Chapter 28: Nebraska Statutes

28-101.
Code, how cited.
Sections28-101to28-1357,28-1601to28-1603, and28-1701shall be known and may be cited as the Nebraska Criminal Code.

28-102.
Purposes; principles of construction.
The general purposes of the provisions governing the definition of offenses are:
(1) To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests;
(2) To subject to public control persons whose conduct indicates that they are disposed to commit crimes;
(3) To safeguard conduct that is without fault and which is essentially victimless in its effect from condemnation as criminal;
(4) To give fair warning of the nature of the conduct declared to constitute an offense; and
(5) To differentiate on reasonable grounds between serious and minor offenses.

28-103.
Restrictions on applicability.
(1) The provisions of this code shall not apply to any offense committed prior to January 1, 1979. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this code had not been enacted.
(2) For the purposes of this section, an offense shall be deemed to have been committed prior to January 1, 1979, if any element of the offense occurred prior thereto.
(3) This code shall not bar, suspend or otherwise affect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action.

28-104.
Offense; crime; synonymous.
The terms offense and crime are synonymous as used in this code and mean a violation of, or conduct defined by, any statute for which a fine, imprisonment, or death may be imposed.

28-105.
Felonies; classification of penalties; sentences; where served; eligibility for probation.
(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into ten classes which are distinguished from one another by the following penalties which are authorized upon conviction:
Class I felonyDeathClass IA felonyLife imprisonmentClass IB felonyMaximumâ■■life imprisonmentMinimumâ■■twenty years imprisonmentClass IC felonyMaximumâ■■fifty years imprisonmentMandatory minimumâ■■five years imprisonmentClass ID felonyMaximumâ■■fifty years imprisonmentMandatory minimumâ■■three years imprisonmentClass II felonyMaximumâ■■fifty years imprisonmentMinimumâ■■one year imprisonmentClass IIA felonyMaximumâ■■twenty years imprisonmentMinimumâ■■noneClass III felonyMaximumâ■■four years imprisonment and two yearspost-release supervision ortwenty-five thousand dollars fine, or bothMinimumâ■■none for imprisonment and nine monthspost-release supervision if imprisonment is imposedClass IIIA felonyMaximumâ■■three years imprisonmentand eighteen months post-release supervision orten thousand dollars fine, or bothMinimumâ■■none for imprisonment and nine monthspost-release supervision if imprisonment is imposedClass IV felonyMaximumâ■■two years imprisonment and twelvemonths post-release supervision orten thousand dollars fine, or bothMinimumâ■■none for imprisonment and none forpost-release supervision
(2) All sentences for maximum terms of imprisonment for one year or more for felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. All sentences for maximum terms of imprisonment of less than one year shall be served in the county jail.
(3) Nothing in this section shall limit the authority granted in sections29-2221and29-2222to increase sentences for habitual criminals.
(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.
(5) All sentences of post-release supervision shall be served under the jurisdiction of the Office of Probation Administration and shall be subject to conditions imposed pursuant to section29-2262and subject to sanctions authorized pursuant to section29-2266.02.
(6) Any person who is sentenced to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony shall not be subject to post-release supervision pursuant to subsection (1) of this section.
(7) Any person who is sentenced to imprisonment for a Class III, IIIA, or IV felony committed prior to August 30, 2015, and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony committed on or after August 30, 2015, shall not be subject to post-release supervision pursuant to subsection (1) of this section.

(8) The changes made to the penalties for Class III, IIIA, and IV felonies by Laws 2015, LB605, do not apply to any offense committed prior to August 30, 2015, as provided in section28-116.

28-105.01.
Death penalty imposition; restriction on person under eighteen years; restriction on person with intellectual disability; sentencing procedure.
(1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime.
(2) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person with an intellectual disability.
(3) As used in subsection (2) of this section, intellectual disability means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. An intelligence quotient of seventy or below on a reliably administered intelligence quotient test shall be presumptive evidence of intellectual disability.
(4) If (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section29-2520or (b)(i) the information contains a notice of aggravation as provided in section29-1603and (ii) the defendant waives his or her right to a jury determination of the alleged aggravating circumstances, the court shall hold a hearing prior to any sentencing determination proceeding as provided in section29-2521upon a verified motion of the defense requesting a ruling that the penalty of death be precluded under subsection (2) of this section. If the court finds, by a preponderance of the evidence, that the defendant is a person with an intellectual disability, the death sentence shall not be imposed. A ruling by the court that the evidence of diminished intelligence introduced by the defendant does not preclude the death penalty under subsection (2) of this section shall not restrict the defendant's opportunity to introduce such evidence at the sentencing determination proceeding as provided in section29-2521or to argue that such evidence should be given mitigating significance.

28-105.02.
Class IA felony; person under eighteen
years; maximum sentence; court consider mitigating factors.
(1) Notwithstanding
any other provision of law, the penalty for any person convicted of a Class
IA felony for an offense committed when such person was under the age of eighteen
years shall be a maximum sentence of not greater than life imprisonment and
a minimum sentence of not less than forty years' imprisonment.
(2) In determining the sentence
of a convicted person under subsection (1) of this section, the court shall
consider mitigating factors which led to the commission of the offense. The
convicted person may submit mitigating factors to the court, including, but
not limited to:
(a)
The convicted person's age at the time of the offense;
(b) The impetuosity of the
convicted person;
(c)
The convicted person's family and community environment;
(d) The convicted person's
ability to appreciate the risks and consequences of the conduct;
(e) The convicted person's
intellectual capacity; and
(f)
The outcome of a comprehensive mental health evaluation of the convicted person
conducted by an adolescent mental health professional licensed in this state.
The evaluation shall include, but not be limited to, interviews with the convicted
person's family in order to learn about the convicted person's prenatal history,
developmental history, medical history, substance abuse treatment history,
if any, social history, and psychological history.

28-106.
Misdemeanors; classification of penalties; sentences; where served.
(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, misdemeanors are divided into seven classes which are distinguished from one another by the following penalties which are authorized upon conviction:
Class I misdemeanor.....Maximum â■■ not more than one yearimprisonment, or one thousand dollarsfine, or bothMinimum â■■

noneClass II misdemeanor.....Maximum â■■ six months imprisonment, orone thousand dollars fine, or bothMinimum â■■ noneClass III misdemeanor.....Maximum â■■ three months imprisonment,or five hundred dollars fine, or bothMinimum â■■ noneClass IIIA misdemeanor.....Maximum â■■ seven days imprisonment, fivehundred dollars fine, or bothMinimum â■■ noneClass IV misdemeanor.....Maximum â■■ no imprisonment, fivehundred dollars fineMinimum â■■ noneClass V misdemeanor.....Maximum â■■ no imprisonment, onehundred dollars fineMinimum â■■ noneClass W misdemeanor.....Driving under the influence or impliedconsentFirst convictionMaximum â■■ sixty days imprisonment andfive hundred dollars fineMandatory minimum â■■ seven daysimprisonment and five hundred dollarsfineSecond convictionMaximum â■■ six months imprisonment andfive hundred dollars fineMandatory minimum â■■ thirty daysimprisonment and five hundred dollarsfineThird convictionMaximum â■■ one year imprisonment andone thousand dollars fineMandatory minimum â■■ ninety daysimprisonmentand one thousand dollars fine

(2) Sentences of imprisonment in misdemeanor cases shall be served in the county jail, except that such sentences may be served in institutions under the jurisdiction of the Department of Correctional Services if the sentence is to be served concurrently or consecutively with a term for conviction of a felony and the combined sentences total a term of one year or more. A determinate sentence shall be imposed for a misdemeanor if the sentence is to be served concurrently or consecutively with a determinate sentence for a Class III, IIIA, or IV felony.

28-107.

Felony or misdemeanor, defined outside of code; how treated.

(1) Any felony or misdemeanor defined by state statute outside of this code without specification of its class shall be punishable as provided in the statute defining it, or as otherwise provided by law outside of this code, except as provided in subsections (2) and (3) of this section.

(2) A felony defined by statute outside this code, without classification, the sentence for which exceeds the sentence authorized in this code for a Class III felony, shall constitute for sentencing purposes a Class III felony. A person adjudged guilty under such law is deemed to be convicted of a Class III felony and shall be sentenced for a felony of that class in accordance with this code.

(3) A misdemeanor defined by a statute outside this code, the sentence for which exceeds the sentence authorized in this code for a Class I misdemeanor, shall constitute for sentencing purposes a Class I misdemeanor. A person adjudged guilty under such law is deemed to be convicted of a Class I misdemeanor and shall be sentenced for a Class I misdemeanor in accordance with this code.

28-108.

Subsequent enactment of criminal laws.

Criminal laws enacted after January 1, 1979, shall be classified for sentencing purposes in accordance with section28-105or28-106.

28-109.

Terms, defined.

For purposes of the Nebraska Criminal Code, unless the context otherwise requires:

(1) Act shall mean a bodily movement, and includes words and possession of property;

(2) Aid or assist shall mean knowingly to give or lend money or credit to be used for, or to make possible or available, or to further activity thus aided or assisted;

(3) Benefit shall mean any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary;

(4) Bodily injury shall mean physical pain, illness, or any impairment of physical condition;

(5) Conduct shall mean an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions;

(6) Conveyance shall mean a mode of transportation that includes any vehicle, aircraft, or watercraft;

(7) Deadly physical force shall mean force, the intended, natural, and probable consequence of which is to produce death, or which does, in fact, produce death;

(8) Deadly weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury;

(9) Deface shall mean to alter the appearance of something by removing, distorting, adding to, or covering all or a part of the thing;

(10) Dwelling shall mean a building or other thing which is used, intended to be used, or usually used by a person for habitation;

(11) Government shall mean the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function;

(12) Governmental function shall mean any activity which a public servant is legally authorized to undertake on behalf of government;

(13) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled chairs used by persons who are disabled, electric personal assistive mobility devices as defined in section60-618.02, and bicycles as defined in section60-611;

(14) Omission shall mean a failure to perform an act as to which a duty of performance is imposed by law;

(15) Peace officer shall mean any officer or employee of the state or a political subdivision authorized by law to make arrests, and shall include members of the National Guard on active service by direction of the Governor during periods of emergency or civil

disorder;
(16) Pecuniary benefit shall mean benefit in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain;
(17) Person shall mean any natural person and where relevant a corporation or an unincorporated association;
(18) Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities;
(19) Public servant shall mean any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses;
(20) Recklessly shall mean acting with respect to a material element of an offense when any person disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to the actor, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation;
(21) Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body;
(22) Tamper shall mean to interfere with something improperly or to make unwarranted alterations in its condition;
(23) Thing of value shall mean real property, tangible and intangible personal property, contract rights, choses in action, services, and any rights of use or enjoyment connected therewith; and
(24) Voluntary act shall mean an act performed as a result of effort or determination, and includes the possession of property if the actor was aware of his or her physical possession or control thereof for a sufficient period to have been able to terminate it.

28-110.
Statement of rights.
A person in the State of Nebraska has the right to live free from violence, or intimidation by threat of violence, committed against his or her person or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of, his or her property regardless of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

28-111.
Enhanced penalty;
enumerated offenses.
Any person who commits one
or more of the following criminal offenses against a person or a person's
property because of the person's race, color, religion, ancestry, national
origin, gender, sexual orientation, age, or disability or because of the person's
association with a person of a certain race, color, religion, ancestry, national
origin, gender, sexual orientation, age, or disability shall be punished by
the imposition of the next higher penalty classification than the penalty
classification prescribed for the criminal offense, unless such criminal offense
is already punishable as a Class IB felony or higher classification: Manslaughter,
section28-305; assault in the first degree, section28-308; assault in the
second degree, section28-309; assault in the third degree, section28-310;
terroristic threats, section28-311.01; stalking, section28-311.03; kidnapping,
section28-313; false imprisonment in the first degree, section28-314; false
imprisonment in the second degree, section28-315; sexual assault in the first
degree, section28-319; sexual assault in the second or third degree, section28-320; sexual assault of a child,
sections28-319.01and28-320.01; arson
in the first degree, section28-502; arson in the second degree, section28-503;
arson in the third degree, section28-504; criminal mischief, section28-519; unauthorized application of graffiti,
section28-524; criminal trespass in the first degree, section28-520; or criminal trespass in the second degree, section28-521.

28-112.
Allegations set forth in indictment or information; burden of proof.
The allegations stating that the underlying offense was committed because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be set forth in the indictment or information. It is the burden of the prosecuting attorney to prove such allegations beyond a reasonable doubt to the judge or jury in the state's case in chief.

28-113.
Civil action authorized; statute of limitations; proof required.

(1) A person against whom a violation of section28-111has been committed may bring a civil action for equitable relief, general and special damages, reasonable attorney's fees, and costs.
(2) A civil action brought pursuant to this section must be brought within four years after the date of the violation of section28-111.
(3) In a civil action brought pursuant to this section, the plaintiff shall establish by a preponderance of the evidence that the defendant committed the criminal offense against the plaintiff or the plaintiff's property because of the plaintiff's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the plaintiff's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

28-114.
Nebraska Commission on Law Enforcement and Criminal Justice; duties.
The Nebraska Commission on Law Enforcement and Criminal Justice shall establish and maintain a central repository for the collection and analysis of information regarding criminal offenses committed against a person because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability. Upon establishing such a repository, the commission shall develop a procedure to monitor, record, classify, and analyze information relating to criminal offenses apparently directed against individuals or groups, or their property, because of their race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of their association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

28-115.
Criminal offense against a pregnant woman; enhanced penalty.
(1) Except as provided in subsection (2) of this section, any person who commits any of the following criminal offenses against a pregnant woman shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense:
(a) Assault in the first degree, section28-308;
(b) Assault in the second degree, section28-309;
(c) Assault in the third degree, section28-310;
(d) Assault by strangulation or suffocation, section28-310.01;
(e) Sexual assault in the first degree, section28-319;
(f) Sexual assault in the second or third degree, section28-320;
(g) Sexual assault of a child in the first degree, section28-319.01;
(h) Sexual assault of a child in the second or third degree, section28-320.01;
(i) Sexual abuse of an inmate or parolee in the first degree, section28-322.02;
(j) Sexual abuse of an inmate or parolee in the second degree, section28-322.03;
(k) Sexual abuse of a protected individual in the first or second degree, section28-322.04;
(l) Sexual abuse of a detainee under section28-322.05;
(m) Domestic assault in the first, second, or third degree, section28-323;
(n) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree, section28-929;
(o) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree, section28-930;
(p) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree, section28-931;
(q) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle, section28-931.01;
(r) Assault by a confined person, section28-932;
(s) Confined person committing offenses against another person, section28-933; and
(t) Proximately causing serious bodily injury while operating a motor vehicle, section60-6,198.
(2) The enhancement in subsection (1) of this section does not apply to any criminal offense listed in subsection (1) of this section that is already punishable as a Class I, IA, or IB felony. If any criminal offense listed in subsection (1) of this section is punishable as a Class I misdemeanor, the penalty under this section is a Class IIIA felony.
(3) The prosecution shall allege and prove beyond a reasonable doubt that the victim was pregnant at the time of the offense.

28-116.
Changes made by Laws 2015, LB605; applicability.
The changes made to the sections listed in this section by Laws 2015, LB605, shall not apply to any offense committed prior to August 30, 2015. Any such offense shall be construed and punished according to the provisions of law existing at the time the offense was committed. For purposes of this section, an offense shall be deemed to have been committed prior to August 30, 2015, if any element of the offense occurred prior to such date. The following sections are subject to this provision:
Sections9-262,9-352,9-434,9-652,23-135.01,28-105,28-106,28-201,28-204,28-305,28-306,28-309,28-310.01,28-311,28-311.01,28-311.04,28-3

and71-2229.

28-117.
Department of Health and Human Services; information on programs and services.
On or before December 1, 2019, the Department of Health and Human Services shall make publicly available information on programs and services available for referral by the department to respond to the safety and needs of children reported or suspected to be victims of sex trafficking of a minor or labor trafficking of a minor as defined in section28-830and their families. The department shall develop this information in consultation with representatives of child advocacy centers, behavioral health providers, child welfare and juvenile justice service providers, law enforcement representatives, and prosecutors.

28-201.
Criminal attempt; conduct; penalties.
(1) A person shall be guilty of an attempt to commit a crime if he or she:
(a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he or she believes them to be; or
(b) Intentionally engages in conduct which, under the circumstances as he or she believes them to be, constitutes a substantial step in a course of conduct intended to culminate in his or her commission of the crime.
(2) When causing a particular result is an element of the crime, a person shall be guilty of an attempt to commit the crime if, acting with the state of mind required to establish liability with respect to the attendant circumstances specified in the definition of the crime, he or she intentionally engages in conduct which is a substantial step in a course of conduct intended or known to cause such a result.
(3) Conduct shall not be considered a substantial step under this section unless it is strongly corroborative of the defendant's criminal intent.
(4) Criminal attempt is:
(a) A Class II felony when the crime attempted is a Class I, IA, IB, IC, or ID felony;
(b) A Class IIA felony when the crime attempted is a Class II felony;
(c) A Class IIIA felony when the crime attempted is a Class IIA felony;
(d) A Class IV felony when the crime attempted is a Class III or IIIA felony;
(e) A Class I misdemeanor when the crime attempted is a Class IV felony;
(f) A Class II misdemeanor when the crime attempted is a Class I misdemeanor; and
(g) A Class III misdemeanor when the crime attempted is a Class II misdemeanor.

28-202.
Conspiracy, defined; penalty.
(1) A person shall be guilty of criminal conspiracy if, with intent to promote or facilitate the commission of a felony:
(a) He agrees with one or more persons that they or one or more of them shall engage in or solicit the conduct or shall cause or solicit the result specified by the definition of the offense; and
(b) He or another person with whom he conspired commits an overt act in pursuance of the conspiracy.
(2) If a person knows that one with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring to commit such crime with such other person or persons whether or not he knows their identity.
(3) If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.
(4) Conspiracy is a crime of the same class as the most serious offense which is an object of the conspiracy, except that conspiracy to commit a Class I felony is a Class II felony.
A person prosecuted for a criminal conspiracy shall be acquitted if such person proves by a preponderance of the evidence that his or her conduct occurred in response to an entrapment.

28-203.
Conspiracy; renunciation of criminal intent.
In a prosecution for criminal conspiracy, it shall be an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which is the object of the conspiracy.

28-204.
Accessory to felony, defined; penalties.
(1) A person is guilty of being an accessory to felony if with intent to interfere with, hinder, delay, or prevent the discovery, apprehension, prosecution, conviction, or punishment of another for an offense, he or she:
(a) Harbors or conceals the other;
(b) Provides or aids in providing a weapon, transportation, disguise, or other means of effecting escape or avoiding discovery or

apprehension;
(c) Conceals or destroys evidence of the crime or tampers with a witness, informant, document, or other source of information, regardless of its admissibility in evidence;
(d) Warns the other of impending discovery or apprehension other than in connection with an effort to bring another into compliance with the law;
(e) Volunteers false information to a peace officer; or
(f) By force, intimidation, or deception, obstructs anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.
(2)(a) Accessory to felony is a Class IIA felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class I, IA, IB, IC, or ID felony.
(b) Accessory to felony is a Class IIIA felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class II or IIA felony.
(c) Accessory to felony is a Class IV felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class III or Class IIIA felony.
(d) Accessory to felony is a Class I misdemeanor if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class IV felony.
(e) Accessory to felony is a Class IV felony if the actor violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a felony of any class other than a Class IV felony.
(f) Accessory to felony is a Class I misdemeanor if the actor violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class IV felony.

28-205.
Aiding consummation of felony; penalty.
(1) A person is guilty of aiding consummation of felony if he intentionally aids another to secrete, disguise, or convert the proceeds of a felony or otherwise profit from a felony.
(2) If the crime involved is a felony of any class, aiding consummation of crime is a Class IV felony.

28-206.
Prosecuting for aiding and abetting.
A person who aids, abets, procures, or causes another to commit any offense may be prosecuted and punished as if he were the principal offender.

