

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB138

Hearing Date: Monday January 30, 2023
Committee On: Transportation and Telecommunications
Introducer: Geist
One Liner: Adopt updates to federal law relating to motor vehicles and motor carriers, change provisions of the Motor Vehicle Operator's License Act, and change civil penalties as prescribed

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye:	7	Senators Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Geist, Moser
Nay:		
Absent:		
Present Not Voting:	1	Senator Cavanaugh, M.

Testimony:

Proponents:

Suzanne Geist
Rhonda Lahm
Mike Maytum

Representing:

Introducer
Department of Motor Vehicles
Nebraska State Patrol

Opponents:

Representing:

Neutral:

Representing:

* ADA Accomodation Written Testimony

Summary of purpose and/or changes:

LB 138 is an annual bill which updates the governing statutes under which the Nebraska State Patrol (NSP) and the Department of Motor Vehicles (DMV) operate to regulate the motor carrier industry as well as other motor vehicle-related duties. To carry out these functions 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, 2023. 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 the underlying federal law and regulations to avoid incompatibility and to ensure Nebraska continues to be eligible to receive Motor Carrier Safety Assistance Program funding from the Federal Motor Carrier Safety Administration.

Section by section summary:

SECTION 1 - NRS 60-107 Subsection (4) - Updates the compliance requirements for definition of a manufactured home to comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and relevant regulations, as they existed on January 1, 2023. (Page 3, lines 3-4).

SECTION 2 - NRS 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 in existence on January 1, 2023. (Page 3, line 12).

SECTION 3 - NRS 60-169 Subsection (1)(b) - Updates the compliance requirements for wrecker or salvage dealers to reflect those contained in the federal regulations in existence on January 1, 2023. (Page 4, lines 9 and 13 and Page 5, line 2).

SECTION 4 - NRS 60-302.01 - Updates the definition of an access aisle to reflect those regulations contained in the federal Americans with Disabilities Act of 1990, and those adopted in response to the Act in existence on January 1, 2023. (Page 8, line 27).

SECTION 5 - NRS 60-336.01 Subsection (1)(c) - For the purposes of the Motor Vehicle Registration Act, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2023. (Page 9, line 4).

SECTION 6 - NRS 60-386 Subsection (1) - Updates the motor carrier registration requirements to comply with the standards established by the Federal Motor Carrier Safety Administration, as they existed on January 1, 2023. (Page 9, line 18).

SECTION 7 - NRS 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, as they existed on January 1, 2023. (Page 10, line 16).

Section 8 - NRS 60-3,193.01 Updates the Motor Vehicle Registration Act to adopt the International Registration Plan (IRP) as it existed on January 1, 2023. (Page 11, line 7).

SECTION 9 - NRS 60-462.01 For the purposes of the Motor Vehicle Operator's License Act, Title 49 of the Code of Federal Regulations referenced in the Act, will be updated to reflect those federal regulations in existence on January 1, 2023. (Page 11, line 12).

SECTION 10 - NRS 60-479.01 Subsection (2) - Updates the reference to federal background check requirements for persons involved in the application, review, or production of operator licenses and state IDs, to reflect those regulations as they existed on January 1, 2023. (Page 11, line 28). Subsection (4) - Updates the reference to federal background check requirements to prohibit convicted persons from being involved in the application, review, or production of operator licenses and state IDs, to reflect those regulations as they existed on January 1, 2023. (Page 12, line 14).

SECTION 11 - NRS 60-4,111.01 Subsection (4)(a) - Updates the reference to the federal Fair Credit Reporting Act allowing persons to scan, compile, store, or preserve information obtainable via a machine-readable operator's license or state ID, to reflect those regulations, as existed on January 1, 2023. (Page 14, line 27).

SECTION 12 - NRS 60-4,132 As part of the provisions applicable to the operation of a commercial motor vehicle, this section updates the reference to all relevant federal laws, amendments, and regulations in existence on January 1, 2023. (Page 15, line 21).

SECTION 13 - NRS 60-4,134 Updates the reference to the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), which is established by the Federal Motor Carrier Safety Administration, to reflect those regulations in existence on January 1, 2023. (Page 15, line 30).

SECTION 14 - NRS 60-4,138 Adds specific references to federal regulations with commercial driver license (CDL) issuance regarding the authority for the Department to comply with the federal Drug and Alcohol Clearinghouse requirements. The Clearinghouse will be effective in suspending CDL's from drivers that abuse alcohol and drugs. (Page 16, line 13).

SECTION 15 - NRS 60-4,142As part of the provisions applicable to the operation of a commercial motor vehicle, this section extends the valid period of a Commercial Learner's Permit from 180 days to one year from the date of issuance; and eliminates the 180-day renewal period. (Page 18, lines 12-18).

SECTION 16 - NRS 60-4,147.02 As part of the provisions applicable to the operation of a commercial motor vehicle, this section updates the reference to all relevant federal laws, amendments, and regulations in existence on January 1, 2023. (Page 18, line 31).

