

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT (CORRECTED)
LB720

Hearing Date: Tuesday January 18, 2022
Committee On: Transportation and Telecommunications
Introducer: Albrecht
One Liner: Adopt changes to federal law regarding motor vehicles and motor carriers

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Moser, Hughes

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Albrecht
Mike Maytum
Rhonda Lahm

Representing:

Introducer
NE State Patrol
Director, NE DMV

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

A REVISED VERSION OF LB720 WAS AMENDED INTO LB750. REFER TO THE LB750 COMMITTEE STATEMENT FOR FURTHER INFORMATION.

LB 720 is an annual bill which updates the governing statutes under which the Nebraska State Patrol (NSP) and the Nebraska Department of Motor Vehicles (DMV) operate in order to regulate the motor carrier industry. To carry out this function, the legislature has adopted and incorporated as provisions of Nebraska law a number of provisions of federal law and regulations. The federal requirements adopted and incorporated by reference in the bill are those that were in existence and operative on January 1, 2022.

The adoption of these regulations is required on an annual basis to incorporate new or revised federal regulations into state law. The statutes must remain current with underlying federal law and regulations to avoid incompatibility and to ensure federal funding continues to be eligible to receive Motor Carrier Safety Assistance Program funding from the Federal Motor Carrier Safety Administration.

Section 1- amends section 60-107

Subsection (4) updates the definition of "manufactured home" to comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974. (Page 3, lines 3-4)

Section 2- amends section 60-119.01

Subsection (1)(C) updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards. (Page 3, line 12)

Section 3- amends section 60-169

Salvaged vehicles required to to be reported to the DMV by licensed wrecker or salvage dealer pursuant to the National Motor Vehicle Title Information System. (Page 4, Lines 12-13 and Page 5, Lines 1-2)

Section 4- amends Section 60-302.01

Updates the definition of an access aisle to reflect the definition in the Federal Americans with Disabilities Act of 1990. (Page 8, Line 27)

Section 5- Amends section 60-336.01

For purposes of the Motor Vehicle Registration Act, the compliance requirements for low-speed four-wheeled vehicles are updated to reflect those in the Federal Motor Vehicle Safety Standards. (Page 9, Line 4)

Section 6- Amends section 60-386

Updates a reference to the United States Department of Transportation identification number for purposes of motor vehicle registration. (Page 9, line 18)

Section 7- Amends section 60-3,113.04

Subsection (1) updates the handicapped/disabled parking permit to comply with the federal Uniform System for Parking for Persons with Disabilities. (Page 10, Line16)

Section 8- Amends section 60-3,193.01

Updates the Motor Vehicle Registration Act to adopt the International Registration Plan for interstate motor carriers. (Page 11, Line 7)

Section 9- Amends section 60-462.01

For purposes of the Motor Vehicle Operator's License Act the provisions of Title 49 of the Code of Federal Regulations referred to in the Act are adopted as Nebraska law. (Page 11, Line 12)

Section 10- Amends section 60-479.01

Subsection (2) updates the reference to federal background check requirements for persons involved in the application, review, or production of operator's license and state IDs. (Page11, Line 28) Subsection (4) updates the reference to federal background check requirements prohibiting convicted persons from being involved in the application, review, or production of operators license or state IDs. (Page 12, Line 14)

Section 11- Amends section 60-4,111.01

Subsection (4)(a) updates a reference to the federal Fair Credit Reporting Act allowing individuals to scan, compile, store, or preserve information obtainable via machine-readable operator's license or state ID. (Page 14, Line 27)

Section 12- Amends section 60-4,132

In regard to the operation of Commercial Motor Vehicles the section updates references to the Commercial Motor Vehicle Safety Act of 1986, federal Motor Carrier Safety Improvement Act of 1999, the USA Patriot Act of 2001 and all relevant regulations adopted pursuant to those acts. (Page 15, Line 21)

Section 13- Amends section 60-4,134

Updates a reference to the federal Fixing America's Surface Transportation Act and underlying regulations regarding motor carriers CDL requirements. (Page 15, Line 30)

Section 14- Amends section 60-4,138

Updates a provision related to the issuance of the commercial driver's license. The section currently references 49 CFR parts 383, and 391. The section adds references to parts 380 and 384 as well. (Page 16, Line 13)

Section 15- Amends section 60-4,147.02

Operation of commercial motor vehicles- updates reference to applicable federal laws, amendments and regulations. (Page 18, Line 7)

Section 16- Amends section 60-4,168

Commercial motor vehicle operation. Subsection (3)(c) updates relevant federal laws, amendments, and regulations for human trafficking as defined in 22 U.S.C. 7102(11). (Page 19, Line 24)

Section 17- Amends section 60-501

For purposes of the Motor Vehicle Safety Responsibility Act subsection (6) updates compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the federal Motor vehicle Safety standards. (Page 24, Line 10)

Section 18- Amends section 60-628.01

Nebraska Rules of the Road. Updates the compliance requirements for low-speed four-wheel vehicles to reflect those contained in the federal Motor Vehicle Safety Standards. (Page 26, Line 23)

Section 19- Amends section 60-6,265

Updates a seatbelt reference to the federal Motor Vehicle Safety Standards. (Page 27, Line 5)

Section 20- Amends section 60-2705

Manufacturer's warranty duties- informal dispute resolution procedures. Updates a reference to 16 C.F.R. part 703. (Page 27, Lines 16 and 17)

Section 21- Amends section 60-2909.01

Subsection (4) updates a compliance requirement related to the administration of the Commercial Driver's License. Amends a reference to regulations adopted pursuant to the federal Commercial Motor Vehicle Safety Act. (Page 28, Line 24)
Subsection (5) Amends a reference to regulations adopted pursuant to the federal Commercial Motor Vehicle Safety Act. (Page 28, Line 24)

Section 22-Amends section 75-363

Subsection (1) updates a reference to Title 49 of the Code of Federal Regulations. (Page 28, Line 30)

Section 23- Amends section 75-364

Updates a reference to Title 49 of the Code of Federal Regulations- Hazardous Materials transportation. (Page 32, Line 22)

Section 24- Amends section 75-366

Updates the authority of the Nebraska State Patrol to enforce federal motor carrier safety regulations and federal hazardous material regulations. (Page 33, Lines 18 and 19)

Section 25-Amends section 75-369.03

This section sets forth civil penalties to be imposed upon motor carriers who operate in intrastate commerce persons or property: A violation of sections 75-392 to 75-3,100, sections 75-363 or 75-364 based upon an inspection is increased to \$848. from \$800; (Page 34, Line 8) A motor carrier transporting persons or property in interstate commerce in violation of section section 60-4,162(2)(e)- not to exceed \$16,941- increased from \$16,453; (Page 34, Line 13/14)

A person operating a commercial motor vehicle in violation of an out-of-service order-increased to not less than \$3,268 from \$3,174 and increased to not less than \$6,536 for a first violation to not less than \$6,348 for a second or subsequent violations; (Page 34, Lines 22/23)

A person who knowingly allows, requires, or permits the operation of a commercial motor vehicle in violation of an out-of-service order- The civil penalty is increased to not less than \$5,902 from \$5,732, but not more than \$32,679 from \$31,737. (Page 34, Lines 30/31 and Page 35, Line 1)

Section 26- Amends section 75-392

Updates the reference to the Unified Carrier Registration Plan and Agreement. (Page 35, Line 20)

Section 27- Amends section 75-393

Updates a reference to the Unified Carrier Registration Plan and Agreement. (Page 35, Line 26)

Section 28- Repealer.

Curt Friesen, Chairperson