28-301.
Compounding a felony, defined; penalty.
(1) A person is guilty of compounding a felony if he accepts or agrees to accept any pecuniary benefit or other reward or promise thereof, as consideration for:
(a) Refraining from seeking prosecution of an offender; or
(b) Refraining from reporting to law enforcement authorities the commission of any felony or information relating to a felony.
(2) It is an affirmative defense to prosecution under this section that the benefit received by the defendant did not exceed an amount which the defendant reasonably believed to be due him as restitution for harm caused by the crime.
(3) Compounding is a Class I misdemeanor.

28-302.
Homicide; terms, defined.
As used in sections28-302to28-306, unless the context otherwise requires:
(1) Homicide shall mean the killing of a person by another;
(2) Person, when referring to the victim of a homicide, shall mean a human being who had been born and was alive at the time of the homicidal act; and
(3) Premeditation shall mean a design formed to do something before it is done.

28-303.
Murder in the first degree; penalty.
A person commits murder in the first degree if he or she kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he or she purposely procures the conviction and execution of any innocent person. The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections29-2519to29-2524.

28-304.

Murder in the second degree; penalty.
(1) A person commits murder in the second degree if he causes the death of a person intentionally, but without premeditation.
(2) Murder in the second degree is a Class IB felony.

28-305.
Manslaughter; penalty.
(1) A person commits manslaughter if he or she kills another without malice upon a sudden quarrel or causes the death of another unintentionally while in the commission of an unlawful act.
(2) Manslaughter is a Class IIA felony.

28-306.
Motor vehicle homicide; penalty.
(1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.
(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.
(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section60-6,213or60-6,214, motor vehicle homicide is a Class IIIA felony.
(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section60-6,196or60-6,197.06, motor vehicle homicide is a Class IIA felony. The court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least one year and not more than fifteen years and shall order that the operator's license of such person be revoked for the same period.
(c) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section60-6,196or60-6,197.06, motor vehicle homicide is a Class II felony if the defendant has a prior conviction for a violation of section60-6,196or60-6,197.06, under a city or village ordinance enacted in conformance with section60-6,196, or under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the defendant was convicted would have been a violation of section60-6,196. The court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of fifteen years and shall order that the operator's license of such person be revoked for the same period.
(d) An order of the court described in subdivision (b) or (c) of this subsection shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(4) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

28-307.
Assisting suicide, defined; penalty.
(1) A person commits assisting suicide when, with intent to assist another person in committing suicide, he aids and abets him in committing or attempting to commit suicide.
(2) Assisting suicide is a Class IV felony.

28-308.
Assault in the
first degree; penalty.
(1) A person commits the
offense of assault in the first degree if he or she intentionally or knowingly causes serious
bodily injury to another person.
(2) Assault in the first degree shall be a Class II felony.

28-309.
Assault in the second degree; penalty.
(1) A person commits the offense of assault in the second degree if he or she:
(a) Intentionally or knowingly causes bodily injury to another person with a dangerous instrument;
(b) Recklessly causes serious bodily injury to another person with a dangerous instrument; or
(c) Unlawfully strikes or wounds another (i) while legally confined in a jail or an adult correctional or penal institution, (ii) while otherwise in legal custody of the Department of Correctional Services, or (iii) while committed as a dangerous sex offender under the Sex Offender Commitment Act.
(2) Assault in the second degree shall be a Class IIA felony.

28-310.
Assault in the third degree; penalty.
(1) A person commits the offense of assault in the third degree if he:
(a) Intentionally, knowingly, or recklessly causes bodily injury to another person; or

(b) Threatens another in a menacing manner.
(2) Assault in the third degree shall be a Class I misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it shall be a Class II misdemeanor.

28-310.01.
Assault by strangulation or suffocation; penalty; affirmative defense.
(1) A person commits the offense of assault by strangulation or suffocation if the person knowingly and intentionally:
(a) Impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person; or
(b) Impedes the normal breathing of another person by covering the mouth and nose of the person.
(2) An offense is committed under this section regardless of whether a visible injury resulted.
(3) Except as provided in subsection (4) of this section, a violation of this section is a Class IIIA felony.
(4) A violation of this section is a Class IIA felony if:
(a) The person used or attempted to use a dangerous instrument while committing the offense;
(b) The person caused serious bodily injury to the other person while committing the offense; or
(c) The person has been previously convicted of a violation of this section.
(5) It is an affirmative defense that an act constituting strangulation or suffocation was the result of a legitimate medical procedure.

28-311.
Criminal child enticement; attempt; penalties.
(1)(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure any child under the age of fourteen years to enter into any vehicle, whether or not the person knows the age of the child.
(b) No person, by any means and without privilege to do so, shall solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure any child under the age of fourteen years to enter into any place with the intent to seclude the child from his or her parent, guardian, or other legal custodian or the general public, whether or not the person knows the age of the child. For purposes of this subdivision, seclude means to take, remove, hide, secrete, conceal, isolate, or otherwise unlawfully separate.
(2) It is an affirmative defense to a charge under this section that:
(a) The person had the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity;
(b)(i) The person is a law enforcement officer, emergency services provider as defined in section71-507, firefighter, or other person who regularly provides emergency services, is the operator of a bookmobile or other such vehicle operated by the state or a political subdivision and used for informing, educating, organizing, or transporting children, is a paid employee of, or a volunteer for, a nonprofit or religious organization which provides activities for children, or is an employee or agent of or a volunteer acting under the direction of any board of education and (ii) the person listed in subdivision (2)(b)(i) of this section was, at the time the person undertook the activity, acting within the scope of his or her lawful duties in that capacity; or
(c) The person undertook the activity in response to a bona fide emergency situation or the person undertook the activity in response to a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.
(3) Any person who violates this section commits criminal child enticement and is guilty of a Class IIIA felony. If such person has previously been convicted of (a) criminal child enticement under this section, (b) sexual assault of a child in the first degree under section28-319.01, (c) sexual assault of a child in the second or third degree under section28-320.01, (d) child enticement by means of an electronic communication device under section28-320.02, or (e) assault under section28-308,28-309, or28-310, kidnapping under section28-313, or false imprisonment under section28-314or28-315when the victim was under eighteen years of age when such person violates this section, such person is guilty of a Class IIA felony.

28-311.01.
Terroristic threats; penalty.
(1) A person commits terroristic threats if he or she threatens to commit any crime of violence:
(a) With the intent to terrorize another;
(b) With the intent of causing the evacuation of a building, place of assembly, or facility of public transportation; or
(c) In reckless disregard of the risk of causing such terror or evacuation.
(2) Terroristic threats is a Class IIIA felony.

28-311.02.
Stalking and harassment; legislative intent; terms, defined.
(1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.
(2) For purposes of sections28-311.02to28-311.05,28-311.09, and28-311.10:
(a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies,

threatens, or intimidates the person and which serves no legitimate purpose;
(b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;
(c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context; and
(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section28-311.03. Substantially conforming is a question of law to be determined by the court.

28-311.03.
Stalking.
Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

28-311.04.
Stalking; violations; penalties.
(1) Except as provided in subsection (2) of this section, any person convicted of violating section28-311.03is guilty of a Class I misdemeanor.
(2) Any person convicted of violating section28-311.03is guilty of a Class IIIA felony if:
(a) The person has a prior conviction under such section or a substantially conforming criminal violation within the last seven years;
(b) The victim is under sixteen years of age;
(c) The person possessed a deadly weapon at any time during the violation;
(d) The person was also in violation of section28-311.09,28-311.11,42-924, or42-925, or in violation of a valid foreign harassment protection order recognized pursuant to section28-311.10or a valid foreign sexual assault protection order recognized pursuant to section28-311.12at any time during the violation; or
(e) The person has been convicted of any felony in this state or has been convicted of a crime in another jurisdiction which, if committed in this state, would constitute a felony and the victim or a family or household member of the victim was also the victim of such previous felony.

28-311.05.
Stalking; not applicable to certain conduct.
Sections28-311.02to28-311.04,28-311.09, and28-311.10shall not apply to conduct which occurs during labor picketing.

28-311.06.
Hazing, defined; penalty.
(1) For purposes of this section, hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.
(2) It is unlawful to commit the offense of hazing. Any person who commits the offense of hazing is guilty of a Class II misdemeanor.
(3) If the offense of hazing is committed for the purpose of initiation into, admission into, affiliation with, or continued membership with an organization of student members operating under the sanction of a postsecondary educational institution and such offense is committed by members of such organization, such organization shall be punished by a fine of not more than ten thousand dollars. Such organization shall not include the alumni organization or any corporation which owns the house or real estate of such organization.

28-311.07.
Hazing; consent not a defense.
Notwithstanding any provisions to the contrary, consent shall not be a defense to a prosecution pursuant to section28-311.06.

28-311.08.

Unlawful intrusion; photograph, film, or record image or video of intimate area; distribute or make public; penalty; court; duties; registration under Sex Offender Registration Act; statute of limitations.
(1) It shall be unlawful for any person to knowingly intrude upon any other person without his or her consent in a place of solitude or seclusion. Violation of this subsection is a Class I misdemeanor. A second or subsequent violation of this subsection is a Class IV felony.
(2) It shall be unlawful for any person to knowingly and intentionally photograph, film, or otherwise record an image or video of the intimate area of any other person without his or her knowledge and consent when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place. Violation of this subsection is a Class IV felony.
(3) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person recorded in violation of subsection (2) of this section without that person's consent. A first or second violation of this subsection is a Class IIA felony. A third or subsequent violation of this subsection is a Class II felony.
(4) It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct (a) if the other person had a reasonable expectation that the image would remain private, (b) knowing the other person did not consent to distributing or making public the image or video, and (c) if distributing or making public the image or video serves no legitimate purpose. Violation of this subsection is a Class I misdemeanor. A second or subsequent violation of this subsection is a Class IV felony.
(5) It shall be unlawful for any person to threaten to distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct with the intent to intimidate, threaten, or harass any person. Violation of this subsection is a Class I misdemeanor.
(6) As part of sentencing following a conviction for a violation of subsection (1), (2), or (3) of this section, the court shall make a finding as to the ages of the defendant and the victim at the time the offense occurred. If the defendant is found to have been nineteen years of age or older and the victim is found to have been less than eighteen years of age at such time, then the defendant shall be required to register under the Sex Offender Registration Act.
(7) No person shall be prosecuted under this section unless the indictment for such offense is found by a grand jury or a complaint filed before a magistrate within three years after the later of:
(a) The commission of the crime;
(b) Law enforcement's or a victim's receipt of actual or constructive notice of either the existence of a video or other electronic recording made in violation of this section or the distribution of images, video, or other electronic recording made in violation of this section; or
(c) The youngest victim of a violation of this section reaching the age of twenty-one years.
(8) For purposes of this section:
(a) Intimate area means the naked or undergarment-clad genitalia, pubic area, buttocks, or female breast of an individual;
(b) Intrude means either:
(i) Viewing another person in a state of undress as it is occurring; or
(ii) Recording another person in a state of undress by video, photographic, digital, or other electronic means; and
(c) Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room.

28-311.09.
Harassment protection order; violation; penalty; procedure; costs; enforcement.
(1) Any victim who has been harassed as defined by section28-311.02may file a petition and affidavit for a harassment protection order as provided in subsection (3) of this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a harassment protection order without bond enjoining the respondent from (a) imposing any restraint upon the person or liberty of the petitioner, (b) harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, or (c) telephoning, contacting, or otherwise communicating with the petitioner. The harassment protection order shall specify to whom relief under this section was granted.
(2) The petition for a harassment protection order shall state the events and dates or approximate dates of acts constituting the alleged harassment, including the most recent and most severe incident or incidents.
(3) A petition for a harassment protection order shall be filed with the clerk of the district court, and the proceeding may be heard by the county court or the district court as provided in section25-2740.
(4) A petition for a harassment protection order filed pursuant to subsection (1) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) of this section shall specify that it is effective for a period of one year unless otherwise dismissed or modified by the court. Any person, except the petitioner, who knowingly violates an order issued pursuant to subsection (1) of this section after service or notice as described in subdivision (9)(b) of this section shall be guilty of a Class II misdemeanor.
(5)(a) Fees to cover costs associated with the filing of a petition for a harassment protection order or the issuance or service of a harassment protection order seeking only the relief provided by this section shall not be charged, except that a court may assess such fees and costs if the court finds, by clear and convincing evidence, that the statements contained in the petition were false and that

the harassment protection order was sought in bad faith.
(b) A court may also assess costs associated with the filing of a petition for a harassment protection order or the issuance or service of a harassment protection order seeking only the relief provided by this section against the respondent.
(6) The clerk of the district court shall make available standard application and affidavit forms for a harassment protection order with instructions for completion to be used by a petitioner. Affidavit forms shall request all relevant information, including, but not limited to: A description of the incidents that are the basis for the application for a harassment protection order, including the most severe incident, and the date or approximate date of such incidents. The clerk and his or her employees shall not provide assistance in completing the forms. The State Court Administrator shall adopt and promulgate the standard application and affidavit forms provided for in this section as well as the standard temporary ex parte and final harassment protection order forms and provide a copy of such forms to all clerks of the district courts in this state. These standard temporary ex parte and final harassment protection order forms shall be the only such forms used in this state.
(7) Any order issued under subsection (1) of this section may be issued ex parte without notice to the respondent if it reasonably appears from the specific facts shown by affidavit of the petitioner that irreparable harm, loss, or damage will result before the matter can be heard on notice. If the specific facts included in the affidavit (a) do not show that the petitioner will suffer irreparable harm, loss, or damage or (b) show that, for any other compelling reason, an ex parte order should not be issued, the court may forthwith cause notice of the application to be given to the respondent stating that he or she may show cause, not more than fourteen days after service, why such order should not be entered. Any notice provided to the respondent shall include notification that a court may treat a petition for a harassment protection order as a petition for a sexual assault protection order or a domestic abuse protection order if it appears from the facts that such other protection order is more appropriate and that the respondent shall have an opportunity to show cause as to why such protection order should not be entered. If such ex parte order is issued without notice to the respondent, the court shall forthwith cause notice of the petition and order and a form with which to request a show-cause hearing to be given the respondent stating that, upon service on the respondent, the order shall remain in effect for a period of one year unless the respondent shows cause why the order should not remain in effect for a period of one year. If the respondent wishes to appear and show cause why the order should not remain in effect for a period of one year, he or she shall affix his or her current address, telephone number, and signature to the form and return it to the clerk of the district court within ten business days after service upon him or her. Upon receipt of a timely request for a show-cause hearing, the court shall immediately schedule a show-cause hearing to be held within thirty days after the receipt of the request for a show-cause hearing and shall notify the petitioner and respondent of the hearing date. If a petition is dismissed without a hearing, it shall be dismissed without prejudice. The petition and affidavit shall be deemed to have been offered into evidence at any show-cause hearing. The petition and affidavit shall be admitted into evidence unless specifically excluded by the court.
(8) A court may treat a petition for a harassment protection order as a petition for a sexual assault protection order or a domestic abuse protection order if it appears from the facts in the petition, affidavit, and evidence presented at a show-cause hearing that such other protection order is more appropriate and if:
(a) The court makes specific findings that such other order is more appropriate; or
(b) The petitioner has requested the court to so treat the petition.
(9)(a) Upon the issuance of any temporary ex parte or final harassment protection order, the clerk of the court shall forthwith provide the petitioner, without charge, with two certified copies of such order. The clerk of the court shall also forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of such order and one copy each of the sheriff's return thereon. The clerk of the court shall also forthwith provide a copy of the harassment protection order to the sheriff's office in the county where the respondent may be personally served together with instructions for service. Upon receipt of the order and instructions for service, such sheriff's office shall forthwith serve the harassment protection order upon the respondent and file its return thereon with the clerk of the court which issued the harassment protection order within fourteen days of the issuance of the harassment protection order. If any harassment protection order is dismissed or modified by the court, the clerk of the court shall forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification.
(b) If the respondent is present at a hearing convened pursuant to this section and the harassment protection order is not dismissed, such respondent shall be deemed to have notice by the court at such hearing that the harassment protection order will be granted and remain in effect and further service of such notice described in this subsection shall not be required for purposes of prosecution under this section.
(c) A temporary ex parte harassment protection order shall be affirmed and deemed the final protection order and service of the temporary ex parte order shall be notice of the final protection order if the respondent has been properly served with the ex parte order and:
(i) The respondent fails to request a show-cause hearing within ten business days after service upon him or her and no hearing was requested by the petitioner or upon the court's own motion;
(ii) The respondent has been properly served with notice of any hearing requested by the respondent or petitioner or upon the court's own motion and the respondent fails to appear at such hearing; or
(iii) The respondent has been properly served with notice of any hearing requested by the respondent, the petitioner, or upon the court's own motion and the protection order was not dismissed at the hearing.
(10) A peace officer may, with or without a warrant, arrest a person if (a) the officer has probable cause to believe that the person has committed a violation of a harassment protection order issued pursuant to this section or a violation of a valid foreign

harassment protection order recognized pursuant to section28-311.10and (b) a petitioner under this section provides the peace officer with a copy of a harassment protection order or the peace officer determines that such an order exists after communicating with the local law enforcement agency or a person protected under a valid foreign harassment protection order recognized pursuant to section28-311.10provides the peace officer with a copy of such order.
(11) A peace officer making an arrest pursuant to subsection (10) of this section shall take such person into custody and take such person before the county court or the court which issued the harassment protection order within a reasonable time. At such time the court shall establish the conditions of such person's release from custody, including the determination of bond or recognizance, as the case may be. The court shall issue an order directing that such person shall have no contact with the alleged victim of the harassment.
(12) When provided by the petitioner, the court shall make confidential numeric victim identification information, including social security numbers and dates of birth, available to appropriate criminal justice agencies engaged in protection order enforcement efforts. Such agencies shall maintain the confidentiality of this information except for entry into state and federal databases for protection order enforcement.

28-311.10.
Foreign harassment protection order; enforcement.
(1) A valid foreign harassment protection order or order similar to a harassment protection order issued by a court of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state.
(2) A foreign harassment order issued by a court of another state, tribe, or territory shall be valid if:
(a) The issuing court had jurisdiction over the parties and matter under the law of such state, tribe, or territory;
(b) The respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process before the order was issued; and
(c) The harassment order from another jurisdiction has not been rendered against both the petitioner and the respondent, unless: (i) The respondent filed a cross or counter petition, complaint, or other written pleading seeking such a harassment order; and (ii) the issuing court made specific findings of harassment against both the petitioner and respondent and determined that each party was entitled to such an order. There is a presumption of the validity of the foreign protection order when the order appears authentic on its face.
(3) A peace officer may rely upon a copy of any putative valid foreign harassment protection order which has been provided to the peace officer by any source.

