

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1043

Introduced by Lowe, 37.

Read first time January 17, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Public Service Commission; to amend
- 2 section 75-303.03, Revised Statutes Supplement, 2017; to change
- 3 provisions relating to reimbursement of common and contract carriers
- 4 for transportation costs associated with certain agency clients as
- 5 prescribed; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 75-303.03, Revised Statutes Supplement, 2017, is
2 amended to read:

3 75-303.03 (1) The commission, in consultation with the Department of
4 Health and Human Services, shall adopt and promulgate rules and
5 regulations governing minimum liability insurance requirements, equipment
6 standards, driver qualification requirements, and the issuance and filing
7 of notice for any contractor utilized by the department or any agency
8 organized under the Nebraska Community Aging Services Act pursuant to
9 section 75-303.02.

10 (2)(a) ~~(2)~~ The Department of Health and Human Services or any agency
11 organized under the Nebraska Community Aging Services Act shall reimburse
12 common and contract carriers for transportation of passengers at a rate
13 not to exceed the lower of either (i) the rate of reimbursement pursuant
14 to section 81-1176 multiplied by three with mileage computed using both
15 loaded and unloaded miles, or (ii) the rate of the carrier in its tariff
16 filed with the commission.

17 (b) The maximum reimbursement rate provided for in this subsection
18 shall not apply when the carrier (i) ~~(a)~~ transports such person wholly
19 within the corporate limits of the city or village where the
20 transportation of the person originated, (ii) ~~(b)~~ transports a disabled
21 person as defined by the federal Americans with Disabilities Act of 1990
22 in a vehicle that is compliant with the regulations providing for the
23 transportation of such disabled person, or (iii) ~~(c)~~ provides
24 nonemergency medical transportation of medicaid clients pursuant to
25 subsection (3) of section 75-311.

26 (c) For purposes of this subsection, loaded miles means miles driven
27 with the client passenger in the vehicle and unloaded miles means miles
28 driven from the point of dispatch to the pick up point of the client
29 passenger and miles driven back to the point of dispatch or to the next
30 passenger pick up point from the drop off point of the client passenger.

31 (3) Rates for nonemergency medical transportation service providers

1 with a designation of authority issued pursuant to subsection (3) of
2 section 75-311 are not subject to commission regulation, and regulated
3 motor carriers with such a designation reimbursed under this section are
4 not subject to commission rate regulation for such reimbursement rates,
5 except that such reimbursement rates shall be filed with the commission
6 and not become effective until ten days after filing.

7 (4)(a) The Department of Health and Human Services may reimburse an
8 individual for the costs incurred by such individual in the
9 transportation of a person eligible to receive transportation services
10 through the department if:

11 (i) The individual is under contract with the department and
12 provides transportation to the eligible person; and

13 (ii) The eligible person has chosen the individual to provide the
14 transportation.

15 (b) The department shall reimburse for the costs incurred in the
16 transportation at a rate no greater than that provided for reimbursement
17 of state employees pursuant to section 81-1176.

18 (c) Transportation provided to an eligible person by an individual
19 pursuant to this section does not constitute transportation for hire.

20 (d) The department may adopt and promulgate rules and regulations to
21 implement this subsection.

22 Sec. 2. Original section 75-303.03, Revised Statutes Supplement,
23 2017, is repealed.