SECTION 17 - NRS 60-4,168 Subsection (3)(b) - Harmonizes and updates the federal disqualification requirement for the use of any motor vehicle used in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance. (Page 20, line 11). Subsection (3)(c) - Updates the reference to relevant federal laws, amendments, and regulations for human trafficking as defined and described in 22 U.S.C. 7102(11), as such section existed on January 1, 2023. (Page 20, line 17).

SECTION 18 - NRS 60-4,172 Subsections (1) - As part of the provisions applicable to the operation of commercial motor

vehicles, this section requires notification to the non-resident's commercial driver's license or commercial learner's permit issuing authority of any conviction for violations of state and local laws other than parking infractions, committed in a commercial motor vehicle operated in Nebraska, within 10 days of the date of conviction for the holders of a commercial operator's license. (Page 24, line 2). Subsections (3) - As part of the provisions applicable to the operation of commercial motor vehicles, this section requires notification to the non-resident's commercial driver's license or commercial learner's permit issuing authority of any conviction for violations of state and local laws other than parking infractions, committed in any motor vehicle operated in Nebraska, within 10 days of the date of conviction for the holders of a commercial operator's license. (Page 24, line 22). Subsection (4) - As part of the provisions applicable to the operation of commercial motor vehicles, this section requires notification to the non-resident's driver's license issuing authority of any conviction for violations of state and local laws other than parking infractions within 10 days of the date of conviction if the violation occurred in a commercial motor vehicle. (Page 24, line 30).

SECTION 19 - NRS 60-501 Subsection (6) - For the purposes of the Motor Vehicle Safety Responsibility Act, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2023. (Page 26, line 8).

SECTION 20 - NRS 60-628.01 As part of the General Provisions for the Nebraska Rules of the Road, this amendment updates the compliance requirements for low-speed four-wheeled vehicles to reflect those contained in the Federal Motor Vehicle Safety Standards in existence on January 1, 2023. (Page 28, line 21).

SECTION 21 - NRS 60-6,265 Updates seatbelt reference to Federal Motor Vehicle Safety Standards as existed on January 1, 2023. (Page 29, line 3).

SECTION 22 - NRS 60-2705 As part of the manufacturer's warranty duties, this amendment updates the reference date to comply with federal regulations in place on January 1, 2023. (Page 29, lines 14, 15).

SECTION 23 - NRS 60-2909.01 Subsection (4) - For the purposes of sharing information contained within a motor vehicle record, this amendment updates compliance requirements to match those regulations stemming from the federal Commercial Motor Vehicle Safety Act, in existence on January 1, 2023. (Page 30, line 17). Subsection (5) - For the purposes of sharing information contained within a motor vehicle record, this amendment updates compliance requirements to match those regulations as established by the Federal Motor Carrier Safety Administration in existence on January 1, 2023. (Page 30, line 22).

SECTION 24 - NRS 75-363 Subsection (1) - For the purposes of Title 49 of the Code of Federal Regulations, this amendment modifies the reference date of those regulations in effect on January 1, 2023, to be adopted as Nebraska law. (Page 30, line 28).

SECTION 25 - NRS 75-364 For the purposes of Title 49 of the Code of Federal Regulations, this amendment modifies the reference date of those regulations in effect on January 1, 2023, to be adopted as Nebraska law. This statute applies specifically to motor carriers. (Page 34, line 20).

SECTION 26 - NRS 75-366 Updates the authority of the Nebraska State Patrol to enforce federal motor carrier safety regulations and federal hazardous materials regulations, as they existed on January 1, 2023. (Page 35, lines 16-17).

SECTION 27 - NRS 75-369.03 Subsection (1) Amends the maximum dollar value of the civil penalty for certain motor carrier violations from eight hundred forty-eight dollars to nine hundred one dollars. (Page 36, Line 7). Subsection (2) Amends the maximum dollar value of the civil penalty for certain motor carrier violations from sixteen thousand nine hundred forty-one dollars to seventeen thousand nine hundred ninety-five dollars. (Page 36, lines 12-13). Subsection (3) Amends the minimum dollar value of the civil penalty for certain motor carrier violations from three thousand two hundred sixty-eight dollars to three thousand four hundred seventy-one dollars for a first violation and from six thousand five hundred thirty-six dollars to six thousand nine hundred and forty-three dollars for a second or subsequent violation. (Page 36, lines 22-24). Subsection (4) Amends the civil penalty for certain motor carrier violations from not less than five thousand nine hundred two dollars but not more than thirty-two thousand six hundred seventy-nine dollars per violation to not less than six thousand two hundred sixty-nine dollars but not more than thirty-four thousand seven hundred twelve dollars per violation. (Page 36, line 30 through Page 37, line 2).

SECTION 28 - NRS 75-392 Amends the definition of the "unified carrier registration plan and agreement" to reflect the regulations in existence on January 1, 2023. (Page 37, line 20).

SECTION 29 - NRS 75-393 Authorizes the director to participate in the unified carrier registration plan and agreement, as it

existed on January 1, 2023. (Page 37, line 26).

SECTION 30 - REPEALER

Suzanne Geist, Chairperson