28-311.11.
Sexual assault protection order; violation; penalty; procedure; renewal; enforcement.
(1) Any victim of a sexual assault offense may file a petition and affidavit for a sexual assault protection order as provided in subsection (3) of this section. Upon the filing of such a petition and affidavit in support thereof, the court may issue a sexual assault protection order without bond enjoining the respondent from (a) imposing any restraint upon the person or liberty of the petitioner, (b) harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, or (c) telephoning, contacting, or otherwise communicating with the petitioner. The sexual assault protection order shall specify to whom relief under this section was granted.
(2) The petition for a sexual assault protection order shall state the events and dates or approximate dates of acts constituting the sexual assault offense, including the most recent and most severe incident or incidents.
(3) A petition for a sexual assault protection order shall be filed with the clerk of the district court and the proceeding may be heard by the county court or the district court as provided in section25-2740.
(4) A petition for a sexual assault protection order may not be withdrawn except upon order of the court. A sexual assault protection order shall specify that it is effective for a period of one year unless renewed pursuant to subsection (12) of this section or otherwise dismissed or modified by the court. Any person, except the petitioner, who knowingly violates a sexual assault protection order after service or notice as described in subdivision (9)(b) of this section shall be guilty of a Class I misdemeanor, except that any person convicted of violating such order who has a prior conviction for violating a sexual assault protection order shall be guilty of a Class IV felony.
(5)(a) Fees to cover costs associated with the filing of a petition for issuance or renewal of a sexual assault protection order or the issuance or service of a sexual assault protection order seeking only the relief provided by this section shall not be charged, except that a court may assess such fees and costs if the court finds, by clear and convincing evidence, that the statements contained in the petition were false and that the sexual assault protection order was sought in bad faith.
(b) A court may also assess costs associated with the filing of a petition for issuance or renewal of a sexual assault protection order or the issuance or service of a sexual assault protection order seeking only the relief provided by this section against the respondent.
(6) The clerk of the district court shall make available standard application and affidavit forms for issuance and renewal of a sexual assault protection order with instructions for completion to be used by a petitioner. Affidavit forms shall request all relevant information, including, but not limited to: A description of the most recent incident that was the basis for the application for a sexual assault protection order and the date or approximate date of the incident and, if there was more than one incident, the most severe incident and the date or approximate date of such incident. The clerk and his or her employees shall not provide assistance in completing the forms. The State Court Administrator shall adopt and promulgate the standard application and affidavit forms

provided for in this section as well as the standard temporary ex parte and final sexual assault protection order forms and provide a copy of such forms to all clerks of the district courts in this state. Such standard temporary ex parte and final sexual assault protection order forms shall be the only forms used in this state.

(7) A sexual assault protection order may be issued or renewed ex parte without notice to the respondent if it reasonably appears from the specific facts shown by affidavit of the petitioner that irreparable harm, loss, or damage will result before the matter can be heard on notice. If a sexual assault protection order is not issued ex parte, the court shall immediately schedule an evidentiary hearing to be held within fourteen days after the filing of the petition, and the court shall cause notice of the application to be given to the respondent stating that he or she may show cause why such order should not be entered. Any notice provided to the respondent shall include notification that a court may treat a petition for a sexual assault protection order as a petition for a harassment protection order or a domestic abuse protection order if it appears from the facts that such other protection order is more appropriate and that the respondent shall have an opportunity to show cause as to why such protection order should not be entered. If such ex parte order is issued or renewed without notice to the respondent, the court shall forthwith cause notice of the petition and order and a form with which to request a show-cause hearing to be given the respondent stating that, upon service on the respondent, the order shall remain in effect for a period of one year unless the respondent shows cause why the order should not remain in effect for a period of one year. If the respondent wishes to appear and show cause why the order should not remain in effect for a period of one year, he or she shall affix his or her current address, telephone number, and signature to the form and return it to the clerk of the district court within ten business days after service upon him or her. Upon receipt of a timely request for a show-cause hearing, the court shall immediately schedule a show-cause hearing to be held within thirty days after the receipt of the request for a show-cause hearing and shall notify the petitioner and respondent of the hearing date. The petition and affidavit shall be deemed to have been offered into evidence at any show-cause hearing. The petition and affidavit shall be admitted into evidence unless specifically excluded by the court.

(8) A court may treat a petition for a sexual assault protection order as a petition for a harassment protection order or a domestic abuse protection order if it appears from the facts in the petition, affidavit, and evidence presented at a show-cause hearing that such other protection order is more appropriate and if:

(a) The court makes specific findings that such other order is more appropriate; or

(b) The petitioner has requested the court to so treat the petition.

(9)(a) Upon the issuance or renewal of any temporary ex parte or final sexual assault protection order, the clerk of the court shall forthwith provide the petitioner, without charge, with two certified copies of such order. The clerk of the court shall also forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of such order and one copy each of the sheriff's return thereon. The clerk of the court shall also forthwith provide a copy of the sexual assault protection order to the sheriff's office in the county where the respondent may be personally served together with instructions for service. Upon receipt of the order and instructions for service, such sheriff's office shall forthwith serve the sexual assault protection order upon the respondent and file its return thereon with the clerk of the court which issued the sexual assault protection order within fourteen days of the issuance of the initial or renewed sexual assault protection order. If any sexual assault protection order is dismissed or modified by the court, the clerk of the court shall forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification.

(b) If the respondent is present at a hearing convened pursuant to this section and the sexual assault protection order is not dismissed, such respondent shall be deemed to have notice by the court at such hearing that the protection order will be granted and remain in effect and further service of such notice described in this subsection shall not be required for purposes of prosecution under this section.

(c) A temporary ex parte sexual assault protection order shall be affirmed and deemed the final protection order and service of the temporary ex parte order shall be notice of the final protection order if the respondent has been properly served with the ex parte order and:

(i) The respondent fails to request a show-cause hearing within ten business days after service upon him or her and no hearing was requested by the petitioner or upon the court's own motion;

(ii) The respondent has been properly served with notice of any hearing requested by the respondent or petitioner or upon the court's own motion and the respondent fails to appear at such hearing; or

(iii) The respondent has been properly served with notice of any hearing requested by the respondent, the petitioner, or upon the court's own motion and the protection order was not dismissed at the hearing.

(10) A peace officer shall, with or without a warrant, arrest a person if (a) the officer has probable cause to believe that the person has committed a violation of a sexual assault protection order issued pursuant to this section or a violation of a valid foreign sexual assault protection order recognized pursuant to section28-311.12and (b) a petitioner under this section provides the peace officer with a copy of such order or the peace officer determines that such an order exists after communicating with the local law enforcement agency.

(11) A peace officer making an arrest pursuant to subsection (10) of this section shall take such person into custody and take such person before the county court or the court which issued the sexual assault protection order within a reasonable time. At such time the court shall establish the conditions of such person's release from custody, including the determination of bond or recognizance, as the case may be. The court shall issue an order directing that such person shall have no contact with the alleged victim of the sexual assault offense.

(12)(a) An order issued under subsection (1) of this section may be renewed annually. To request renewal of the order, the petitioner shall file a petition for renewal and affidavit in support thereof at any time within forty-five days prior to the date the order is set to expire, including the date the order expires.
(b) A sexual assault protection order may be renewed on the basis of the petitioner's affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal if:
(i) The petitioner seeks no modification of the order; and
(ii)(A) The respondent has been properly served with notice of the petition for renewal and notice of hearing and fails to appear at the hearing; or
(B) The respondent indicates that he or she does not contest the renewal.
(c) The petition for renewal shall state the reasons a renewal is sought and shall be filed with the clerk of the district court, and the proceeding thereon may be heard by the county court or the district court as provided in section25-2740. A petition for renewal will otherwise be governed in accordance with the procedures set forth in subsections (4) through (11) of this section. The renewed order shall specify that it is effective for one year commencing on the first calendar day after expiration of the previous order or on the calendar day the court grants the renewal if such day is subsequent to the first calendar day after expiration of the previous order.
(13) When provided by the petitioner, the court shall make confidential numeric victim identification information, including social security numbers and dates of birth, available to appropriate criminal justice agencies engaged in protection order enforcement efforts. Such agencies shall maintain the confidentiality of this information, except for entry into state and federal databases for protection order enforcement.
(14) For purposes of this section, sexual assault offense means:
(a) Conduct amounting to sexual assault under section28-319or28-320, sexual abuse by a school employee under section28-316.01, sexual assault of a child under section28-319.01or28-320.01, or an attempt to commit any of such offenses; or
(b) Subjecting or attempting to subject another person to sexual contact or sexual penetration without his or her consent, as such terms are defined in section28-318.

28-311.12.
Foreign sexual assault protection order; enforcement.
(1) A valid foreign sexual assault protection order or an order similar to a sexual assault protection order issued by a court of another state, territory, possession, or tribe shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state.
(2) A foreign sexual assault protection order issued by a court of another state, territory, possession, or tribe shall be valid if:
(a) The issuing court had jurisdiction over the parties and matter under the law of such state, territory, possession, or tribe;
(b) The respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process before the order was issued; and
(c) The sexual assault protection order from another jurisdiction has not been rendered against both the petitioner and the respondent, unless: (i) The respondent filed a cross or counter petition, complaint, or other written pleading seeking such a sexual assault protection order; and (ii) the issuing court made specific findings of sexual assault offenses against both the petitioner and respondent and determined that each party was entitled to such an order.
(3) There is a presumption of the validity of the foreign protection order when the order appears authentic on its face.
(4) A peace officer may rely upon a copy of any putative valid foreign sexual assault protection order which has been provided to the peace officer by any source.

28-312.
Terms, defined.
As used in sections28-312to28-315, unless the context otherwise requires:
(1) Restrain shall mean to restrict a person's movement in such a manner as to interfere substantially with his liberty:
(a) By means of force, threat, or deception; or
(b) If the person is under the age of eighteen or incompetent, without the consent of the relative, person, or institution having lawful custody of him; and
(2) Abduct shall mean to restrain a person with intent to prevent his liberation by:
(a) Secreting or holding him in a place where he is not likely to be found; or
(b) Endangering or threatening to endanger the safety of any human being.

28-313.
Kidnapping; penalties.
(1) A person commits kidnapping if he abducts another or, having abducted another, continues to restrain him with intent to do the following:
(a) Hold him for ransom or reward; or
(b) Use him as a shield or hostage; or
(c) Terrorize him or a third person; or
(d) Commit a felony; or

(e) Interfere with the performance of any government or political function.
(2) Except as provided in subsection (3) of this section, kidnapping is a Class IA felony.
(3) If the person kidnapped was voluntarily released or liberated alive by the abductor and in a safe place without having suffered serious bodily injury, prior to trial, kidnapping is a Class II felony.

28-314.
False imprisonment in the first degree; penalty.
(1) A person commits false imprisonment in the first degree if he or she knowingly restrains or abducts another person (a) under terrorizing circumstances or under circumstances which expose the person to the risk of serious bodily injury; or (b) with intent to hold him or her in a condition of involuntary servitude.
(2) False imprisonment in the first degree is a Class IIIA felony.

28-315.
False imprisonment in the second degree; penalty.
(1) A person commits false imprisonment in the second degree if he knowingly restrains another person without legal authority.
(2) In any prosecution under this section, it shall be an affirmative defense that the person restrained (a) was on or in the immediate vicinity of the premises of a retail mercantile establishment and he was restrained for the purpose of investigation or questioning as to the ownership of any merchandise; and (b) was restrained in a reasonable manner and for not more than a reasonable time; and (c) was restrained to permit such investigation or questioning by a police officer, or by the owner of the mercantile establishment, his authorized employee or agent; and (d) that such police officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit theft of merchandise on the premises; Provided, nothing in this section shall prohibit or restrict any person restrained pursuant to this section from maintaining any applicable civil remedy if no theft has occurred.
(3) False imprisonment in the second degree is a Class I misdemeanor.

28-316.
Violation of custody; penalty.
(1) Any person, including a natural or foster parent, who, knowing that he has no legal right to do so or, heedless in that regard, takes or entices any child under the age of eighteen years from the custody of its parent having legal custody, guardian, or other lawful custodian commits the offense of violation of custody.
(2) Except as provided in subsection (3) of this section, violation of custody is a Class II misdemeanor.
(3) Violation of custody in contravention of an order of any district or juvenile court of this state granting the custody of a child under the age of eighteen years to any person, agency, or institution, with the intent to deprive the lawful custodian of the custody of such child, is a Class IV felony.

28-316.01.
Sexual abuse by a school employee; penalty.
(1) For purposes of this section:
(a) Sexual contact has the same meaning as in section28-318;
(b) Sexual penetration has the same meaning as in section28-318;
(c) School employee means a person nineteen years of age or older who is employed by a public, private, denominational, or parochial school approved or accredited by the State Department of Education; and
(d) Student means a person at least sixteen but not more than nineteen years of age enrolled in or attending a public, private, denominational, or parochial school approved or accredited by the State Department of Education, or who was such a person enrolled in or who attended such a school within ninety days of any violation of this section.
(2) A person commits the offense of sexual abuse by a school employee if a school employee subjects a student in the school to which such employee is assigned for work to sexual penetration or sexual contact, or engages in a pattern or scheme of conduct to subject a student in the school to which such employee is assigned for work to sexual penetration or sexual contact. It is not a defense to a charge under this section that the student consented to such sexual penetration or sexual contact.
(3) Any school employee who engages in sexual penetration with a student is guilty of sexual abuse by a school employee in the first degree. Sexual abuse by a school employee in the first degree is a Class IIA felony.
(4) Any school employee who engages in sexual contact with a student is guilty of sexual abuse by a school employee in the second degree. Sexual abuse by a school employee in the second degree is a Class IIIA felony.
(5) Any school employee who engages in a pattern or scheme of conduct with the intent to subject a student to sexual penetration or sexual contact is guilty of sexual abuse by a school employee in the third degree. Sexual abuse by a school employee in the third degree is a Class IV felony.

28-317.
Sexual assault; legislative intent.
It is the intent of the Legislature to enact laws dealing with sexual assault and related criminal sexual offenses which will protect the

dignity of the victim at all stages of judicial process, which will insure that the alleged offender in a criminal sexual offense case have preserved the constitutionally guaranteed due process of law procedures, and which will establish a system of investigation, prosecution, punishment, and rehabilitation for the welfare and benefit of the citizens of this state as such system is employed in the area of criminal sexual offenses.

28-318.
Terms, defined.
As used in sections28-317to28-322.05, unless the context otherwise requires:
(1) Actor means a person accused of sexual assault;
(2) Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;
(3) Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;
(4) Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;
(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact includes only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact also includes the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual abuse by a school employee under section28-316.01or sexual assault of a child under sections28-319.01and28-320.01;
(6) Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical, nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not require emission of semen;
(7) Victim means the person alleging to have been sexually assaulted;
(8) Without consent means:
(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and
(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and
(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

28-319.
Sexual assault; first degree; penalty.
(1) Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.
(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.
(3) Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of twenty-five years in prison.

28-319.01.
Sexual assault
of a child; first degree; penalty.
(1) A person
commits sexual assault of a child in the first degree:
(a) When he or she subjects another person under twelve
years of age to sexual penetration and the actor is at least nineteen years
of age or older; or
(b) When he
or she subjects another person who is at least twelve years of age but less
than sixteen years of age to sexual penetration and the actor is twenty-five

years of age or older.
(2) Sexual assault
of a child in the first degree is a Class IB felony with a mandatory minimum
sentence of fifteen years in prison for the first offense.
(3) Any person who is found guilty of sexual assault of a
child in the first degree under this section and who has previously been convicted
(a) under this section, (b) under section28-319of first degree or attempted
first degree sexual assault, (c) under section28-320.01before July 14, 2006,
of sexual assault of a child or attempted sexual assault of a child, (d) under
section28-320.01on or after July 14, 2006, of sexual assault of a child
in the second or third degree or attempted sexual assault of a child in the
second or third degree, or (e) in any other state or federal court under laws
with essentially the same elements as this section, section28-319, or section28-320.01as it existed before, on, or after July 14, 2006,
shall be guilty
of a Class IB felony with a mandatory minimum sentence of twenty-five years
in prison.
(4) In any
prosecution under this section, the age of the actor shall be an essential
element of the offense that must be proved beyond a reasonable doubt.

28-320.
Sexual assault; second or third degree; penalty.
(1) Any person who subjects another person to sexual contact (a) without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.
(2) Sexual assault shall be in the second degree and is a Class IIA felony if the actor shall have caused serious personal injury to the victim.
(3) Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.

28-320.01.
Sexual assault of a child; second or third degree; penalties.
(1) A person commits sexual assault of a child in the second or third degree if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.
(2) Sexual assault of a child is in the second degree if the actor causes serious personal injury to the victim. Sexual assault of a child in the second degree is a Class II felony for the first offense.
(3) Sexual assault of a child is in the third degree if the actor does not cause serious personal injury to the victim. Sexual assault of a child in the third degree is a Class IIIA felony for the first offense.
(4) Any person who is found guilty of second degree sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section28-319of first degree or attempted first degree sexual assault, (c) under section28-319.01for first degree or attempted first degree sexual assault of a child, or (d) in any other state or federal court under laws with essentially the same elements as this section, section28-319, or section28-319.01shall be guilty of a Class IC felony and shall be sentenced to a mandatory minimum term of twenty-five years in prison.
(5) Any person who is found guilty of third degree sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section28-319of first degree or attempted first degree sexual assault, (c) under section28-319.01for first degree or attempted first degree sexual assault of a child, or (d) in any other state or federal court under laws with essentially the same elements as this section, section28-319, or section28-319.01shall be guilty of a Class IC felony.

28-320.02.
Sexual assault;
use of electronic communication device;
prohibited acts; penalties.
(1) No person shall
knowingly solicit, coax, entice, or lure (a) a child sixteen years of age
or younger or (b) a peace officer who is believed by such person to be a child
sixteen years of age or younger, by means of an
electronic communication device as that term is defined in section28-833, to engage in an act which would be in
violation of section28-319,28-319.01, or28-320.01or subsection (1) or
(2) of section28-320. A person shall not be convicted of both a violation
of this subsection and a violation of section28-319,28-319.01, or28-320.01or subsection (1) or (2) of section28-320if the violations

arise out of
the same set of facts or pattern of conduct and the individual solicited,
coaxed, enticed, or lured under this subsection is also the victim of the
sexual assault under section28-319,28-319.01, or28-320.01or subsection
(1) or (2) of section28-320.
(2) A person who violates this section is guilty of a Class ID felony. If a person who violates this section
has previously been convicted of a violation of this section or
section28-308,28-309,28-310,28-311,28-313,28-314,28-315,28-319,28-319.01,28-320.01,28-813.01,28-833,28-1463.03,
or28-1463.05or
subsection (1) or (2) of section28-320, the person is guilty of a Class IC felony.

28-322.
Sexual abuse of an inmate or parolee; terms, defined.
For purposes of sections28-322to28-322.03:
(1) Inmate or parolee means any individual confined in a facility operated by the Department of Correctional Services or a city or county correctional or jail facility or under parole supervision; and
(2) Person means (a) an individual employed by the Department of Correctional Services or by the Division of Parole Supervision, including any individual working in central administration of the department, any individual working under contract with the department, and any individual, other than an inmate's spouse, to whom the department has authorized or delegated control over an inmate or an inmate's activities, (b) an individual employed by a city or county correctional or jail facility, including any individual working in central administration of the city or county correctional or jail facility, any individual working under contract with the city or county correctional or jail facility, and any individual, other than an inmate's spouse, to whom the city or county correctional or jail facility has authorized or delegated control over an inmate or an inmate's activities, and (c) an individual employed by the Office of Probation Administration who performs official duties within any facility operated by the Department of Correctional Services or a city or county correctional or jail facility.

28-322.01.
Sexual abuse of an inmate or parolee.
(1) A person commits the offense of sexual abuse of an inmate or parolee if such person subjects an inmate or parolee to sexual penetration or sexual contact as those terms are defined in section28-318. It is not a defense to a charge under this section that the inmate or parolee consented to such sexual penetration or sexual contact.
(2) An otherwise lawful pat-down or body cavity search by a person is not a violation of this section.

28-322.02.
Sexual abuse of an inmate or parolee in the first degree; penalty.
Any person who subjects an inmate or parolee to sexual penetration is guilty of sexual abuse of an inmate or parolee in the first degree. Sexual abuse of an inmate or parolee in the first degree is a Class IIA felony.

28-322.03.
Sexual abuse of an inmate or parolee in the second degree; penalty.
Any person who subjects an inmate or parolee to sexual contact is guilty of sexual abuse of an inmate or parolee in the second degree. Sexual abuse of an inmate or parolee in the second degree is a Class IIIA felony.

