

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 893

Introduced by McGill, 26.

Read first time January 09, 2012

Committee:

A BILL

1 FOR AN ACT relating to government; to amend sections 60-396 and
2 60-3,104, Reissue Revised Statutes of Nebraska, and
3 sections 60-301, 60-393, and 60-395, Revised Statutes
4 Supplement, 2011; to provide for Nebraska Armed Forces
5 Pride Plates; to create a fund; to provide for funding
6 for Nebraska veterans homes; to harmonize provisions; and
7 to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Supplement,
2 2011, is amended to read:

3 60-301 Sections 60-301 to 60-3,222 and sections 6 and 7
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 Supplement,
7 2011, 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 7 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 Supplement,
3 2011, 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 7 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 or designated
11 county official of the occurrence of an event described in
12 subdivisions (a) through (e) of this subsection or, in the case of a
13 change in situs, displaying to the county treasurer or designated
14 county official the registration certificate of such other state as
15 evidence of a change in situs, receive a refund of that part of the
16 unused fees and taxes on motor vehicles or trailers based on the
17 number of unexpired months remaining in the registration period from
18 the date of any of the following events:

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

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

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

25 (d) Whenever a type or class of motor vehicle or trailer

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

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

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

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

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

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

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

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

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

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

24 Sec. 4. Section 60-396, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-396 Whenever the registered owner files an application
2 with the county treasurer or designated county official showing that
3 a motor vehicle or trailer is disabled and has been removed from
4 service, the registered owner may, by returning the registration
5 certificate, the license plates, and, when appropriate, the
6 validation decals or, in the case of the unavailability of such
7 registration certificate or certificates, license plates, or
8 validation decals, then by making an affidavit to the county
9 treasurer or designated county official of such disablement and
10 removal from service, receive a credit for a portion of the
11 registration fee from the fee deposited with the State Treasurer at
12 the time of registration based upon the number of unexpired months
13 remaining in the registration year except as otherwise provided in
14 sections 60-3,121, 60-3,122.02, and 60-3,128 and section 7 of this
15 act. The owner shall also receive a credit for the unused portion of
16 the motor vehicle tax and fee based upon the number of unexpired
17 months remaining in the registration year. When the owner registers a
18 replacement motor vehicle or trailer at the time of filing such
19 affidavit, the credit may be immediately applied against the
20 registration fee and the motor vehicle tax and fee for the
21 replacement motor vehicle or trailer. When no such replacement motor
22 vehicle or trailer is so registered, the county treasurer or
23 designated county official shall forward the application and
24 affidavit, if any, to the State Treasurer who shall determine the
25 amount, if any, of the allowable credit for the registration fee and

1 issue a credit certificate to the owner. For the motor vehicle tax
2 and fee, the county treasurer or designated county official shall
3 determine the amount, if any, of the allowable credit and issue a
4 credit certificate to the owner. When such motor vehicle or trailer
5 is removed from service within the same month in which it was
6 registered, no credits shall be allowed for such month. The credits
7 may be applied against taxes and fees for new or replacement motor
8 vehicles or trailers incurred within one year after cancellation of
9 registration of the motor vehicle or trailer for which the credits
10 were allowed. When any such motor vehicle or trailer is reregistered
11 within the same registration year in which its registration has been
12 canceled, the taxes and fees shall be that portion of the
13 registration fee and the motor vehicle tax and fee for the remainder
14 of the registration year.

15 Sec. 5. Section 60-3,104, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-3,104 The department shall issue the following types
18 of license plates:

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

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

23 (3) Boat dealer license plates issued pursuant to section
24 60-379;

25 (4) Bus license plates issued pursuant to section

- 1 60-3,144;
- 2 (5) Commercial motor vehicle license plates issued
3 pursuant to section 60-3,147;
- 4 (6) Dealer or manufacturer license plates issued pursuant
5 to sections 60-3,114 and 60-3,115;
- 6 (7) Disabled veteran license plates issued pursuant to
7 section 60-3,124;
- 8 (8) Farm trailer license plates issued pursuant to
9 section 60-3,151;
- 10 (9) Farm truck license plates issued pursuant to section
11 60-3,146;
- 12 (10) Farm trucks with a gross weight of over sixteen tons
13 license plates issued pursuant to section 60-3,146;
- 14 (11) Fertilizer trailer license plates issued pursuant to
15 section 60-3,151;
- 16 (12) Film vehicle license plates issued pursuant to
17 section 60-383;
- 18 (13) Gold Star Family license plates issued pursuant to
19 sections 60-3,122.01 and 60-3,122.02;
- 20 (14) Handicapped or disabled person license plates issued
21 pursuant to section 60-3,113;
- 22 (15) Historical vehicle license plates issued pursuant to
23 sections 60-3,130 to 60-3,134;
- 24 (16) Local truck license plates issued pursuant to
25 section 60-3,145;

1 (17) Minitruck license plates issued pursuant to section
2 60-3,100;

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

6 (19) Motor vehicles exempt pursuant to section 60-3,107;

7 (20) Motorcycle license plates issued pursuant to section
8 60-3,100;

