

LEGISLATIVE BILL 404

Approved by the Governor May 9, 1985

Introduced by Conway, 17; Pappas, 42; Beyer, 3;
Higgins, 9

AN ACT relating to motor vehicles; to amend sections 60-302 and 60-528, Reissue Revised Statutes of Nebraska, 1943; to require proof of financial responsibility as a requirement for motor vehicle registration; to change provisions relating to proof of financial responsibility; to provide a penalty; to prohibit certain surcharges by insurance carriers; to provide an exemption from liability; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 60-302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: 60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with the provisions of this act. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs, as defined in section 77-1202. Such application shall be a copy of a certificate of title or, in the case of a renewal of a registration, such application shall be the previous registration period's certificate. A salvage certificate of title, as defined in section 60-129, shall not be valid for registration purposes.

All applications for registration of motor vehicles shall be accompanied by proof of financial responsibility. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the Department of Motor Vehicles or by a certificate or policy of insurance. Such certificate or policy of insurance shall be written by an insurance carrier duly authorized to do business in this state and shall certify that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate or policy shall give the effective dates of such motor vehicle liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit

description or by appropriate reference, all motor vehicles covered thereby.

Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business.

Each new application shall contain, in addition to such other information as may be required by the department, the name and post office address of the applicant and a description of the vehicle, including the color, the manufacturer, the identification number, and the weight of the vehicle required by this act. With such application and proof of financial responsibility, the applicant shall pay the proper registration fee as provided in sections 60-305.08 to ~~60-342~~ 60-339 and shall provide the following information with regard to the vehicle being registered: The type of fuel used to propel the vehicle, whether electricity, motor vehicle fuel as defined in section 66-401, or special fuel as defined in section 66-602, and if special fuel, the type of fuel. The form shall also contain a notice that bulk special or diesel fuel purchasers may be subject to federal excise tax liability. The Department of Motor Vehicles shall prescribe a form, containing such notice, for supplying such information for vehicles to be registered on or after January 1, 1984. The county assessor shall include such form in each mailing made pursuant to section 77-1240.

The county treasurer or his or her agent shall collect in addition to other registration fees, the sum of one dollar and fifty cents for each and every certificate issued, which fee shall be transmitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited to the Highway Trust Fund.

Sec. 2. That section 60-528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-528. Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof ~~and may be given~~ by filing:

- (1) A certificate of insurance as provided in section 60-529 or 60-531;
- (2) A bond as provided in sections 60-547 and 60-548;
- (3) A certificate of deposit of money or securities as provided in section 60-549; or
- (4) A certificate of self-insurance as provided in sections 60-562 to 60-564.

The department shall issue a copy of any filing described in subdivision (2), (3), or (4) of this section with the department's seal affixed to any person providing such proof as a requirement of registration of a motor vehicle pursuant to section 60-302 and such copy with seal affixed shall be accepted by the county treasurers as proof

of financial responsibility.

Sec. 3. Any person owning a motor vehicle licensed in this state shall be guilty of a Class II misdemeanor unless such person has in his or her motor vehicle, at all times when the vehicle is operated in this state, current and effective proof of financial responsibility as required in section 60-302. Any motor vehicle operator unable to produce such proof upon request of a Nebraska law enforcement officer shall be allowed ten days from the date of the request to produce proof that financial responsibility was in existence at the time of such request.

Sec. 4. When any person insured under an automobile liability policy is involved in an accident in which the license of the operator of another motor vehicle is suspended pursuant to section 60-507 because the operator failed to provide proof of financial responsibility and there is a reasonable possibility of judgment being rendered against such operator, the insurance carrier covering the insured person shall not surcharge any of the automobile coverages in the insured party's current policy or any subsequent renewal policy for any loss which was sustained in such accident by the insured person and covered under such person's automobile liability policy.

Sec. 5. The county and the county treasurer and his or her employees or agents shall be exempt from all civil liability when carrying out the provisions of section 60-302.

Sec. 6. This act shall become operative on January 1, 1986.

Sec. 7. That original sections 60-302 and 60-528, Reissue Revised Statutes of Nebraska, 1943, are repealed.