28-322.04.
Sexual abuse of a protected individual; penalties.
(1) For purposes of this section:
(a) Person means an individual employed by the Department of Health and Human Services and includes, but is not limited to, any individual working in central administration or regional service areas or facilities of the department and any individual to whom the department has authorized or delegated control over a protected individual or a protected individual's activities, whether by contract or otherwise; and
(b) Protected individual means an individual in the care or custody of the department.
(2) A person commits the offense of sexual abuse of a protected individual if the person subjects a protected individual to sexual penetration or sexual contact as those terms are defined in section28-318. It is not a defense to a charge under this section that the protected individual consented to such sexual penetration or sexual contact.
(3) Any person who subjects a protected individual to sexual penetration is guilty of sexual abuse of a protected individual in the first degree. Sexual abuse of a protected individual in the first degree is a Class IIA felony.
(4) Any person who subjects a protected individual to sexual contact is guilty of sexual abuse of a protected individual in the second degree. Sexual abuse of a protected individual in the second degree is a Class IIIA felony.

28-322.05.

Sexual abuse of a detainee; penalty.
(1) For purposes of this section:
(a) Detainee means an individual who has been:
(i) Arrested by a person;
(ii) Detained by a person, regardless of whether the detainee has been arrested or charged; or
(iii) Placed into the custody of a person, regardless of whether the detainee has been arrested or charged;
(b) Law enforcement agency means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime; the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state; and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of the town marshal, an office of the county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section84-106; and
(c) Person means an individual:
(i) Who is employed by a law enforcement agency, including an individual working under contract with the agency;
(ii) To whom the law enforcement agency has authorized or delegated authority to make arrests, to place a detainee in detention or custody, or to otherwise exercise control over a detainee or a detainee's activities; and
(iii) Who is not the spouse of a detainee.
(2) A person commits the offense of sexual abuse of a detainee if the person engages in sexual penetration or sexual contact with a detainee. It is not a defense to a charge under this section that the detainee consented to such sexual penetration or sexual contact.
(3) An otherwise lawful pat-down or body cavity search by a person is not a violation of this section.
(4) Any person who engages in sexual penetration with a detainee is guilty of sexual abuse of a detainee in the first degree. Sexual abuse of a detainee in the first degree is a Class IIA felony.
(5) Any person who engages in sexual contact with a detainee is guilty of sexual abuse of a detainee in the second degree. Sexual abuse of a detainee in the second degree is a Class IIIA felony.

28-323.
Domestic assault; penalties.
(1) A person commits the offense of domestic assault in the third degree if he or she:
(a) Intentionally and knowingly causes bodily injury to his or her intimate partner;
(b) Threatens an intimate partner with imminent bodily injury; or
(c) Threatens an intimate partner in a menacing manner.
(2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.
(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
(4) Violation of subdivision (1)(a) or (b) of this section is a Class I misdemeanor, except that for any subsequent violation of subdivision (1)(a) or (b) of this section, any person so offending is guilty of a Class IIIA felony.
(5) Violation of subdivision (1)(c) of this section is a Class I misdemeanor.
(6) Violation of subsection (2) of this section is a Class IIIA felony, except that for any second or subsequent violation of such subsection, any person so offending is guilty of a Class IIA felony.
(7) Violation of subsection (3) of this section is a Class IIA felony, except that for any second or subsequent violation under such subsection, any person so offending is guilty of a Class II felony.
(8) For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

28-324.
Robbery; penalty.
(1) A person commits robbery if, with the intent to steal, he forcibly and by violence, or by putting in fear, takes from the person of another any money or personal property of any value whatever.
(2) Robbery is a Class II felony.

28-325.
Abortion; declaration
of purpose.
The Legislature hereby finds and declares:
(1) That the following provisions were motivated by the legislative
intrusion of the United States Supreme Court by virtue of its decision removing
the protection afforded the unborn. Sections28-325to28-345are in no way

to be construed as legislatively encouraging abortions at any stage of unborn human development, but are rather an expression of the will of the people of the State of Nebraska and the members of the Legislature to provide protection for the life of the unborn child whenever possible;
(2) That the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the United States Supreme Court's decision on abortion of January 22, 1973;
(3) That it is in the interest of the people of the State of Nebraska that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion;
(4) That currently this state is prevented from providing adequate legal remedies to protect the life, health, and welfare of pregnant women and unborn human life;
(5) That it is in the interest of the people of the State of Nebraska to maintain accurate statistical data to aid in providing proper maternal health regulations and education;
(6) That the existing standard of care for preabortion screening and counseling is not always adequate to protect the health needs of women;
(7) That clarifying the minimum standard of care for preabortion screening and counseling in statute is a practical means of protecting the well-being of women and may better ensure that abortion doctors are sufficiently aware of each patient's risk profile so they may give each patient a well-informed medical opinion regarding her unique case; and
(8) That providing right to redress against nonphysicians who perform illegal abortions or encourage self-abortions is an important means of protecting women's health.

28-326.
Terms, defined.
For purposes of sections28-325to28-345and28-347to28-347.06, unless the context otherwise requires:
(1) Abortion means the use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child, and which causes the premature termination of the pregnancy;
(2) Complications associated with abortion means any adverse physical, psychological, or emotional reaction that is reported in a peer-reviewed journal to be statistically associated with abortion such that there is less than a five percent probability ($P < .05$) that the result is due to chance;
(3) Conception means the fecundation of the ovum by the spermatozoa;
(4)(a) Dismemberment abortion means an abortion in which, with the purpose of causing the death of an unborn child, a person purposely dismembers the body of a living unborn child and extracts him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the unborn child's body to cut or rip it off.
(b) Dismemberment abortion does not include:
(i) An abortion in which suction is used to dismember the body of an unborn child by sucking fetal parts into a collection container; or
(ii) The use of instruments or suction to remove the remains of an unborn child who has already died;
(5) Emergency situation means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial impairment of a major bodily function;
(6) Hospital means those institutions licensed by the Department of Health and Human Services pursuant to the Health Care Facility Licensure Act;
(7) Negligible risk means a risk that a reasonable person would consider to be immaterial to a decision to undergo an elective medical procedure;
(8) Partial-birth abortion means an abortion procedure in which the person performing the abortion partially delivers vaginally a living unborn child before killing the unborn child and completing the delivery. For purposes of this subdivision, the term partially

delivers vaginally a living unborn child before killing the unborn child means deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child;
(9) Physician means any person licensed to practice medicine in this state as provided in the Uniform Credentialing Act;
(10) Pregnant means that condition of a woman who has unborn human life within her as the result of conception;
(11) Probable gestational age of the unborn child means what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed;
(12) Risk factor associated with abortion means any factor, including any physical, psychological, emotional, demographic, or situational factor, for which there is a statistical association with one or more complications associated with abortion such that there is less than a five percent probability ($P < .05$) that such statistical association is due to chance. Such information on risk factors shall have been published in any peer-reviewed journals indexed by the United States National Library of Medicine's search services (PubMed or MEDLINE) or in any journal included in the Thomson Reuters Scientific Master Journal List not less than twelve months prior to the day preabortion screening was provided;
(13) Self-induced abortion means any abortion or menstrual extraction attempted or completed by a pregnant woman on her own body;
(14) Ultrasound means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor an unborn child;
(15) Viability means that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means; and
(16) Woman means any female human being whether or not she has reached the age of majority.

28-327.
Abortion; voluntary and informed consent required; exception.
No abortion shall be performed except with the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of an emergency situation, consent to an abortion is voluntary and informed only if:
(1) The woman is told the following by the physician who is to perform the abortion, by the referring physician, or by a physician assistant or registered nurse licensed under the Uniform Credentialing Act who is an agent of either physician, at least twenty-four hours before the abortion:
(a) The particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, perforated uterus, danger to subsequent pregnancies, and infertility;
(b) The probable gestational age of the unborn child at the time the abortion is to be performed;
(c) The medical risks associated with carrying her child to term;
(d) That she cannot be forced or required by anyone to have an abortion and is free to withhold or withdraw her consent for an abortion; and
(e) Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, information on finding immediate medical assistance is available on the website of the Department of Health and Human Services.
The person providing the information specified in this subdivision to the person upon whom the abortion is to be performed shall be deemed qualified to so advise and provide such information only if, at a minimum, he or she has had training in each of the following subjects: Sexual and reproductive health; abortion technology; contraceptive technology; short-term counseling skills; community resources and referral; and informed consent. The physician or the physician's agent may provide this information by telephone without conducting a physical examination or tests of the patient, in which case the information required to be supplied may be based on facts supplied by the patient and whatever other relevant information is reasonably available to the physician or the physician's agent;
(2) The woman is informed by telephone or in person, by the physician who is to perform the abortion, by the referring physician, or by an agent of either physician, at least twenty-four hours before the abortion:
(a) The name of the physician who will perform the abortion;
(b) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;
(c) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion;
(d) That she has the right to review the printed materials described in section28-327.01. The physician or his or her agent shall orally inform the woman that the materials have been provided by the Department of Health and Human Services and that they describe the unborn child, list agencies which offer alternatives to abortion, and include information on finding immediate medical assistance if she changes her mind after taking mifepristone and wants to continue her pregnancy. If the woman chooses to review the materials, they shall either be given to her at least twenty-four hours before the abortion or mailed to her at least seventy-two hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee. The physician and his or her agent may disassociate themselves from the materials and may comment or refrain from commenting on them as they choose; and
(e) That she has the right to request a comprehensive list, compiled by the Department of Health and Human Services, of health care providers, facilities, and clinics that offer to have ultrasounds performed by a person at least as qualified as a registered nurse licensed under the Uniform Credentialing Act, including and specifying those that offer to perform such ultrasounds free of charge.

The list shall be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity. If requested by the woman, the physician who is to perform the abortion, the referring physician, or his or her agent shall provide such a list as compiled by the department;
(3) If an ultrasound is used prior to the performance of an abortion, the physician who is to perform the abortion, the referring physician, or a physician assistant or registered nurse licensed under the Uniform Credentialing Act who is an agent of either physician, or any qualified agent of either physician, shall:
(a) Perform an ultrasound of the woman's unborn child of a quality consistent with standard medical practice in the community at least one hour prior to the performance of the abortion;
(b) Simultaneously display the ultrasound images so that the woman may choose to view the ultrasound images or not view the ultrasound images. The woman shall be informed that the ultrasound images will be displayed so that she is able to view them. Nothing in this subdivision shall be construed to require the woman to view the displayed ultrasound images; and
(c) If the woman requests information about the displayed ultrasound image, her questions shall be answered. If she requests a detailed, simultaneous, medical description of the ultrasound image, one shall be provided that includes the dimensions of the unborn child, the presence of cardiac activity, if present and viewable, and the presence of external members and internal organs, if present and viewable;
(4) At least one hour prior to the performance of an abortion, a physician, psychiatrist, psychologist, mental health practitioner, physician assistant, or registered nurse licensed under the Uniform Credentialing Act; a social worker licensed under the Uniform Credentialing Act or holding a multistate authorization to practice in Nebraska under the Social Worker Licensure Compact; or a professional counselor holding a privilege to practice in Nebraska under the Licensed Professional Counselors Interstate Compact has:
(a) Evaluated the pregnant woman to identify if the pregnant woman had the perception of feeling pressured or coerced into seeking or consenting to an abortion;
(b) Evaluated the pregnant woman to identify the presence of any risk factors associated with abortion;
(c) Informed the pregnant woman and the physician who is to perform the abortion of the results of the evaluation in writing. The written evaluation shall include, at a minimum, a checklist identifying both the positive and negative results of the evaluation for each risk factor associated with abortion and both the licensed person's written certification and the woman's written certification that the pregnant woman was informed of the risk factors associated with abortion as discussed; and
(d) Retained a copy of the written evaluation results in the pregnant woman's permanent record;
(5) If any risk factors associated with abortion were identified, the pregnant woman was informed of the following in such manner and detail that a reasonable person would consider material to a decision of undergoing an elective medical procedure:
(a) Each complication associated with each identified risk factor; and
(b) Any quantifiable risk rates whenever such relevant data exists;
(6) The physician performing the abortion has formed a reasonable medical judgment, documented in the permanent record, that:
(a) The preponderance of statistically validated medical studies demonstrates that the physical, psychological, and familial risks associated with abortion for patients with risk factors similar to the patient's risk factors are negligible risks;
(b) Continuance of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman greater than if the pregnancy were terminated by induced abortion; or
(c) Continuance of the pregnancy would involve less risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated by an induced abortion;
(7) The woman certifies in writing, prior to the abortion, that:
(a) The information described in subdivisions (1) and (2)(a), (b), and (c) of this section has been furnished her;
(b) She has been informed of her right to review the information referred to in subdivision (2)(d) of this section; and
(c) The requirements of subdivision (3) of this section have been performed if an ultrasound is performed prior to the performance of the abortion; and
(8) Prior to the performance of the abortion, the physician who is to perform the abortion or his or her agent receives a copy of the written certification prescribed by subdivision (7) of this section. The physician or his or her agent shall retain a copy of the signed certification form in the woman's medical record.

28-327.01.
Department of Health and Human Services; printed materials; duties; availability; Internet website information; reporting form; contents.
(1) The Department of Health and Human Services shall cause to be published the following easily comprehensible printed materials:
(a) Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies and agencies and services for prevention of unintended pregnancies, which materials shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers and addresses in which such agencies may be contacted or printed materials including a toll-free, twenty-four-hour-a-day telephone number which may be called to orally obtain such a list and description of agencies in the locality of the caller and of the services they offer;
(b) Materials designed to inform the woman of the probable anatomical and physiological characteristics of the unborn child at

two-week gestational increments from the time when a woman can be known to be pregnant to full term, including pictures or drawings representing the development of unborn children at the two-week gestational increments, and any relevant information on the possibility of the unborn child's survival. Any such pictures or drawings shall contain the dimensions of the unborn child and shall be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The materials shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each such procedure, the possible detrimental psychological effects of abortion, the medical risks commonly associated with abortion, and the medical risks commonly associated with carrying a child to term;
(c) A comprehensive list of health care providers, facilities, and clinics that offer to have ultrasounds performed by a person at least as qualified as a registered nurse licensed under the Uniform Credentialing Act, including and specifying those that offer to perform such ultrasounds free of charge. The list shall be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity;
(d) Materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone. The materials shall include the following statements: "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late."; and
(e) Materials, including contact information, that will assist the woman in finding a medical professional who can help her continue her pregnancy after taking mifepristone.
(2) The printed materials shall be printed in a typeface large enough to be clearly legible.
(3) The printed materials required under this section shall be available from the department upon the request by any person, facility, or hospital for an amount equal to the cost incurred by the department to publish the materials.
(4) The Department of Health and Human Services shall make available on its Internet website a printable publication of geographically indexed materials designed to inform the woman of public and private agencies with services available to assist a woman with mental health concerns, following a risk factor evaluation. Such services shall include, but not be limited to, outpatient and crisis intervention services and crisis hotlines. The materials shall include a comprehensive list of the agencies available, a description of the services offered, and a description of the manner in which such agencies may be contacted, including addresses and telephone numbers of such agencies, as well as a toll-free, twenty-four-hour-a-day telephone number to be provided by the department which may be called to orally obtain the names of the agencies and the services they provide in the locality of the woman. The department shall update the publication as necessary.
(5) The Department of Health and Human Services shall publish and make available on its website materials designed to inform the woman that she may still have a viable pregnancy after taking mifepristone. The materials shall include the following statements: "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you change your mind and want to continue your pregnancy after taking mifepristone, it may not be too late." The materials shall also include information, including contact information, that will assist the woman in finding a medical professional who can help her continue her pregnancy after taking mifepristone.
(6) The Department of Health and Human Services shall review and update, as necessary, the materials, including contact information, regarding medical professionals who can help a woman continue her pregnancy after taking mifepristone.
(7)(a) The Department of Health and Human Services shall prescribe a reporting form which shall be used for the reporting of every attempt at continuing a woman's pregnancy after taking mifepristone as described in this section performed in this state. Such form shall include the following items:
(i) The age of the pregnant woman;
(ii) The location of the facility where the service was performed;
(iii) The type of service provided;
(iv) Complications, if any;
(v) The name of the attending medical professional;
(vi) The pregnant woman's obstetrical history regarding previous pregnancies, abortions, and live births;
(vii) The state of the pregnant woman's legal residence;
(viii) Whether an emergency situation caused the physician to waive any of the requirements of section28-327; and
(ix) Such other information as may be prescribed in accordance with section71-602.
(b) The completed form shall be signed by the attending medical professional and sent to the department within fifteen days after each reporting month. The completed form shall be an original, typed or written legibly in durable ink, and shall not be deemed complete unless the omission of any item of information required shall have been disclosed or satisfactorily accounted for. Carbon copies shall not be acceptable. The reporting form shall not include the name of the person for whom the service was provided. The reporting form shall be confidential and shall not be revealed except upon the order of a court of competent jurisdiction in a civil or criminal proceeding.

28-327.02.
Abortion; emergency situation; physician; duties.
When an emergency situation compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting his or her judgment that an abortion is necessary to avert her death or to avert

substantial impairment of a major bodily function.

28-327.03.
Civil liability;
limitation.
No civil liability for failure to comply with
subdivision (2)(d) of section28-327or that portion of subdivision (7) of such section requiring a written certification
that the woman has been informed of her right to review the information referred
to in subdivision (2)(d) of such section may be imposed unless the Department
of Health and Human Services has published and made available the printed
materials at the time the physician or his or her agent is required to inform
the woman of her right to review them.

28-327.04.
Civil cause
of action; authorized; evidence of professional negligence; attorney's fee.
Any person upon whom an abortion has been performed or attempted in
violation of section28-327or the parent or guardian of a minor upon whom
an abortion has been performed or attempted in violation of such section shall
have a right to maintain a civil cause of action against the person who performed
the abortion or attempted to perform the abortion. A violation of subdivision (1), (2), (3), (7), or (8) of section28-327shall
be prima facie evidence of professional negligence. The written certifications
prescribed by subdivisions (4) and (7) of section28-327signed
by the person upon whom an abortion has been performed or attempted shall
constitute and create a rebuttable presumption of full compliance with all
provisions of section28-327in favor of the physician who performed or attempted
to perform the abortion, the referring physician, or the agent of either physician.
The written certification shall be admissible as evidence in the cause of
action for professional negligence or in any criminal action. If judgment
is rendered in favor of the plaintiff in any such action, the court shall
also render judgment for a reasonable attorney's fee in favor of the plaintiff
against the defendant.

28-327.05.
Civil action; anonymity of woman; procedures.
In every civil action brought pursuant to section28-327.04, the court shall rule whether the anonymity of any woman upon whom an abortion is performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion by a party or on its own motion, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone given standing under section28-327.04who brings a civil action under such section shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

28-327.06.
Waiver of evaluations and notices;
void and unenforceable.
Any waiver of the evaluations and notices provided for in
subdivision (4) of section28-327is void and unenforceable.

28-327.07.
Damages.
In addition to whatever remedies are available
under the common or statutory laws of this state, the intentional, knowing,
or negligent failure to comply with the requirements of section28-327shall
provide a basis for the following damages:
(1) The award
of reasonable costs and attorney's fees; and

(2) A recovery for the
pregnant woman for the wrongful death of her unborn child under section30-809upon proving by a preponderance of evidence that the physician knew or should
have known that the pregnant woman's consent was either not fully informed
or not fully voluntary pursuant to section28-327.

28-327.08.
Action for civil remedies.
Any action
for civil remedies based on a failure to comply with the requirements of section28-327shall be commenced in accordance with section25-222or44-2828.

28-327.09.
Minor; burden of proof.
If a physician
performed an abortion on a pregnant woman who is a minor without providing
the information required in section28-327to the pregnant woman's parent
or legal guardian, then the physician bears the burden of proving that the
pregnant woman was capable of independently evaluating the information given
to her.

28-327.10.
Time requirement.
Except in the case
of an emergency situation, if a pregnant woman is provided with the information
required by section28-327less than twenty-four hours before her scheduled
abortion, the physician shall bear the burden of proving that the pregnant
woman had sufficient reflection time, given her age, maturity, emotional state,
and mental capacity, to comprehend and consider such information.