9 (21) Nebraska Armed Forces Pride Plates issued pursuant
10 to sections 6 and 7 of this act;

11 ~~(21)~~—(22) Nebraska Cornhusker Spirit Plates issued
12 pursuant to sections 60-3,127 to 60-3,129;

13 ~~(22)~~—(23) Nonresident owner thirty-day license plates
14 issued pursuant to section 60-382;

15 ~~(23)~~—(24) Passenger car having a seating capacity of ten
16 persons or less and not used for hire issued pursuant to section
17 60-3,143;

18 ~~(24)~~—(25) Passenger car having a seating capacity of ten
19 persons or less and used for hire issued pursuant to section
20 60-3,143;

21 ~~(25)~~—(26) Pearl Harbor license plates issued pursuant to
22 section 60-3,122;

23 ~~(26)~~—(27) Personal-use dealer license plates issued
24 pursuant to section 60-3,116;

25 ~~(27)~~—(28) Personalized message license plates for motor

1 vehicles and cabin trailers, except commercial motor vehicles
2 registered for over ten tons gross weight, issued pursuant to
3 sections 60-3,118 to 60-3,121;

4 ~~(28)~~ (29) Prisoner-of-war license plates issued pursuant
5 to section 60-3,123;

6 ~~(29)~~ (30) Purple Heart license plates issued pursuant to
7 section 60-3,125;

8 ~~(30)~~ (31) Recreational vehicle license plates issued
9 pursuant to section 60-3,151;

10 ~~(31)~~ (32) Repossession license plates issued pursuant to
11 section 60-375;

12 ~~(32)~~ (33) Specialty license plates issued pursuant to
13 sections 60-3,104.01 and 60-3,104.02;

14 ~~(33)~~ (34) Trailer license plates issued for trailers
15 owned or operated by the state, counties, municipalities, or school
16 districts issued pursuant to section 60-3,106;

17 ~~(34)~~ (35) Trailer license plates issued pursuant to
18 section 60-3,100;

19 ~~(35)~~ (36) Trailers exempt pursuant to section 60-3,108;

20 ~~(36)~~ (37) Transporter license plates issued pursuant to
21 section 60-378;

22 ~~(37)~~ (38) Trucks or combinations of trucks, truck-
23 tractors, or trailers which are not for hire and engaged in soil and
24 water conservation work and used for the purpose of transporting pipe
25 and equipment exclusively used by such contractors for soil and water

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

3 ~~(38)~~(39) Utility trailer license plates issued pursuant
4 to section 60-3,151; and

5 ~~(39)~~(40) Well-boring apparatus and well-servicing
6 equipment license plates issued pursuant to section 60-3,109.

7 Sec. 6. (1) The department shall design license plates to
8 be known as Nebraska Armed Forces Pride Plates. The department shall
9 design the plates in consultation with the Department of Veterans'
10 Affairs, the Military Department, and related military organizations.
11 The Department of Veterans' Affairs shall recommend the design of the
12 plate to the Department of Motor Vehicles. The department shall
13 ensure that the design provides for:

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

18 (b) The notable display of the words Active Duty,
19 Veteran, Reservist, or Retired preceded by the applicable armed force
20 under the license plate number;

21 (c) Common background colors determined to best provide
22 suitable reflection and contrast and blend well with the design and
23 colors of each armed service seal or symbol;

24 (d) A reflection of support for Nebraskans who have or
25 are serving in the armed forces; and

1 (e) Enhanced desirability of Nebraska Armed Forces Pride
2 Plates to former and present armed forces personnel. The design shall
3 be selected on the basis of limiting the manufacturing cost of each
4 plate to an amount less than or equal to the amount charged for
5 license plates pursuant to section 60-3,102. The department shall
6 make applications available for this type of plate when it is
7 designed. The department may adopt and promulgate rules and
8 regulations to carry out this section and section 60-3,122.02.

9 (2) One type of Nebraska Armed Forces Pride Plate shall
10 be consecutively numbered plates. The department shall:

11 (a) Number the plates consecutively for each armed force
12 beginning with the number zero zero zero one, using numerals the size
13 of which maximizes legibility and limiting the numerals to five
14 characters or less; and

15 (b) Not use a county designation or any characters other
16 than numbers on the plates.

17 (3) One type of Nebraska Armed Forces Pride Plate shall
18 be personalized message plates. Such plates shall be issued subject
19 to the same conditions specified for personalized message license
20 plates in section 60-3,118, except that a maximum of five characters
21 may be used.

