semitrailer, or cabin trailer bearing specialty license plates may
14 make application to the county treasurer to have such specialty
15 license plates transferred to a motor vehicle, trailer, semitrailer,
16 or cabin trailer other than the motor vehicle, trailer, semitrailer,
17 or cabin trailer for which such plates were originally purchased if
18 such motor vehicle, trailer, semitrailer, or cabin trailer is owned
19 by the owner of the specialty license plates.

20 (b) The owner may have the unused portion of the
21 specialty license plate fee credited to the other motor vehicle,
22 trailer, semitrailer, or cabin trailer which will bear the specialty
23 license plates at the rate of eight and one-third percent per month
24 for each full month left in the registration period.

25 (c) Application for such transfer shall be accompanied by

1 a fee of three dollars. Fees collected pursuant to this subsection
2 shall be remitted to the State Treasurer for credit to the Department
3 of Motor Vehicles Cash Fund.

4 Sec. 2. Section 60-3,104.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-3,104.02 (1) On or before January 1, 2011, the
7 department shall begin issuing specialty license plates for any
8 organization which certifies that it meets the requirements of this
9 section. The department shall work with the organization to design
10 the plates.

11 (2) The department shall make applications available
12 pursuant to section 60-3,104.01 for each type of specialty license
13 plate when it is designed.

14 (3)(a) Except as provided in subdivision (b) of this
15 subsection, the ~~The~~ department shall not manufacture specialty
16 license plates for an organization until the department has received
17 five hundred prepaid applications for specialty license plates
18 designed for that organization. The department may revoke the
19 approval for an organization's specialty license plate if the total
20 number of registered vehicles that obtained such plate is less than
21 five hundred within three years after receiving approval.

22 (b) The department shall not manufacture specialty
23 license plates for a nationally recognized military association until
24 the department has received one hundred fifty prepaid applications
25 for specialty license plates designed for that association. The

1 department may revoke the approval for an association's specialty
2 license plate if the total number of registered vehicles that
3 obtained such plate is less than one hundred fifty within three years
4 after receiving approval.

5 ~~(3)~~(4) In order to have specialty license plates
6 designed and manufactured, an organization shall furnish the
7 department with the following:

8 (a) A copy of its articles of incorporation and, if the
9 organization consists of a group of nonprofit corporations, a copy
10 for each organization;

11 (b) A copy of its charter or bylaws and, if the
12 organization consists of a group of nonprofit corporations, a copy
13 for each organization;

14 (c) Any Internal Revenue Service rulings of the
15 organization's nonprofit tax-exempt status and, if the organization
16 consists of a group of nonprofit corporations, a copy for each
17 organization;

18 (d) A copy of a certificate of existence on file with the
19 Secretary of State under the Nebraska Nonprofit Corporation Act;

20 (e) Five hundred prepaid applications for the speciality
21 license plates or, for a nationally recognized military association,
22 one hundred fifty prepaid applications for the specialty license
23 plates; and

24 (f) A completed application for the issuance of the
25 plates on a form provided by the department certifying that the

1 organization meets the following requirements:

2 (i) The organization is a nonprofit corporation or a
3 group of nonprofit corporations with a common purpose;

4 (ii) The primary activity or purpose of the organization
5 serves the community, contributes to the welfare of others, and is
6 not offensive or discriminatory in its purpose, nature, activity, or
7 name;

8 (iii) The name and purpose of the organization does not
9 promote any specific product or brand name that is on a product
10 provided for sale;

11 (iv) The organization is authorized to use any name,
12 logo, or graphic design suggested for the design of the plates;

13 (v) No infringement or violation of any property right
14 will result from such use of such name, logo, or graphic design; and

15 (vi) The organization will hold harmless the State of
16 Nebraska and its employees and agents for any liability which may
17 result from any infringement or violation of a property right based
18 on the use of such name, logo, or graphic design.

19 ~~(4)-(5)~~ The department may adopt and promulgate rules and
20 regulations to carry out this section.

21 Sec. 3. Section 60-3,125, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-3,125 (1) Any person may, in addition to the
24 application required by section 60-385, apply to the department for
25 license plates designed by the department to indicate that the

1 applicant has received from the federal government an award of a
2 Purple Heart. The inscription of the plates shall be designed so as
3 to include a facsimile of the award and beneath any numerical
4 designation upon the plates pursuant to section 60-370 the words
5 Purple Heart separately on one line and the words Combat Wounded on
6 the line below.

7 (2) The license plates shall be issued upon payment of
8 the regular license fee ~~and an additional fee of five dollars and~~
9 furnishing proof satisfactory to the department that the applicant
10 was awarded the Purple Heart. ~~The additional fee shall be remitted to~~
11 ~~the State Treasurer for credit to the Nebraska Veteran Cemetery~~
12 ~~System Operation Fund.~~ Any number of motor vehicles, trailers,
13 semitrailers, or cabin trailers owned by the applicant may be so
14 licensed at any one time. Motor vehicles and trailers registered
15 under section 60-3,198 shall not be so licensed.

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

19 Sec. 4. Original sections 60-3,104.02 and 60-3,125,
20 Reissue Revised Statutes of Nebraska, and section 60-3,104.01,
21 Revised Statutes Cumulative Supplement, 2012, are repealed.