28-327.11.
Civil action; rebuttable presumption;
noneconomic damages; expert witness; physician deemed transacting business;
affirmative defense; additional remedies.
In a civil action involving section28-327,
the following shall apply:
(1) In determining
the liability of the physician and the validity of the consent of a pregnant
woman, the failure to comply with the requirements of section28-327shall
create a rebuttable presumption that the pregnant woman would not have undergone
the recommended abortion had section28-327been complied with by the physician;
(2) The absence
of physical injury shall not preclude an award of noneconomic damages including
pain, suffering, inconvenience, mental suffering, emotional distress, psychological
trauma, loss of society or companionship, loss of consortium, injury to reputation,
or humiliation associated with the abortion;
(3) The fact that a physician
does not perform elective abortions or has not performed elective abortions
in the past shall not automatically disqualify such physician from being an
expert witness. A licensed obstetrician or family practitioner who regularly
assists pregnant women in resolving medical matters related to pregnancy may
be qualified to testify as an expert on the screening, counseling, management,
and treatment of pregnancies;
(4) Any physician advertising services
in this state shall be deemed to be transacting business in this state pursuant
to section25-536and shall be subject to the provisions of section28-327;
(5) It shall
be an affirmative defense to an allegation of inadequate disclosure under
the requirements of section28-327that the defendant omitted the contested
information because statistically validated surveys of the general population

of women of reproductive age, conducted within the three years before or after the contested abortion, demonstrate that less than five percent of women would consider the contested information to be relevant to an abortion decision; and

(6) In addition to the other remedies available under the common or statutory law of this state, a woman or her survivors shall have a cause of action for reckless endangerment against any person, other than a physician or pharmacist licensed under the Uniform Credentialing Act, who attempts or completes an abortion on the pregnant woman or aids or abets the commission of a self-induced abortion. Proof of injury shall not be required to recover an award, including reasonable costs and attorney's fees, for wrongful death under this subdivision.

28-327.12.

Statute of limitations; tolled; section, how construed; violations; how treated.

(1) In the event that any portion of section28-327is enjoined and subsequently upheld, the statute of limitations for filing a civil suit under section28-327shall be tolled during the period for which the injunction is pending and for two years thereafter.

(2) Nothing in section28-327shall be construed as defining a standard of care for any medical procedure other than an induced abortion.

(3) A violation of subdivision (4), (5), or (6) of section28-327shall not provide grounds for any criminal action or disciplinary action against or revocation of a license to practice medicine and surgery pursuant to the Uniform Credentialing Act.

28-328.

Partial-birth abortion; prohibition; violation; penalties.

(1) No partial-birth abortion shall be performed in this state, unless such procedure is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) The intentional and knowing performance of an unlawful partial-birth abortion in violation of subsection (1) of this section is a Class III felony.

(3) No woman upon whom an unlawful partial-birth abortion is performed shall be prosecuted under this section or for conspiracy to violate this section.

(4) The intentional and knowing performance of an unlawful partial-birth abortion shall result in the automatic suspension and revocation of an attending physician's license to practice medicine in Nebraska by the Division of Public Health pursuant to sections38-177to38-1,102.

(5) Upon the filing of criminal charges under this section by the Attorney General or a county attorney, the Attorney General shall also file a petition to suspend and revoke the attending physician's license to practice medicine pursuant to section38-186. A hearing on such administrative petition shall be set in accordance with section38-188. At such hearing, the attending physician shall have the opportunity to present evidence that the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. A defendant against whom criminal charges are brought under this section may bring a motion to delay the beginning of the trial until after the entry of an order by the Director of Public Health pursuant to section38-196. The findings of the director as to whether the attending physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, shall be admissible in the criminal proceedings brought pursuant to this section.

28-329.

Abortion; when not to be performed.

No abortion shall be performed after the time at which, in the sound medical judgment of the attending physician, the unborn child clearly appears to have reached viability, except when necessary to preserve the life or health of the mother.

28-330.

Abortion procedure; protection of viable, unborn child.

In any abortion performed pursuant to section28-329, all reasonable precautions, in accord with the sound medical judgment of the attending physician and compatible with preserving the life or health of the mother, shall be taken to insure the protection of the viable, unborn child.

28-331.
Care and treatment of child aborted.
When as the result of an abortion a child is, in the sound medical judgment of the attending physician, born alive, then all reasonable steps, in accordance with the sound medical judgment of the attending physician, shall be employed to preserve the life of the child. For purposes of this section, born alive shall mean the complete expulsion or extraction of the child from the mother irrespective of the duration of the pregnancy and after such expulsion or extraction such child breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is attached.

28-332.
Violation; penalty.
The intentional and knowing violation of section28-329,28-330, or28-331is a Class IV felony.

28-335.
Abortion by other
than licensed physician; penalty;
physical presence; violation; penalty.
(1) The performing of an abortion
by any person other than a licensed physician is a Class IV felony.
(2) No abortion
shall be performed, induced, or attempted unless the physician who uses or prescribes any instrument, device, medicine, drug, or other substance to perform, induce, or attempt the abortion is physically present in the same room with the patient when the physician performs, induces, or attempts to perform or induce the abortion. Any person who knowingly or recklessly violates this subsection shall be guilty of a Class IV felony. No civil or criminal penalty shall be assessed against the patient upon whom the abortion is performed, induced, or attempted to be performed or induced.

28-336.
Abortion by other than accepted medical procedures; penalty.
The performing of an abortion by using anything other than accepted medical procedures is a Class IV felony.

28-337.
Hospital, clinic, institution; not required to admit patient for abortion.
No hospital, clinic, institution, or other facility in this state shall be required to admit any patient for the purpose of performing an abortion nor required to allow the performance of an abortion therein, but the hospital, clinic, institution, or other facility shall inform the patient of its policy not to participate in abortion procedures. No cause of action shall arise against any hospital, clinic, institution, or other facility for refusing to perform or allow an abortion.

28-338.
No person required to perform an abortion; no liability for refusal.
No person shall be required to perform or participate in any abortion, and the refusal of any person to participate in an abortion shall not be a basis for civil liability to any person. No hospital, governing board, or any other person, firm, association, or group shall terminate the employment or alter the position of, prevent or impair the practice or occupation of, or impose any other sanction or otherwise discriminate against any person who refuses to participate in an abortion.

28-339.
Discrimination against person refusing to participate in an abortion; violation; penalty.
Any violation of section28-338is a Class II misdemeanor.

28-340.
Discrimination
against person refusing to participate in an abortion; damages.
Any person whose employment or position has been in any way
altered, impaired, or terminated in violation of sections28-325to28-345may sue in the district court for all consequential damages, lost wages, reasonable
attorney's fees incurred, and the cost of litigation.

28-341.

Discrimination against person refusing to participate in an abortion; injunctive relief.
Any person whose employment or position has in any way been altered, impaired, or terminated because of his refusal to participate in an abortion shall have the right to injunctive relief, including temporary relief, pending trial upon showing of an emergency, in the district court, in accordance with the statutes, rules, and practices applicable in other similar cases.

28-342.
Aborted child; sell, transfer, distribute, give away; violation; penalty.
The knowing, willful, or intentional sale, transfer, distribution, or giving away of any live or viable aborted child for any form of experimentation is a Class III felony. The knowing, willful, or intentional consenting to, aiding, or abetting of any such sale, transfer, distribution, or other unlawful disposition of an aborted child is a Class III felony. This section shall not prohibit or regulate diagnostic or remedial procedures the purpose of which is to preserve the life or health of the aborted child or the mother.

28-343.
Department of Health and Human Services; abortion reporting form; items included; confidential.
The Department of Health and Human Services shall prescribe an abortion reporting form which shall be used for the reporting of every abortion performed in this state. Such form shall include the following items:
(1) The age of the pregnant woman;
(2) The location of the facility where the abortion was performed;
(3) The type of procedure performed;
(4) Complications, if any;
(5) The name of the attending physician;
(6) The pregnant woman's obstetrical history regarding previous pregnancies, abortions, and live births;
(7) The stated reason or reasons for which the abortion was requested;
(8) The state of the pregnant woman's legal residence;
(9) The length and weight of the aborted child, when measurable;
(10) Whether an emergency situation caused the physician to waive any of the requirements of section28-327; and
(11) Such other information as may be prescribed in accordance with section71-602.
The completed form shall be signed by the attending physician and sent to the department within fifteen days after each reporting month. The completed form shall be an original, typed or written legibly in durable ink, and shall not be deemed complete unless the omission of any item of information required shall have been disclosed or satisfactorily accounted for. Carbon copies shall not be acceptable. The abortion reporting form shall not include the name of the person upon whom the abortion was performed. The abortion reporting form shall be confidential and shall not be revealed except upon the order of a court of competent jurisdiction in a civil or criminal proceeding.

28-344.
Reporting form; violation; penalty.
Violation of section28-343is a Class II misdemeanor.

28-345.
Department of Health and Human Services; permanent file; rules and regulations.
The Department of Health and Human Services shall prepare and keep on permanent file compilations of the information submitted on the abortion reporting forms and reporting forms regarding attempts at continuing a woman's pregnancy after taking mifepristone pursuant to such rules and regulations as established by the department, which compilations shall be a matter of public record. Under no circumstances shall the compilations of information include the name of any attending physician or identify in any respect facilities where abortions are performed. The department, in order to maintain and keep such compilations current, shall file with such reports any new or amended information.

28-346.
Aborted infant; experimentation; prohibited; exception; penalty.
No person shall knowingly, intentionally, or willfully use any premature infant aborted alive for any type of scientific, research, laboratory, or other kind of experimentation except as necessary to protect or preserve the life or health of such premature infant aborted alive. Violation of this section is a Class IV felony.

28-347.
Dismemberment abortion; unlawful; when; medical emergency; Board of Medicine and Surgery; hearing; findings admissible at trial; persons not liable.
(1) It shall be unlawful for any person to purposely perform or attempt to perform a dismemberment abortion and thereby kill an unborn child unless a dismemberment abortion is necessary due to a medical emergency as defined in subdivision (4) of section28-3,103.
(2) A person accused in any proceeding of unlawful conduct under subsection (1) of this section may seek a hearing before the

Board of Medicine and Surgery on whether the performance of a dismemberment abortion was necessary due to a medical emergency as defined in subdivision (4) of section28-3,103. The board's findings are admissible on that issue at any trial in which such unlawful conduct is alleged. Upon a motion of the person accused, the court shall delay the beginning of the trial for not more than thirty days to permit such a hearing to take place.
(3) No woman upon whom an abortion is performed or attempted to be performed shall be liable for performing or attempting to perform a dismemberment abortion. No nurse, secretary, receptionist, or other employee or agent who is not a physician, but who acts at the direction of a physician, shall be liable for performing or attempting to perform a dismemberment abortion. No pharmacist or other individual who is not a physician, but who fills a prescription or provides instruments or materials used in an abortion at the direction of or to a physician, shall be liable for performing or attempting to perform a dismemberment abortion.

28-347.01.
Dismemberment abortion; injunction; cause of action; who may maintain.
(1) A cause of action for injunctive relief against a person who has performed a dismemberment abortion in violation of section28-347may be maintained by:
(a) A woman upon whom such a dismemberment abortion was performed;
(b) If the woman had not attained the age of nineteen years at the time of the dismemberment abortion, a person who is the parent or guardian of the woman upon whom such a dismemberment abortion was performed; or
(c) A prosecuting attorney with appropriate jurisdiction.
(2) The injunction shall prevent the defendant from performing or attempting to perform dismemberment abortions in this state in violation of section28-347.
(3) A cause of action may not be maintained by a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

28-347.02.
Dismemberment abortion; damages; cause of action; who may maintain.
(1) A cause of action for civil damages against a person who performed a dismemberment abortion in violation of section28-347may be maintained by:
(a) Any woman upon whom a dismemberment abortion has been performed in violation of section28-347;
(b) The father of the unborn child, if married to the woman at the time the dismemberment abortion was performed; or
(c) If the woman had not attained the age of nineteen years at the time of the dismemberment abortion or has died as a result of the abortion, the maternal grandparents of the unborn child.
(2) No damages may be awarded a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.
(3) Damages awarded in such an action shall include money damages for all injuries, psychological and physical, occasioned by the dismemberment abortion.

28-347.03.
Dismemberment abortion; cause of action; judgment; attorney's fees.
(1) If judgment is rendered in favor of the plaintiff in an action described in section28-347.01or28-347.02, the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff against the defendant.
(2) If judgment is rendered in favor of the defendant in an action described in section28-347.01or28-347.02and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.
(3) No attorney's fees may be assessed against the woman upon whom an abortion was performed or attempted to be performed except in accordance with subsection (2) of this section.

28-347.04.
Dismemberment abortion; penalty.
The intentional and knowing performance of an unlawful dismemberment abortion in violation of section28-347is a Class IV felony.

28-347.05.
Dismemberment abortion; action or proceeding; anonymity of woman; preserved; court order.
In every civil, criminal, or administrative proceeding or action brought under sections28-347to28-347.04, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted to be performed shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted to be performed, any person other than a public official who brings an action under section28-347.01or28-347.02shall do so under a pseudonym. This section may not be construed to conceal

the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

28-347.06.
Dismemberment abortion; sections, how construed.
Nothing in sections28-347to28-347.04shall be construed as creating or recognizing a right to abortion or a right to a particular method of abortion.

28-348.
Act, how cited.
Sections28-348to28-387shall be known and may be cited as the Adult Protective Services Act.

28-349.
Legislative intent.
The
Legislature recognizes the need for the investigation and provision of services to certain persons who are substantially impaired and are unable to protect themselves from abuse, neglect, or exploitation. Often such persons cannot find others able or willing to render assistance. The Legislature intends through the Adult Protective Services Act to establish a program designed to fill this need and to assure the availability of the program to all eligible persons. It is also the intent of the Legislature to authorize the least restriction possible on the exercise of personal and civil rights consistent with the person's need for services.

28-350.
Definitions, where found.
For purposes of the Adult Protective Services Act, unless the context otherwise requires, the definitions found in sections28-351to28-371shall be used.

28-351.
Abuse, defined.
Abuse means any knowing or intentional act on the part of a caregiver or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, or sexual exploitation of a vulnerable adult.

28-352.
Adult protective services, defined.
Adult protective services means those services provided by the department for the prevention, correction, or discontinuance of abuse, neglect, or exploitation.
Such services shall be those necessary and appropriate under the circumstances to protect an abused, neglected, or exploited vulnerable adult, ensure that the least restrictive alternative is provided, prevent further abuse, neglect, or exploitation, and promote self-care and independent living. Such services shall include, but not be limited to:
(1) Receiving and investigating reports of alleged abuse, neglect, or exploitation; (2) developing social service plans; (3) arranging for the provision of services such as medical care, mental health care, legal services, fiscal management, housing, or home health care; (4) arranging for the provision of items such as food, clothing, or shelter; and (5) arranging or coordinating services for caregivers.

28-353.
Caregiver, defined.
Caregiver shall mean any person or entity which has assumed the responsibility for the care of a vulnerable adult voluntarily, by express or implied contract, or by order of a court of competent jurisdiction.

28-354.
Cruel punishment, defined.

Cruel punishment shall mean punishment which intentionally causes physical injury to a vulnerable adult.

28-356.
Department, defined.
Department shall mean the Department of Health and Human Services.

28-357.
Essential services, defined.
Essential services shall mean those services necessary to safeguard the person or property of a vulnerable adult. Such services shall include, but not be limited to, sufficient and appropriate food and clothing, temperate and sanitary shelter, treatment for physical needs, and proper supervision.

28-358.
Exploitation, defined.
Exploitation means the wrongful or unauthorized taking, withholding, appropriation, conversion, control, or use of money, funds, securities, assets, or any other property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult.

28-358.01.
Isolation, defined.
(1) Isolation means intentional acts (a) committed for the purpose of preventing, and which do prevent, a vulnerable adult or senior adult from having contact with family, friends, or concerned persons, (b) committed to prevent a vulnerable adult or senior adult from receiving his or her mail or telephone calls, (c) of physical or chemical restraint of a vulnerable adult or senior adult committed for purposes of preventing contact with visitors, family, friends, or other concerned persons, or (d) which restrict, place, or confine a vulnerable adult or senior adult in a restricted area for purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons.
(2) Isolation does not include (a) medical isolation prescribed by a licensed physician caring for the vulnerable adult or senior adult, (b) action taken in compliance with a harassment protection order issued pursuant to section28-311.09, a valid foreign harassment protection order recognized pursuant to section28-311.10, a sexual assault protection order issued pursuant to section28-311.11, a valid foreign sexual assault protection order recognized pursuant to section28-311.12, an order issued pursuant to section42-924, an ex parte order issued pursuant to section42-925, an order excluding a person from certain premises issued pursuant to section42-357, or a valid foreign protection order recognized pursuant to section42-931, or (c) action authorized by an administrator of a nursing home pursuant to section71-6021.

28-359.
Law enforcement agency, defined.
Law enforcement agency shall mean the police department or the town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.

28-360.
Least restrictive alternative, defined.
Least restrictive alternative shall mean adult protective services provided in a manner no more restrictive of a vulnerable adult's liberty and no more intrusive than necessary to achieve and ensure essential services.

28-361.
Living independently, defined.
Living independently shall include, but not be limited to, using the telephone, shopping, preparing food, housekeeping, and administering medications.

28-361.01.
Neglect, defined.
Neglect
means any knowing or intentional act or omission on the part of a caregiver
to provide essential services or the failure of a vulnerable adult, due to
physical or mental impairments, to perform self-care or obtain essential
services to
such an extent that there is actual physical injury to a vulnerable adult
or imminent danger of the vulnerable adult suffering physical injury or death.

28-362.
Permit, defined.
Permit shall mean to allow a vulnerable adult over whom one has a proximate or direct degree of control to perform an act or acts or be in a situation which the controlling person could have prevented by the reasonable exercise of such control.

28-363.
Physical injury, defined.
Physical injury shall mean damage to bodily tissue caused by nontherapeutic conduct, including, but not limited to, fractures, bruises, lacerations, internal injuries, or dislocations, and shall include, but not be limited to, physical pain, illness, or impairment of physical function.

28-364.
Proper supervision, defined.
Proper supervision shall mean care and control of a vulnerable adult which a reasonable and prudent person would exercise under similar facts and circumstances.

28-365.
Registry, defined.
Registry shall mean the Adult Protective Services Central Registry established by section28-376.

28-366.
Self-care, defined.
Self-care shall include, but not be limited to, personal hygiene, eating, and dressing.

28-366.01.
Senior adult, defined.
Senior adult means any person sixty-five years of age or older.

28-367.
Sexual abuse, defined.
Sexual abuse shall include sexual assault as described in section28-319or28-320and incest as described in section28-703.

28-367.01.
Sexual exploitation,
defined.
Sexual exploitation includes, but is not
limited to, a
violation of section28-311.08and causing, allowing, permitting,
inflicting, or encouraging a vulnerable adult to engage in voyeurism, in exhibitionism,
in prostitution, or in the lewd, obscene, or pornographic photographing, filming,
or depiction of the vulnerable adult.

28-368.
Substantial functional impairment, defined.
Substantial functional impairment shall mean a substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, investigation, or evaluation.

28-369.
Substantial mental impairment, defined.
Substantial mental impairment shall mean a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, investigation, or evaluation.

28-370.
Unreasonable confinement,
defined.
Unreasonable confinement means confinement
which intentionally causes physical injury to a vulnerable adult or false imprisonment as described in
section28-314or28-315.

28-371.
Vulnerable adult, defined.
Vulnerable adult means any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian or conservator has been appointed under the Nebraska Probate Code.