22 Sec. 7. (1) Beginning January 2, 2013, an eligible person
23 may apply to the department for Nebraska Armed Forces Pride Plates in
24 lieu of regular license plates on an application prescribed and
25 provided by the department for any motor vehicle, trailer,

1 semitrailer, or cabin trailer, except for a motor vehicle or trailer
2 registered under section 60-3,198. An applicant receiving a Nebraska
3 Armed Forces Pride Plate for a farm truck with a gross weight of over
4 sixteen tons shall affix the appropriate tonnage decal to the plate.
5 The department shall make forms available for such applications
6 through the county treasurers. The license plates shall be issued
7 upon payment of the license fee described in subsection (2) of this
8 section and furnishing proof satisfactory to the department that the
9 applicant is (a) an honorably serving active duty armed forces
10 personnel serving in any of the armed forces listed in subdivision
11 (1)(a) of section 6 of this act, (b) an honorably serving armed
12 forces reservist of any of such armed forces, (c) an honorably
13 discharged veteran of any of such armed forces, (d) an honorably
14 discharged retiree of any of such armed forces, or (e) the surviving
15 spouse of any of such eligible armed forces personnel. An honorably
16 retired armed forces personnel may select either the word Veteran or
17 Retired preceded by the applicable armed force. A veteran or retiree
18 or the surviving spouse of a veteran or retiree who served in more
19 than one of the armed forces may, upon proof of such service
20 satisfactory to the department, select the armed force to be
21 represented on the Nebraska Armed Forces Pride Plates. Any person
22 using Nebraska Armed Forces Pride Plates shall surrender the plates
23 to the county treasurer if such person is no longer eligible for the
24 plates or is convicted of a felony which would result in the loss of
25 military benefits. An active duty nonresident armed forces personnel

1 shall surrender the Nebraska Armed Forces Pride Plates to the county
2 treasurer when such person is in receipt of permanent change of
3 station orders which transfer such person out of Nebraska. Regular
4 plates shall be issued to any such person upon surrender of the
5 Nebraska Armed Forces Pride Plates for a three-dollar transfer fee
6 and forfeiture of any of the remaining annual fee. The three-dollar
7 transfer fee shall be remitted to the State Treasurer for credit to
8 the Department of Motor Vehicles Cash Fund.

9 (2)(a) Each application for initial issuance or renewal
10 of consecutively numbered plates shall be accompanied by a fee of
11 five dollars. County treasurers collecting fees for renewals pursuant
12 to this subdivision shall remit them to the State Treasurer. The
13 State Treasurer shall credit five dollars of the fee for initial
14 issuance and renewal of such plates to the Nebraska Armed Forces
15 Pride Plates Fund.

16 (b) Each application for initial issuance or renewal of
17 personalized message Nebraska Armed Forces Pride Plates shall be
18 accompanied by a fee of forty dollars. County treasurers collecting
19 fees for renewals pursuant to this subdivision shall remit them to
20 the State Treasurer. The State Treasurer shall credit twenty-five
21 percent of the fee for initial issuance and renewal of such plates to
22 the Department of Motor Vehicles Cash Fund and seventy-five percent
23 of the fee to the Nebraska Armed Forces Pride Plates Fund.

24 (3) When the department receives an application for
25 Nebraska Armed Forces Pride Plates, the department shall deliver the

1 plates to the county treasurer of the county in which the motor
2 vehicle or cabin trailer is registered. The county treasurer shall
3 issue Nebraska Armed Forces Pride Plates in lieu of regular license
4 plates when the applicant complies with the other provisions of the
5 Motor Vehicle Registration Act for registration of the motor vehicle
6 or cabin trailer. If Nebraska Armed Forces Pride Plates are lost,
7 stolen, or mutilated, the licensee shall be issued replacement
8 license plates upon request and without charge.

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

21 (5) If the cost of manufacturing Nebraska Armed Forces
22 Pride Plates at any time exceeds the amount charged for license
23 plates pursuant to section 60-3,102, any money to be credited to the
24 Nebraska Armed Forces Pride Plates Fund shall instead be credited
25 first to the Highway Trust Fund in an amount equal to the difference

1 between the manufacturing costs of Nebraska Armed Forces Pride Plates
2 and the amount charged pursuant to section 60-3,102 with respect to
3 such plates and the remainder shall be credited to the Nebraska Armed
4 Forces Pride Plates Fund.

5 Sec. 8. The Nebraska Armed Forces Pride Plates Fund is
6 created. The fund shall consist of fees credited pursuant to section
7 7 of this act. Twenty-five percent of the fund shall be used to
8 support operations and maintenance of the Nebraska veterans homes in
9 addition to the funding normally provided by the Legislature for the
10 Nebraska veterans homes, and seventy-five percent of the fund shall
11 be used to support quality of life improvements, including, but not
12 limited to, maintaining up-to-date electronic devices and equipment
13 such as televisions, computers, computer accessories, and Internet
14 fees, making them available for use by all veterans residing in the
15 Nebraska veterans homes. Except as provided in this section, the
16 Legislature shall not consider money in the fund when providing
17 funding for the Nebraska veterans homes and the Department of
18 Veterans' Affairs. The Director of Veterans' Affairs, the chief
19 executive officer of the Department of Health and Human Services, and
20 the director of each of the Nebraska veterans homes, or their
21 designees, shall meet at least once annually to determine how the
22 accumulated funds in the fund shall be spent in support of the
23 Nebraska veterans homes. Any money in the fund available for
24 investment shall be invested by the state investment officer pursuant
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Sec. 9. Original sections 60-396 and 60-3,104, Reissue
3 Revised Statutes of Nebraska, and sections 60-301, 60-393, and
4 60-395, Revised Statutes Supplement, 2011, are repealed.