28-372.
Report of abuse, neglect, or exploitation; required; contents; notification; toll-free number established.
(1) When any physician, psychologist, physician assistant, nurse, nurse aide, other medical, developmental disability, or mental health professional, law enforcement personnel, caregiver or employee of a caregiver, operator or employee of a sheltered workshop, owner, operator, or employee of any facility licensed by the department, or human services professional or paraprofessional not including a member of the clergy has reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect, or exploitation or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse, neglect, or exploitation, he or she shall report the incident or cause a report to be made to the appropriate law enforcement agency or to the department. Any other person may report abuse, neglect, or exploitation if such person has reasonable cause to believe that a vulnerable adult has been subjected to abuse, neglect, or exploitation or observes such adult being subjected to conditions or circumstances which reasonably would result in abuse, neglect, or exploitation.
(2) Such report may be made by telephone, with the caller giving his or her name and address, and, if requested by the department, shall be followed by a written report within forty-eight hours. To the extent available the report shall contain: (a) The name, address, and age of the vulnerable adult; (b) the address of the caregiver or caregivers of the vulnerable adult; (c) the nature and extent of the alleged abuse, neglect, or exploitation or the conditions and circumstances which would reasonably be expected to result in such abuse, neglect, or exploitation; (d) any evidence of previous abuse, neglect, or exploitation, including the nature and extent of the abuse, neglect, or exploitation; and (e) any other information which in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse, neglect, or exploitation and the identity of the perpetrator or perpetrators.
(3) Any law enforcement agency receiving a report of abuse, neglect, or exploitation shall notify the department no later than the next working day by telephone or mail.
(4) A report of abuse, neglect, or exploitation made to the department which was not previously made to or by a law enforcement agency shall be communicated to the appropriate law enforcement agency by the department no later than the next working day by telephone or mail.
(5) The department shall establish a statewide toll-free number to be used by any person any hour of the day or night and any day of the week to make reports of abuse, neglect, or exploitation.

28-373.
Report of abuse, neglect, or exploitation; law enforcement agency; duties.
(1) Upon the receipt of a report concerning abuse, neglect, or exploitation pursuant to section28-372, it shall be the duty of the law enforcement agency (a) to make an investigation if deemed warranted because of alleged violations of section28-386, (b) to take immediate steps, if necessary, to protect the vulnerable adult, and (c) to institute legal proceedings if appropriate. The law enforcement agency shall notify the department if an investigation is undertaken. Such notification shall be made no later than the next working day following receipt of the report.
(2) The law enforcement agency shall make a written report or a case summary to the department of all investigated cases of abuse, neglect, or exploitation and action taken with respect to all such cases.

28-374.
Alleged abuse, neglect, or exploitation; department; duties.
(1) The department shall investigate each case of alleged abuse, neglect, or exploitation of a vulnerable adult and shall provide such adult protective services as are necessary and appropriate under the circumstances.
(2) In each case of alleged abuse, neglect, or exploitation, the department may make a request for further assistance from the appropriate law enforcement agency or initiate such action as may be appropriate under the circumstances.
(3) The department shall make a written report or case summary to the appropriate law enforcement agency and to the registry of all reported cases of abuse, neglect, or exploitation and action taken.
(4) The department shall deliver a written report or case summary to the appropriate county attorney if the investigation indicates a reasonable cause to believe that a violation of section28-386has occurred.

28-374.01.

Alleged abuse, neglect, or exploitation;
completion of investigation; decision regarding entry into registry; notice;
contents; right to amend or expunge information.
(1) Upon completion of the investigation
pursuant to sections28-373and28-374, the person who allegedly abused, neglected,
or exploited a vulnerable adult shall be given written notice of the determination
of the investigation and whether the person who allegedly abused, neglected,
or exploited a vulnerable adult will be entered into the registry.
(2) If the person
who allegedly abused, neglected, or exploited a vulnerable adult will be entered
into the registry, the notice shall be sent by certified mail with return
receipt requested or first-class mail to the last-known address of the person
who allegedly abused, neglected, or exploited a vulnerable adult and shall
include:
(a) The nature of the report;
(b) The classification of the report; and
(c) The right
of the person who allegedly abused, neglected, or exploited a vulnerable adult
to request the department to amend or expunge identifying information from
the report or to remove the substantiated report from the registry in accordance
with section28-380.
(3) If the person who allegedly abused, neglected, or exploited
a vulnerable adult will not be entered into the registry, the notice shall
be sent by first-class mail and shall include:
(a) The nature of the report;
and
(b)
The classification of the report.

28-375.
Immunity from liability; when.
Any person participating in an investigation or the making of a report pursuant to the Adult Protective Services Act or participating in a judicial proceeding resulting therefrom shall be immune from any liability except (1) as otherwise provided in the Adult Protective Services Act, (2) for malfeasance in office or willful or wanton neglect of duty, or (3) for false statements of fact made with malicious intent.

28-376.
Adult Protective
Services Central Registry; established; access; name-change order; treatment.
(1) The department shall establish and maintain an Adult Protective
Services Central Registry which shall contain any substantiated report regarding
a person who has allegedly abused, neglected, or exploited a vulnerable adult.
(2) Upon request, a vulnerable adult who is the subject of
a report or, if the vulnerable adult is legally incapacitated, the guardian
or guardian ad litem of the vulnerable adult and the person who has allegedly abused, neglected, or exploited
the vulnerable adult shall be entitled to receive a copy of all
information contained in the registry pertaining to such report. The department shall not release
data that would be harmful or detrimental to the vulnerable adult or that
would identify or locate a person who, in good faith, made a report or cooperated
in a subsequent investigation unless ordered to do so by a court of competent
jurisdiction.
(3) The department shall establish classifications for all
cases in the registry.
(4) The department shall determine whether a name-change order
received from the clerk of a district court pursuant to section25-21,271is for a person on the Adult Protective Services Central Registry and, if
so, shall include the changed name with the former name in the registry and
file or cross-reference the information under both names.

28-377.

Records relating to abuse; access.
Except as otherwise provided in sections28-376to28-380, no person, official, or agency shall have access to the records relating to abuse unless in furtherance of purposes directly connected with the administration of the Adult Protective Services Act and section28-726. Persons, officials, and agencies having access to such records shall include, but not be limited to:
(1) A law enforcement agency investigating a report of known or suspected abuse;
(2) A county attorney in preparation of an abuse petition;
(3) A physician who has before him or her a person whom he or she reasonably suspects may be abused;
(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused vulnerable adult;
(5) Defense counsel in preparation of the defense of a person charged with abuse;
(6) Any person engaged in bona fide research or auditing, except that no information identifying the subjects of the report shall be made available to the researcher or auditor. The researcher shall be charged for any costs of such research incurred by the department at a rate established by rules and regulations adopted and promulgated by the department;
(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as the act existed on September 1, 2001, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed on September 1, 2001, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness; and
(8) The department, as required or authorized by state law, federal law, federal regulation, or applicable federal program provisions and in furtherance of its programs.

28-378.
Records relating to abuse; release of information; when.
The department or appropriate law enforcement agency shall provide requested information to any person legally authorized by sections28-376to28-380to have access to records relating to abuse when ordered by a court of competent jurisdiction or upon compliance by such person with identification requirements established by rules and regulations of the department or law enforcement agency. Such information shall not include the name and address of the person making the report, except that the department may use the name and address as required or authorized by state law, federal law, federal regulation, or applicable federal program provisions and in furtherance of its programs and the county attorney's office may request and receive the name and address of the person making the report with such person's written consent. The name and other identifying data of any person requesting or receiving information from the registry and the dates and the circumstances under which requests are made or information is released shall be entered in the registry.

28-379.
Report of abuse; summary by department; when provided.
Upon request, a physician or the person in charge of an institution, facility, or agency making a legally mandated report shall receive a summary of the findings of and actions taken by the department in response to such report. The amount of detail such summary contains and the purposes for which it may be used shall depend on the source of the report and shall be established by rules and regulations adopted and promulgated by the department.

28-380.
Amendment or expungement of records; inaccurate or inconsistent with act; procedure.
At any time subsequent to the completion of the department's investigation, if a vulnerable adult, the guardian of a vulnerable adult, or a person who allegedly abused a vulnerable adult and who is mentioned in a report believes the information in the report is inaccurate or being maintained in a manner inconsistent with the Adult Protective Services Act, such person may request the department to amend or expunge identifying information from the report or remove the record of such report from the registry. If the department refuses to do so or does not act within thirty days, the vulnerable adult or person who allegedly abused a vulnerable adult shall have the right to a hearing to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with such act. Such hearing shall be held within a reasonable time after a request is made and at a reasonable place and hour. At the hearing the burden of proving the accuracy and consistency of the record shall be on the department. The hearing shall be conducted by the chief executive officer of the department or his or her designated representative, who is hereby authorized and empowered to order the amendment, expunction, or removal of the record to make such record accurate or consistent with the requirements of the Adult Protective Services Act. The decision shall be made in writing within thirty days of the close of the hearing and shall state the reasons upon which it is based. Decisions of the department may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

28-381.
Amendment or expungement of records; good cause; notice.
At any time, the department may amend, expunge, or remove from the registry any record upon good cause. Upon request, written notice of any amendment, expunction, or removal of any record made pursuant to the Adult Protective Services Act shall be served upon the vulnerable adult who is the subject of the report or the person who allegedly abused the vulnerable adult. The department shall advise any other individuals or agencies who received a copy of the record pursuant to the Adult Protective Services Act to

amend, expunge, or destroy such record. All information identifying the subjects of unsubstantiated reports shall be expunged from the registry.

28-382.
Law concerning confidentiality; applicability.
(1) No rule of evidence or other provision of law concerning confidential communications shall apply to prevent reports made pursuant to the Adult Protective Services Act unless otherwise specifically mentioned in the act.
(2) Evidence shall not be excluded from any judicial proceeding resulting from a report made pursuant to the Adult Protective Services Act on the ground that it is a confidential communication protected by the privilege granted to husband and wife, patient and physician, or client and professional counselor.

28-383.
Treatment by spiritual means alone; not considered abuse.
No person shall be considered to be abused for the sole reason that such person relies upon spiritual means alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

28-384.
Failure to make report; penalty.
Any person who willfully fails to make any report required by the Adult Protective Services Act shall be guilty of a Class III misdemeanor.

28-385.
Release of confidential information; penalty.
Any person who knowingly releases information required to be kept confidential by the Adult Protective Services Act, except as provided in the act, shall be guilty of a Class III misdemeanor.

28-386.
Knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult; penalty.
(1) A person commits knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult if he or she through a knowing and intentional act causes or permits a vulnerable adult or senior adult to be:
(a) Physically injured;
(b) Unreasonably confined;
(c) Sexually abused;
(d) Exploited;
(e) Cruelly punished;
(f) Neglected; or
(g) Sexually exploited.
(2) Knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult is a Class IIIA felony.

28-387.
Short-term protective
services; temporary placement; authorized; when; procedure.
(1) A county court may issue an ex parte order authorizing the provision of short-term involuntary adult protective services or temporary placement for a vulnerable adult for up to forty-eight hours, excluding nonjudicial days, pending the hearing for a need for continuing services, after finding on the record that:
(a) The person is a vulnerable adult;
(b) An emergency exists; and
(c) There are compelling reasons for ordering protective services or temporary placement.
(2) An ex parte order shall be issued only if other protective custody services are unavailable or other services provide insufficient protection.
(3) The department shall contact the appropriate county attorney to file an application for short-term involuntary adult protective services or temporary placement if an investigation indicates probable cause to believe that an emergency exists for a vulnerable adult. The department shall not be given legal custody nor be made guardian of such vulnerable adult. A vulnerable adult shall be responsible for the costs of services provided either through his or her own income or other programs for which he or she may be eligible.

(4) A law enforcement officer accompanied by a representative of the department may enter the premises where the vulnerable adult is located after obtaining the court order and announcing his or her authority and purpose. Forcible entry may be made only after the court order has been obtained unless there is probable cause to believe that the delay of such entry would cause the vulnerable adult to be in imminent danger of life-threatening physical injury or neglect.
(5) When, from the personal observations of a representative of the department and a law enforcement officer, it appears probable that the vulnerable adult is likely to be in imminent danger of life-threatening physical injury or neglect if he or she is not immediately removed from the premises, the law enforcement agency shall, when authorized by the court order, take into custody and transport the vulnerable adult to an appropriate medical or protective placement facility.
(6) When action is taken under this section, a hearing shall be held within forty-eight hours of the signing of the court order, excluding nonjudicial days, to establish probable cause for short-term involuntary adult protective services or for protective placement. Unless the vulnerable adult has counsel of his or her own choice or has indicated a desire for an attorney of his or her own choice, the court shall appoint an attorney to represent him or her in the proceeding, who shall have the powers and duties of a guardian ad litem.
(7) Notice of the hearing shall be served personally on the vulnerable adult. Waiver of notice by the vulnerable adult shall not be effective unless he or she attends the hearing or such notice is waived by the guardian ad litem. Notice of the hearing shall be given to the following parties whose whereabouts can be readily ascertained: (a) The spouse of the vulnerable adult; (b) children of the vulnerable adult; and (c) any other party specified by the court.
(8) A judgment authorizing continuance of short-term involuntary adult protective services shall prescribe those specific adult protective services which are to be provided, the duration of the services which shall not exceed sixty days, and the person or persons who are authorized or ordered to provide them.

28-388.
Act, how cited.
Sections28-388to28-394shall be known and may be cited as the Homicide of the Unborn Child Act.

28-389.
Terms, defined.
For purposes of the Homicide of the Unborn Child Act, unless the context otherwise requires:
(1) Premeditation means a design formed to do something before it is done; and
(2) Unborn child means an individual member of the species Homo sapiens, at any stage of development in utero, who was alive at the time of the homicidal act and died as a result thereof whether before, during, or after birth.

28-390.
Applicability of sections.
Sections28-391to28-394do not apply to an act or conduct causing or contributing to the death of an unborn child when the act or conduct is:
(1) Committed or engaged in by the mother of the unborn child;
(2) Any medical procedure performed with the consent of the mother; or
(3) Dispensing a drug or device in accordance with law or administering a drug or device prescribed in accordance with law.

28-391.
Murder of an unborn child in the first degree; penalty.
(1) A person commits murder of an unborn child in the first degree if he or she in committing an act or engaging in conduct that causes the death of an unborn child, intends, with deliberate and premeditated malice, to kill the unborn child or the mother of the unborn child with knowledge of the pregnancy.
(2) Murder of an unborn child in the first degree is a Class IA felony.

28-392.
Murder of an unborn child in the second degree; penalty.
(1) A person commits murder of an unborn child in the second degree if he or she, in committing an act or engaging in conduct that causes the death of an unborn child, intends, but without premeditation, to kill the unborn child or another.
(2) Murder of an unborn child in the second degree is a Class IB felony.

28-393.
Manslaughter of an unborn child; penalty.
(1) A person commits manslaughter of an unborn child if he or she (a) kills an unborn child without malice upon a sudden quarrel with any person or (b) causes the death of an unborn child unintentionally while in the perpetration of or attempt to perpetrate any criminal assault, any sexual assault, arson, robbery, kidnapping, intentional child abuse, hijacking of any public or private means of transportation, or burglary.
(2) Manslaughter of an unborn child is a Class IIA felony.

28-394.
Motor vehicle homicide of an unborn child; penalty.
(1) A person who causes the death of an unborn child unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide of an unborn child.
(2) Except as provided in subsection (3) of this section, motor vehicle homicide of an unborn child is a Class I misdemeanor.
(3)(a) If the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section60-6,213or60-6,214, motor vehicle homicide of an unborn child is a Class IIIA felony.
(b) Except as provided in subdivision (3)(c) of this section, if the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section60-6,196or60-6,197.06, motor vehicle homicide of an unborn child is a Class IIIA felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years after the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.
(c) If the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section60-6,196or60-6,197.06and the defendant has a prior conviction for a violation of section60-6,196or a city or village ordinance enacted in conformance with section60-6,196, motor vehicle homicide of an unborn child is a Class IIA felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years after the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.
(4) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

28-395.
Act, how cited.
Sections28-395to28-3,101shall be known and may be cited as the Assault of an Unborn Child Act.

28-396.
Unborn child, defined.
For purposes of the Assault of an Unborn Child Act, unborn child means an individual member of the species Homo sapiens at any stage of development in utero.

28-397.
Assault of an unborn child in the first degree; penalty.
(1) A person commits the offense of assault of an unborn child in the first degree if he or she, during the commission of any criminal assault on a pregnant woman, intentionally or knowingly causes serious bodily injury to her unborn child.
(2) Assault of an unborn child in the first degree is a Class IIA felony.

28-398.
Assault of an unborn child in the second degree; penalty.
(1) A person commits the offense of assault of an unborn child in the second degree if he or she, during the commission of any criminal assault on a pregnant woman, recklessly causes serious bodily injury to her unborn child with a dangerous instrument.
(2) Assault of an unborn child in the second degree is a Class IIIA felony.

28-399.
Assault of an unborn child in the third degree; penalty.

(1) A person commits the offense of assault of an unborn child in the third degree if he or she, during the commission of any criminal assault on a pregnant woman, recklessly causes serious bodily injury to her unborn child.
(2) Assault of an unborn child in the third degree is a Class I misdemeanor.

28-3,100.
Applicability of act.
The Assault of an Unborn Child Act does not apply to:
(1) Any act or conduct that is committed or engaged in by the mother of the unborn child;
(2) Any medical procedure performed with the consent of the mother; or
(3) Dispensing a drug or device in accordance with law or administering a drug or device prescribed in accordance with law.

28-3,101.
Prosecution of separate acts.
Assault on a pregnant woman and assault on her unborn child shall be considered as separate acts or conduct for purposes of prosecution.

28-3,102.
Act, how cited.
Sections28-3,102to28-3,111shall be known and may be cited as the Pain-Capable Unborn Child Protection Act.

28-3,103.
Terms, defined.
For purposes of the
Pain-Capable Unborn Child Protection Act:
(1) Abortion
means the use or prescription of any instrument, medicine, drug, or other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy;
(2) Attempt
to perform or induce an abortion means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of the Pain-Capable Unborn Child Protection Act;
(3) Fertilization means
the fusion of a human spermatozoon with a human ovum;
(4) Medical emergency
means a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function;
(5) Postfertilization age means the age of the unborn child as calculated from the fertilization of the human ovum;
(6) Reasonable medical judgment means a
medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;
(7) Physician means any person licensed to practice medicine and surgery or osteopathic medicine under the Uniform Credentialing Act;
(8) Probable
postfertilization age of the unborn child means what, in reasonable medical

judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed;
(9) Unborn child or fetus each mean an individual organism of the species homo sapiens from fertilization until live birth; and
(10) Woman means a female human being whether or not she has reached the age of majority.

28-3,104.
Legislative findings.
The Legislature makes the following findings:
(1) At least by twenty weeks after fertilization there is substantial evidence that an unborn child has the physical structures necessary to experience pain;
(2) There is substantial evidence that, by twenty weeks after fertilization, unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain;
(3) Anesthesia is routinely administered to unborn children who have developed twenty weeks or more past fertilization who undergo prenatal surgery;
(4) Even before twenty weeks after fertilization, unborn children have been observed to exhibit hormonal stress responses to painful stimuli. Such responses were reduced when pain medication was administered directly to such unborn children; and
(5) It is the purpose of the State of Nebraska to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

28-3,105.
Determination of probable postfertilization age of unborn child; physician; duties.
(1) Except in the case of a medical emergency which prevents compliance with this section, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.
(2) Failure by any physician to conform to any requirement of this section constitutes unprofessional conduct pursuant to section38-2021.

28-3,106.
Abortion; performance; restrictions.
No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty or more weeks unless, in reasonable medical judgment (1) she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function or (2) it is necessary to preserve the life of an unborn child. No such condition shall

be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function. In such a case, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman than would another available method. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

28-3,107.
Report to Department of Health and Human Services; contents; department; issue public report; failure to file report; late fee; prohibited acts; penalty.
(1) Any physician who performs or induces or attempts to perform or induce an abortion shall report to the Department of Health and Human Services, on a schedule and in accordance with forms and rules and regulations adopted and promulgated by the department:
(a) If a determination of probable postfertilization age was made, the probable postfertilization age determined and the method and basis of the determination;
(b) If a determination of probable postfertilization age was not made, the basis of the determination that a medical emergency existed;
(c) If the probable postfertilization age was determined to be twenty or more weeks, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, or the basis of the determination that it was necessary to preserve the life of an unborn child; and
(d) The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be twenty or more weeks, whether the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive or, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman than would other available methods.
(2) By June 30 of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (1) of this section. Each such report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed.
(3) Any physician who fails to submit a report by the end of thirty days following the due date shall be subject to a late fee of five hundred dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any physician required to report in accordance with the Pain-Capable Unborn Child Protection Act who has not submitted a report, or has submitted only an incomplete report, more than one year following the due date, may, in an action brought in the manner in which actions are brought

to enforce the Uniform Credentialing Act pursuant to section38-1,139, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to civil contempt. Failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes unprofessional conduct pursuant to section38-2021. Failure by any physician to submit a complete report in accordance with a court order constitutes unprofessional conduct pursuant to section38-2021. Intentional or reckless falsification of any report required under this section is a Class V misdemeanor.
(4) Within ninety days
after October 15, 2010, the department shall adopt and promulgate rules and regulations to assist in compliance with this section.

28-3,108.
Prohibited abortion; penalty.
Any person
who intentionally or recklessly performs or attempts to perform an abortion in violation of section28-3,106is guilty of a Class IV felony. No penalty shall be assessed against the woman upon whom the abortion is performed or attempted to be performed.

28-3,109.
Action for damages; action for injunctive
relief; attorney's fees.
(1) Any woman upon whom an abortion has been performed in
violation of the Pain-Capable Unborn Child Protection Act or the father of the unborn child who was the subject of such an abortion may maintain an action against the person who performed the abortion in an intentional or a reckless violation of the Pain-Capable Unborn Child Protection Act for actual damages. Any woman upon whom an abortion has been attempted in violation of the Pain-Capable Unborn Child Protection Act may maintain an action against the person who attempted to perform the abortion in an intentional or a reckless violation of the Pain-Capable Unborn Child Protection Act for actual damages.
(2) A cause
of action for injunctive relief against any person who has intentionally violated the Pain-Capable Unborn Child Protection Act may be maintained by the woman upon whom an abortion was performed or attempted to be performed in violation of the Pain-Capable Unborn Child Protection Act, by any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or attempted to be performed in violation of the Pain-Capable Unborn Child Protection Act, by a county attorney with appropriate jurisdiction, or by the Attorney General. The injunction shall prevent the abortion provider from performing further abortions in violation of the Pain-Capable Unborn Child Protection Act in this state.
(3) If judgment is rendered in favor of the plaintiff in an action
described in this section, the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff against the defendant.
(4) If judgment
is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.
(5) No damages
or attorney's fees may be assessed against the woman upon whom an abortion was performed or attempted to be performed except as provided in subsection (4) of this section.

28-3,110.
Anonymity; court orders authorized.
In every civil

or criminal proceeding or action brought under the Pain-Capable Unborn Child Protection Act, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under section28-3,109shall do so under a pseudonym. This section shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

28-3,111.
Severability.
If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of the Pain-Capable Unborn Child Protection Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of the Pain-Capable Unborn Child Protection Act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed the Pain-Capable Unborn Child Protection Act, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of the Pain-Capable Unborn Child Protection Act, or the application of the Pain-Capable Unborn Child Protection Act, would be declared unconstitutional.

28-401.
Terms, defined.
As used in the Uniform Controlled Substances Act, unless the context otherwise requires:
(1) Administer means to directly apply a controlled substance by injection, inhalation, ingestion, or any other means to the body of a patient or research subject;
(2) Agent means an authorized person who acts on behalf of or at the direction of another person but does not include a common or contract carrier, public warehouse keeper, or employee of a carrier or warehouse keeper;
(3) Administration means the Drug Enforcement Administration of the United States Department of Justice;
(4) Controlled substance means a drug, biological, substance, or immediate precursor in Schedules I through V of section28-405. Controlled substance does not include distilled spirits, wine, malt beverages, tobacco, hemp, or any nonnarcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January 1, 2014, and the law of this state, be lawfully sold over the counter without a prescription;
(5) Counterfeit substance means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;
(6) Department means the Department of Health and Human Services;
(7) Division of Drug Control means the personnel of the Nebraska State Patrol who are assigned to enforce the Uniform Controlled Substances Act;
(8) Dispense means to deliver a controlled substance to an ultimate user or a research subject pursuant to a medical order issued by a practitioner authorized to prescribe, including the packaging, labeling, or compounding necessary to prepare the controlled substance for such delivery;
(9) Distribute means to deliver other than by administering or dispensing a controlled substance;
(10) Prescribe means to issue a medical order;
(11) Drug means (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the

United States, official National Formulary, or any supplement to any of them, (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals, and (c) substances intended for use as a component of any article specified in subdivision (a) or (b) of this subdivision, but does not include devices or their components, parts, or accessories;
(12) Deliver or delivery means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;
(13) Hemp has the same meaning as in section2-503;
(14)(a) Marijuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds.
(b) Marijuana does not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, the sterilized seed of such plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration.
(c) Marijuana does not include hemp.
(d) When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it means its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time;
(15) Manufacture means the production, preparation, propagation, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. Manufacture does not include the preparation or compounding of a controlled substance by an individual for his or her own use, except for the preparation or compounding of components or ingredients used for or intended to be used for the manufacture of methamphetamine, or the preparation, compounding, conversion, packaging, or labeling of a controlled substance: (a) By a practitioner as an incident to his or her prescribing, administering, or dispensing of a controlled substance in the course of his or her professional practice; or (b) by a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;
(16) Narcotic drug means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or (c) a substance and any compound, manufacture, salt, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in the Uniform Controlled Substances Act does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine, or isoquinoline alkaloids of opium;
(17) Opiate means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. Opiate does not include the dextrorotatory isomer of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic and levorotatory forms;
(18) Opium poppy means the plant of the species Papaver somniferum L., except the seeds thereof;
(19) Poppy straw means all parts, except the seeds, of the opium poppy after mowing;
(20) Person means any corporation, association, partnership, limited liability company, or one or more persons;
(21) Practitioner means a physician, a physician assistant, a dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a certified nurse midwife, a certified registered nurse anesthetist, a nurse practitioner, a scientific investigator, a pharmacy, a hospital, or any other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of practice or research in this state, including an emergency medical service as defined in section38-1207;
(22) Production includes the manufacture, planting, cultivation, or harvesting of a controlled substance;
(23) Immediate precursor means a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture;
(24) State means the State of Nebraska;
(25) Ultimate user means a person who lawfully possesses a controlled substance for his or her own use, for the use of a member of his or her household, or for administration to an animal owned by him or her or by a member of his or her household;
(26) Hospital has the same meaning as in section71-419;
(27) Cooperating individual means any person, other than a commissioned law enforcement officer, who acts on behalf of, at the request of, or as agent for a law enforcement agency for the purpose of gathering or obtaining evidence of offenses punishable under the Uniform Controlled Substances Act;
(28)(a) Hashish or concentrated cannabis means (i) the separated resin, whether crude or purified, obtained from a plant of the genus cannabis or (ii) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols.
(b) When resins extracted from hemp as defined in section2-503are in the possession of a person as authorized under the Nebraska Hemp Farming Act, they are not considered hashish or concentrated cannabis for purposes of the Uniform Controlled Substances Act.

(c) Hashish or concentrated cannabis does not include cannabidiol contained in a drug product approved by the federal Food and Drug Administration;
(29) Exceptionally hazardous drug means (a) a narcotic drug, (b) thiophene analog of phencyclidine, (c) phencyclidine, (d) amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h) methamphetamine;
(30) Imitation controlled substance means a substance which is not a controlled substance or controlled substance analogue but which, by way of express or implied representations and consideration of other relevant factors including those specified in section28-445, would lead a reasonable person to believe the substance is a controlled substance or controlled substance analogue. A placebo or registered investigational drug manufactured, distributed, possessed, or delivered in the ordinary course of practice or research by a health care professional shall not be deemed to be an imitation controlled substance;
(31)(a) Controlled substance analogue means a substance (i) the chemical structure of which is substantially similar to the chemical structure of a Schedule I or Schedule II controlled substance as provided in section28-405or (ii) which has a stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system of a Schedule I or Schedule II controlled substance as provided in section28-405. A controlled substance analogue shall, to the extent intended for human consumption, be treated as a controlled substance under Schedule I of section28-405for purposes of the Uniform Controlled Substances Act; and
(b) Controlled substance analogue does not include (i) a controlled substance, (ii) any substance generally recognized as safe and effective within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January 1, 2014, (iii) any substance for which there is an approved new drug application, or (iv) with respect to a particular person, any substance if an exemption is in effect for investigational use for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014, to the extent conduct with respect to such substance is pursuant to such exemption;
(32) Anabolic steroid means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III(d) of section28-405. Anabolic steroid does not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision;
(33) Chart order means an order for a controlled substance issued by a practitioner for a patient who is in the hospital where the chart is stored or for a patient receiving detoxification treatment or maintenance treatment pursuant to section28-412. Chart order does not include a prescription;
(34) Medical order means a prescription, a chart order, or an order for pharmaceutical care issued by a practitioner;
(35) Prescription means an order for a controlled substance issued by a practitioner. Prescription does not include a chart order;
(36) Registrant means any person who has a controlled substances registration issued by the state or the Drug Enforcement Administration of the United States Department of Justice;
(37) Reverse distributor means a person whose primary function is to act as an agent for a pharmacy, wholesaler, manufacturer, or other entity by receiving, inventorying, and managing the disposition of outdated, expired, or otherwise nonsaleable controlled substances;
(38) Signature means the name, word, or mark of a person written in his or her own hand with the intent to authenticate a writing or other form of communication or a digital signature which complies with section86-611or an electronic signature;
(39) Facsimile means a copy generated by a system that encodes a document or photograph into electrical signals, transmits those signals over telecommunications lines, and reconstructs the signals to create an exact duplicate of the original document at the receiving end;
(40) Electronic signature has the definition found in section86-621;
(41) Electronic transmission means transmission of information in electronic form. Electronic transmission includes computer-to-computer transmission or computer-to-facsimile transmission;
(42) Long-term care facility means an intermediate care facility, an intermediate care facility for persons with developmental disabilities, a long-term care hospital, a mental health substance use treatment center, a nursing facility, or a skilled nursing facility, as such terms are defined in the Health Care Facility Licensure Act;
(43) Compounding has the same meaning as in section38-2811;
(44) Cannabinoid receptor agonist means any chemical compound or substance that, according to scientific or medical research, study, testing, or analysis, demonstrates the presence of binding activity at one or more of the CB1 or CB2 cell membrane receptors located within the human body. Cannabinoid receptor agonist does not include cannabidiol contained in a drug product approved by the federal Food and Drug Administration; and
(45) Lookalike substance means a product or substance, not specifically designated as a controlled substance in section28-405, that is either portrayed in such a manner by a person to lead another person to reasonably believe that it produces effects on the human body that replicate, mimic, or are intended to simulate the effects produced by a controlled substance or that possesses one or more of the following indicia or characteristics:
(a) The packaging or labeling of the product or substance suggests that the user will achieve euphoria, hallucination, mood enhancement, stimulation, or another effect on the human body that replicates or mimics those produced by a controlled substance;
(b) The name or packaging of the product or substance uses images or labels suggesting that it is a controlled substance or produces

effects on the human body that replicate or mimic those produced by a controlled substance;
(c) The product or substance is marketed or advertised for a particular use or purpose and the cost of the product or substance is disproportionately higher than other products or substances marketed or advertised for the same or similar use or purpose;
(d) The packaging or label on the product or substance contains words or markings that state or suggest that the product or substance is in compliance with state and federal laws regulating controlled substances;
(e) The owner or person in control of the product or substance uses evasive tactics or actions to avoid detection or inspection of the product or substance by law enforcement authorities;
(f) The owner or person in control of the product or substance makes a verbal or written statement suggesting or implying that the product or substance is a synthetic drug or that consumption of the product or substance will replicate or mimic effects on the human body to those effects commonly produced through use or consumption of a controlled substance;
(g) The owner or person in control of the product or substance makes a verbal or written statement to a prospective customer, buyer, or recipient of the product or substance implying that the product or substance may be resold for profit; or
(h) The product or substance contains a chemical or chemical compound that does not have a legitimate relationship to the use or purpose claimed by the seller, distributor, packer, or manufacturer of the product or substance or indicated by the product name, appearing on the product's packaging or label or depicted in advertisement of the product or substance.

28-401.01.
Act, how cited.
Sections28-401to28-456.01and28-458to28-476shall be known and may be cited as the Uniform Controlled Substances Act.

28-401.02.
Act; how construed.
Nothing in the Uniform Controlled Substances Act shall be construed as authority for a practitioner to perform an act for which he or she is not authorized by the laws of this state.

28-403.
Administering secret medicine; penalty.
If any physician or other person shall prescribe any drug or medicine to another person, the true nature and composition of which he does not, if inquired of, truly make known, but avow the same to be a secret medicine or composition, thereby endangering the life of such other person, he shall be guilty of a Class III misdemeanor.

28-404.
Controlled substances; declaration.
All drugs and substances or immediate precursors listed in section28-405are hereby declared to be controlled substances, whether listed by official name, generic, common, or usual name, chemical name, brand, or trade name.

28-405.
Controlled substances; schedules; enumerated.
The following are the schedules of controlled substances referred to in the Uniform Controlled Substances Act, unless specifically contained on the list of exempted products of the Drug Enforcement Administration of the United States Department of Justice as the list existed on January 31, 2022:
Schedule I
(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
(1) Acetylmethadol;
(2) Allylprodine;
(3) Alphacetylmethadol, except levo-alphacetylmethadol which is also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
(13) Difenoxin;
(14) Diampromide;

(15) Diethylthiambutene;
(16) Dimenoxadol;
(17) Dimepheptanol;
(18) Dimethylthiambutene;
(19) Dioxaphetyl butyrate;
(20) Dipipanone;
(21) Ethylmethylthiambutene;
(22) Etonitazene;
(23) Etoxeridine;
(24) Furethidine;
(25) Hydroxypethidine;
(26) Ketobemidone;
(27) Levomoramide;
(28) Levophenacylmorphan;
(29) Morpheridine;
(30) Noracymethadol;
(31) Norlevorphanol;
(32) Normethadone;
(33) Norpipanone;
(34) Phenadoxone;
(35) Phenampromide;
(36) Phenomorphan;
(37) Phenoperidine;
(38) Piritramide;
(39) Proheptazine;
(40) Properidine;
(41) Propiram;
(42) Racemoramide;
(43) Trimeperidine;
(44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
(45) Tilidine;
(46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its optical and geometric isomers, salts, and salts of isomers;
(47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts of isomers;
(48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its optical isomers, salts, and salts of isomers;
(49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of isomers;
(50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts of isomers;
(51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide, its optical isomers, salts, and salts of isomers;
(52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts of isomers;
(53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;
(54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical and geometric isomers, salts, and salts of isomers;
(55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers;
(56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide, its optical isomers, salts, and salts of isomers;
(57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide, its optical isomers, salts, and salts of isomers;
(58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide;
(59) 4-Fluoroisobutyryl Fentanyl;
(60) Acetyl Fentanyl;
(61) Acyrloylfentanyl;
(62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide;
(63) Butyryl fentanyl;
(64) Cyclopentyl fentanyl;
(65) Cyclopropyl fentanyl;
(66) Furanyl fentanyl;

(67) Isobutyryl fentanyl;
(68) Isotonitazene;
(69) Methoxyacetyl fentanyl;
(70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
(71) Tetrahydrofuranyl fentanyl;
(72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) propionamide;
(73) Ocfentanil;
(74) Ortho-Fluorofentanyl;
(75) Para-chloroisobutyryl fentanyl;
(76) Para-Fluorobutyryl Fentanyl;
(77) Valeryl fentanyl;
(78) Phenyl Fentanyl;
(79) Para-Methylfentanyl;
(80) Thiofuranyl Fentanyl;
(81) Beta-methyl Fentanyl;
(82) Beta'-Phenyl Fentanyl;
(83) Crotonyl Fentanyl;
(84) 2'-Fluoro Ortho-Fluorofentanyl;
(85) 4'-Methyl Acetyl Fentanyl;
(86) Ortho-Fluorobutyryl Fentanyl;
(87) Ortho-Methyl Acetylfentanyl;
(88) Ortho-Methyl Methoxyacetyl Fentanyl;
(89) Ortho-Fluoroacryl Fentanyl;
(90) Fentanyl Carbamate;
(91) Ortho-Fluoroisobutyryl Fentanyl;
(92) Para-Fluoro Furanyl Fentanyl;
(93) Para-Methoxybutyryl Fentanyl;
(94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl) piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and
(95) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Unless specifically excepted, listed in another schedule, or specifically named in this schedule, this includes any substance that is structurally related to fentanyl by one or more of the following modifications:
(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
(B) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
(C) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
(D) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or
(E) Replacement of the N-propionyl group by another acyl group.
(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine, except hydrochloride salt;
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;

(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine; and
(23) Thebacon.
(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and, for purposes of this subdivision only, isomer shall include the optical, position, and geometric isomers:
(1) Bufotenine. Trade and other names shall include, but are not limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; and mappine;
(2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; and 4-bromo-2,5-DMA;
(3) 4-methoxyamphetamine. Trade and other names shall include, but are not limited to: 4-methoxy-alpha-methylphenethylamine; and paramethoxyamphetamine, PMA;
(4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP;
(5) Para-methoxymethamphetamine. Trade and other names shall include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-amine, PMMA, and 4-MMA;
(6) Ibogaine. Trade and other names shall include, but are not limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and Tabernanthe iboga;
(7) Lysergic acid diethylamide;
(8) Marijuana;
(9) Mescaline;
(10) Methoxetamine (MXE);
(11) Peyote. Peyote shall mean all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant or its seeds or extracts;
(12) Psilocybin;
(13) Psilocyn;
(14) Tetrahydrocannabinols, including, but not limited to, synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol and their optical isomers, excluding dronabinol in a drug product approved by the federal Food and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since nomenclature of these substances is not internationally standardized, compounds of these structures shall be included regardless of the numerical designation of atomic positions covered. Tetrahydrocannabinols does not include cannabidiol contained in a drug product approved by the federal Food and Drug Administration;
(15) N-ethyl-3-piperidyl benzilate;
(16) N-methyl-3-piperidyl benzilate;
(17) Thiophene analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; and TCP;
(18) Hashish or concentrated cannabis;
(19) Parahexyl. Trade and other names shall include, but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran; and Synhexyl;
(20) Ethylamine analog of phencyclidine. Trade and other names shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
(21) Pyrrolidine analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;
(22) Alpha-ethyltryptamine. Some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;
(23) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;
(24) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;
(25) Alpha-methyltryptamine, which is also known as AMT;
(26) Salvia divinorum or Salvinorin A. Salvia divinorum or Salvinorin A includes all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, derivative, mixture, or preparation of such plant, its seeds, or its extracts, including salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation;
(27) Any material, compound, mixture, or preparation containing any quantity of synthetically produced cannabinoids as listed in subdivisions (A) through (L) of this subdivision, including their salts, isomers, salts of isomers, and nitrogen, oxygen, or

sulfur-heterocyclic analogs, unless specifically excepted elsewhere in this section. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included under this subdivision, regardless of their specific numerical designation of atomic positions covered, so long as it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:
(A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally contained in a plant of the genus cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers. This subdivision does not include cannabidiol contained in a drug product approved by the federal Food and Drug Administration;
(B) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(D) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(E) Naphthylideneindenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(F) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(G) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in or on any of the listed ring systems to any extent;
(H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(I) Adamantoylindoles: Any compound containing a 3-adamantoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;
(K) Indole carboxamides: Any compound containing a 1-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the carboxamide group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-mapthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent;
(L) Indole carboxylates: Any compound containing a 1-indole-3-carboxylate structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the carboxylate group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl,

1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-mapthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent; and
(M) Any nonnaturally occurring substance, chemical compound, mixture, or preparation, not specifically listed elsewhere in these schedules and which is not approved for human consumption by the federal Food and Drug Administration, containing or constituting a cannabinoid receptor agonist as defined in section28-401;
(28) Zipeprol 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation;
(29) Any material, compound, mixture, or preparation containing any quantity of a substituted phenethylamine as listed in subdivisions (A) through (C) of this subdivision, unless specifically excepted, listed in another schedule, or specifically named in this schedule, that is structurally derived from phenylethan-2-amine by substitution on the phenyl ring with a fused methylenedioxy ring, fused furan ring, or a fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems, whether or not the compound is further modified in any of the following ways:
(A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-position by any alkyl groups; or (C) substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, or methoxybenzyl groups, and including, but not limited to:
(i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;
(ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;
(iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;
(iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H or 2,5-Dimethoxyphenethylamine;
(v) 2-(4-lodo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;
(vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
(vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
(viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
(ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
(x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
(xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
(xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
(xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
(xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
(xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
(xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
(xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine, which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine;
(xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
(xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine, which is also known as 2CB-5-hemiFLY;
(xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine, which is also known as 2C-B-FLY;
(xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine, which is also known as 2C-B-butterFLY;
(xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-NBOMe;
(xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine, which is also known as bromo-benzodifuranylisopropylamine or bromo-dragonFLY;
(xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which is also known as 2C-INBOH or 25I-NBOH;
(xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
(xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
(xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 5-APDB;
(xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 6-APDB;
(xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;
(xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
(xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also known as 2C-T-7;
(xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
(xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and

STP;
(xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
(xxxv) 3,4-methylenedioxymethamphetamine, which is also known as MDMA;
(xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known as
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;
(xxxvii) 3,4,5-trimethoxy amphetamine; and
(xxxviii) n-hydroxy-3, 4-Methylenedioxy-N-Hydroxyamphetamine, which is also known as N-hydroxyMDA;
(30) Any material, compound, mixture, or preparation containing any quantity of a substituted tryptamine unless specifically excepted, listed in another schedule, or specifically named in this schedule, that is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also known as tryptamine, by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, and including, but not limited to:
(A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-DALT;
(B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-DMT or OAcetylpsilocin;
(C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-HO-MET;
(D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-HO-DIPT;
(E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as 5-MeOMiPT;
(F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-DMT;
(G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-MeO-DiPT;
(H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine, DET; and
(I) Dimethyltryptamine, which is also known as DMT; and
(31)(A) Any substance containing any quantity of the following materials, compounds, mixtures, or structures:
(i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methylone;
(ii) 3,4-methylenedioxypyrovalerone, or MDPV;
(iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;
(iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;
(v) Fluoromethcathinone, or FMC;
(vi) Naphthylpyrovalerone, or naphyrone; or
(vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or butylone; or
(B) Unless listed in another schedule, any substance which contains any quantity of any material, compound, mixture, or structure, other than bupropion, that is structurally derived by any means from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
(i) Substitution in the ring system to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
(ii) Substitution at the 3-position with an acyclic alkyl substituent; or
(iii) Substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Amineptine 7-[(10,11-dihydro-5H-dibenzo[a,d]-cyclohepten-5-yl)amino]heptanoic acid, including its salts, isomers, and salts of isomers;
(2) Mecloqualone;
(3) Methaqualone; and
(4) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium Oxybate; and Sodium Oxybutyrate.
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
(1) Fenethylline;
(2) N-ethylamphetamine;
(3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
(4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone;
(5) Methcathinone, its salts, optical isomers, and salts of optical isomers. Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; methylcathinone; monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;
(6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;
(7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine; and N,N-alpha-trimethylphenethylamine;

(8) Benzylpiperazine, 1-benzylpiperazine;
(9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine); and
(10) N-phenyl-N' -(3-(1- phenylpropan-2-yl)-1,2,3-oxadiazol-3- ium-5-yl)carbamimidate), including its salts, isomers, and salts of isomers.
(f) Any controlled substance analogue to the extent intended for human consumption.
Schedule II
(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, buprenorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone and their salts, but including the following:
(A) Raw opium;
(B) Opium extracts;
(C) Opium fluid;
(D) Powdered opium;
(E) Granulated opium;
(F) Tincture of opium;
(G) Codeine;
(H) Ethylmorphine;
(I) Etorphine hydrochloride;
(J) Hydrocodone;
(K) Hydromorphone;
(L) Metopon;
(M) Morphine;
(N) Oxycodone;
(O) Oxymorphone;
(P) Oripavine;
(Q) Thebaine; and
(R) Dihydroetorphine;
(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium;
(3) Opium poppy and poppy straw;
(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of these substances, including cocaine or ecgonine and its salts, optical isomers, and salts of optical isomers, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecgonine; and
(5) Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.
(b) Unless specifically excepted or unless in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of their isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan excepted:
(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Diphenoxylate;
(5) Fentanyl;
(6) Isomethadone;
(7) Levomethorphan;
(8) Levorphanol;
(9) Metazocine;
(10) Methadone;
(11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;
(12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
(13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;
(14) Oliceridine;
(15) Pethidine or meperidine;
(16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(19) Phenazocine;
(20) Piminodine;
(21) Racemethorphan;
(22) Racemorphan;
(23) Dihydrocodeine;
(24) Bulk Propoxyphene in nondosage forms;
(25) Sufentanil;
(26) Alfentanil;
(27) Levo-alphacetylmethadol which is also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
(28) Carfentanil;
(29) Remifentanil;
(30) Tapentadol; and
(31) Thiafentanil.
(c) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Phenmetrazine and its salts;
(3) Methamphetamine, its salts, isomers, and salts of its isomers;
(4) Methylphenidate; and
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.
(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designations:
(1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;
(4) Phencyclidine; and
(5) Glutethimide.
(e) Hallucinogenic substances known as:
(1) Nabilone. Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one; and
(2) Dronabinol in an oral solution in a drug product approved by the federal Food and Drug Administration.
(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:
(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Trade and other names shall include, but are not limited to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone;
(2) Immediate precursors to phencyclidine, PCP:
(A) 1-phenylcyclohexylamine; or
(B) 1-piperidinocyclohexanecarbonitrile, PCC; or
(3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine (ANPP).
Schedule III
(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Benzphetamine;
(2) Chlorphentermine;
(3) Clortermine; and
(4) Phendimetrazine.
(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
(1) Any substance which contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section;
(2) Aprobarbital;
(3) Butabarbital;
(4) Butalbital;
(5) Butethal;
(6) Butobarbital;
(7) Chlorhexadol;
(8) Embutramide;

(9) Lysergic acid;
(10) Lysergic acid amide;
(11) Methyprylon;
(12) Perampanel;
(13) Secbutabarbital;
(14) Sulfondiethylmethane;
(15) Sulfonethylmethane;
(16) Sulfonmethane;
(17) Nalorphine;
(18) Talbutal;
(19) Thiamylal;
(20) Thiopental;
(21) Vinbarbital;
(22) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
(23) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository;
(24) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;
(25) Ketamine, its salts, isomers, and salts of isomers. Some other names for ketamine:
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone; and
(26) Tiletamine and zolazepam or any salt thereof. Trade or other names for a tiletamine-zolazepam combination product shall include, but are not limited to: telazol. Trade or other names for tiletamine shall include, but are not limited to:
2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names for zolazepam shall include, but are not limited to:
4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and flupyrazapon.
(c) Unless specifically excepted or unless listed in another schedule:
(1) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
(A) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
(B) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(C) Not more than one and eight-tenths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(D) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(E) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and
(F) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and
(2) Any material, compound, mixture, or preparation containing any of the following narcotic drug or its salts, as set forth below:
(A) Buprenorphine.
(d) Unless contained on the list of exempt anabolic steroids of the Drug Enforcement Administration of the United States Department of Justice as the list existed on January 31, 2022, any anabolic steroid, which shall include any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:
(1) 3-beta,17-dihydroxy-5a-androstane;
(2) 3-alpha,17-beta-dihydroxy-5a-androstane;
(3) 5-alpha-androstan-3,17-dione;
(4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-ene);
(5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-ene);
(6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
(7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
(8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);
(9) 4-androstenedione (androst-4-en-3,17-dione);
(10) 5-androstenedione (androst-5-en-3,17-dione);
(11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
(12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
(13) Boldione (androsta-1,4-diene-3,17-3-one);

(14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
(15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
(16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-alpha-methyl-androst-1,4-dien-3-one);
(17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-en-17-beta-ol) (a.k.a. 'madol');
(18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-hydroxy-5-alpha-androst-1-en-3-one);
(19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
(20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-androstan-3-one);
(21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
(22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-dihydroxyandrost-4-en-3-one);
(23) Formebulone (formebolone); (2-formyl-17-alpha-methyl-11-alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
(24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostano[2,3-c]-furazan);
(25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
(26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
(27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-one);
(28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);
(29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);
(30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-dien-3-one);
(31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-ene);
(32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-beta-ol-3-one);
(33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-one);
(34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
(35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
(36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
(37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-hydroxy-17-beta-hydroxyestr-4-en-3-one);
(38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-dien-3-one);
(39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-trien-3-one);
(40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-en-3-one);
(41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-en-3-one);
(42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-methyl-1-testosterone');
(43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
(44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
(45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
(46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
(47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
(48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
(49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
(50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
(51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-en-3-one);
(52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
(53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-one);
(54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-one);
(55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-androstan-3-one);
(56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-en-3-one);
(57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-hydroxy-[5-alpha]-androstan-3-one);
(58) Prostanozol (17-beta-hydroxy-5-alpha-androstano[3,2-c]pyrazole);
(59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-androst-2-eno[3,2-c]-pyrazole);
(60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-one);
(61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
(62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
(63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4,9,11-trien-3-one);
(64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
(65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
(66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
(67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
(68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
(69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
(70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
(71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
(72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;

(73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17 beta-ol;
(74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
(75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-dione;
(76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
(77) 4-chloro-17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
(78) 4-hydroxy-androst-4-ene-3,17-dione;
(79) 5 alpha-Androstan-3,6,17-trione;
(80) 6-bromo-androst-1,4-diene-3,17-dione;
(81) 6-bromo-androstan-3,17-dione;
(82) 6 alpha-methyl-androst-4-ene-3,17-dione;
(83) Delta 1-dihydrotestosterone;
(84) Estra-4,9,11-triene-3,17-dione; and
(85) Any salt, ester, or ether of a drug or substance described or listed in this subdivision if the salt, ester, or ether promotes muscle growth.
(e) Hallucinogenic substances known as:
(1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the federal Food and Drug Administration. Some other names for dronabinol are (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.
Schedule IV
(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Barbital;
(2) Chloral betaine;
(3) Chloral hydrate;
(4) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);
(5) Clonazepam;
(6) Clorazepate;
(7) Daridorexant;
(8) Diazepam;
(9) Ethchlorvynol;
(10) Ethinamate;
(11) Flurazepam;
(12) Mebutamate;
(13) Meprobamate;
(14) Methohexital;
(15) Methylphenobarbital;
(16) Oxazepam;
(17) Paraldehyde;
(18) Petrichloral;
(19) Phenobarbital;
(20) Prazepam;
(21) Alprazolam;
(22) Bromazepam;
(23) Camazepam;
(24) Clobazam;
(25) Clotiazepam;
(26) Cloxazolam;
(27) Delorazepam;
(28) Estazolam;
(29) Ethyl loflazepate;
(30) Fludiazepam;
(31) Flunitrazepam;
(32) Halazepam;
(33) Haloxazolam;
(34) Ketazolam;
(35) Loprazolam;
(36) Lorazepam;
(37) Lormetazepam;

(38) Medazepam;
(39) Nimetazepam;
(40) Nitrazepam;
(41) Nordiazepam;
(42) Oxazolam;
(43) Pinazepam;
(44) Temazepam;
(45) Tetrazepam;
(46) Triazolam;
(47) Midazolam;
(48) Quazepam;
(49) Zolpidem;
(50) Dichloralphenazone;
(51) Zaleplon;
(52) Zopiclone;
(53) Fospropofol;
(54) Alfaxalone;
(55) Suvorexant;
(56) Carisoprodol;
(57) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
(58) Lemborexant;
(59) Solriamfetol; 2-amino-3-phenylpropyl carbamate;
(60) Remimazolam; and
(61) Serdexmethylphenidate.
(b) Any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, whether optical, position, or geometric, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Fenfluramine.
(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Diethylpropion;
(2) Phentermine;
(3) Pemoline, including organometallic complexes and chelates thereof;
(4) Mazindol;
(5) Pipradrol;
(6) SPA, ((-)-1-dimethylamino-1,2-diphenylethane);
(7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
(8) Fencamfamin;
(9) Fenproporex;
(10) Mefenorex;
(11) Modafinil; and
(12) Sibutramine.
(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following narcotic drugs, or their salts or isomers calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
(1) Propoxyphene in manufactured dosage forms;
(2) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit; and
(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers to include: Tramadol.
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts:
(1) Pentazocine; and
(2) Butorphanol (including its optical isomers).
(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Lorcaserin.
(g)(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, optical isomers, and salts of such optical isomers: Ephedrine.
(2) The following drug products containing ephedrine, its salts, optical isomers, and salts of such optical isomers, are excepted from subdivision (g)(1) of Schedule IV if they (A) are stored behind a counter, in an area not accessible to customers, or in a locked case

so that a customer needs assistance from an employee to access the drug product; (B) are sold by a person, eighteen years of age or older, in the course of his or her employment to a customer eighteen years of age or older with the following restrictions: No customer shall be allowed to purchase, receive, or otherwise acquire more than three and six-tenths grams of ephedrine base during a twenty-four-hour period; no customer shall purchase, receive, or otherwise acquire more than nine grams of ephedrine base during a thirty-day period; and the customer shall display a valid driver's or operator's license, a Nebraska state identification card, a military identification card, an alien registration card, or a passport as proof of identification; (C) are labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; (D) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (E) are not marketed, advertised, or represented in any manner for the indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or high, heightened sexual performance, or increased muscle mass:
(i) Primatene Tablets; and
(ii) Bronkaid Dual Action Caplets.
Schedule V
(a) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts calculated as the free anhydrous base or alkaloid, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:
(1) Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;
(2) Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;
(3) Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;
(4) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;
(5) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams; and
(6) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.
(b) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: Pyrovalerone.
(c) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:
(1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic acid ethyl ester);
(2) Ganaxolone;
(3) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);
(4) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);
(5) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact), including its salts;
(6) Cenobamate; and
(7) Lasmiditan.

28-406.
Registration; fees.
(1) The department shall issue registrations and reregistrations to manufacture, distribute, prescribe, or dispense controlled substances within this state on a biennial basis.
(2) The various fees to be paid by applicants for registrations and reregistrations, as required under the Uniform Controlled Substances Act, shall be as follows:
(a) Registration or reregistration to manufacture controlled substances, not less than one hundred dollars and not more than three hundred dollars;
(b) Registration or reregistration to distribute controlled substances, not less than one hundred dollars and not more than three hundred dollars;
(c) Registration or reregistration to prescribe, administer, or dispense controlled substances, not less than twenty dollars and not more than one hundred fifty dollars;
(d) Registration or reregistration to engage in research on the use and effects of controlled substances, not less than fifty dollars and not more than two hundred dollars;
(e) Registration or reregistration to engage in laboratory and analytical analysis of controlled substances, not less than fifty dollars and not more than two hundred dollars; and
(f) Registration or reregistration to provide detoxification treatment or maintenance treatment, not less than twenty dollars and not more than one hundred fifty dollars.
(3) The department shall remit the fees to the State Treasurer for credit to the Professional and Occupational Credentialing Cash Fund.
(4) All registrations and reregistrations shall expire on August 31 of each odd-numbered year. Registration shall be automatically

denied without a hearing for nonpayment of fees. Any registration or reregistration not renewed by payment of renewal fees by October 1 of odd-numbered years shall be automatically denied and canceled on October 2 of odd-numbered years without a hearing.
(5) The department is authorized to adopt and promulgate rules and regulations necessary to implement this section.

28-407.
Registration required;
exceptions.
(1) Except as otherwise provided in this section, every person who manufactures, prescribes, distributes, administers, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, prescribing, administering, distribution, or dispensing of any controlled substance within this state shall obtain a registration issued by the department, except that on and after January 1, 2000, health care providers credentialed by the department and facilities licensed by the department shall not be required to obtain a separate Nebraska controlled substances registration upon providing proof of a Federal Controlled Substances Registration to the department. Federal Controlled Substances Registration numbers obtained under this section shall not be public information but may be shared by the department for investigative and regulatory purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to such information.
(2) The following persons shall not be required to register and may lawfully possess controlled substances under the provisions of the Uniform Controlled Substances Act:
(a) An agent, or an employee thereof, of any practitioner, registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his or her business or employment;
(b) A common or contract carrier or warehouse keeper, or an employee thereof, whose possession of any controlled substance is in the usual course of his or her business or employment; and
(c) An ultimate user or a person in possession of any controlled substance pursuant to a medical order issued by a practitioner authorized to prescribe.
(3) A separate registration shall be required at each principal place of business of professional practice where the applicant manufactures, distributes, or dispenses controlled substances, except that no registration shall be required in connection with the placement of an emergency box within a long-term care facility pursuant to the provisions of the Emergency Box Drug Act.
(4) The department is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated.

28-408.
Registration to manufacture or distribute controlled substances; factors considered.
(1) The department shall register an applicant to manufacture or distribute controlled substances included in Schedules I to V of section28-405unless the department determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest the department shall consider the following factors:
(a) Maintenance of effective controls against diversion of particular controlled substances and any Schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;
(b) Compliance with applicable state and local law;
(c) Whether the applicant has been convicted of a felony under any law of the United States or of any state or has been convicted of a violation relating to any substance defined in the Uniform Controlled Substances Act as a controlled substance under any law of the United States or any state, except that such fact in itself shall not be an automatic bar to registration;
(d) Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion; and
(e) Such other factors as may be relevant to and consistent with the public health and safety.
(2) Registration granted under subsection (1) of this section shall not entitle a registrant to manufacture or distribute controlled substances in Schedule I or II of section28-405other than those specified in the registration.
(3) Except as otherwise provided in this section and section28-409, practitioners shall be registered to prescribe, administer, or

dispense substances in Schedules II to V of section28-405if they are authorized to prescribe, administer, or dispense under the laws of this state. A registration application by a practitioner who wishes to conduct research with Schedule I substances shall be referred to the department for approval or disapproval. Registration to prescribe, administer, or dispense substances in Schedules II to V of section28-405or registration for the purpose of bona fide research with Schedule I substances by a practitioner may be denied only on a ground specified in subsection (1) of section28-409or if there are reasonable grounds to believe that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately his or her supply of such substances against diversion from legitimate medical or scientific use.
(4) Compliance by manufacturers and distributors with the Controlled Substances Act, 21 U.S.C. 801 et seq., as such act existed on May 1, 2001, respecting registration, excluding fees, shall be deemed compliance with this section.

28-409.
Registrant; disciplinary action; grounds; procedure.
(1) A registration pursuant to section28-408to prescribe, administer, manufacture, distribute, or dispense a controlled substance may be denied, suspended, revoked, or renewal refused by the department upon a finding that the applicant or registrant:
(a) Has falsified any application filed pursuant to the Uniform Controlled Substances Act or required by the act;
(b) Has been convicted of a felony subsequent to being granted a registration pursuant to section28-408under any law of the United States or of any state or has been convicted of a violation relating to any substance defined in the act as a controlled substance subsequent to being granted a registration pursuant to section28-408under any law of the United States or of any state;
(c) Has had his or her federal registration suspended or revoked by competent federal authority and is no longer authorized by federal law to engage in the prescribing, manufacturing, distribution, or dispensing of controlled substances;
(d) Is guilty of any of the acts or offenses listed in section38-178for which disciplinary measures may be taken against his or her license, certificate, or registration to practice and which have a rational connection with his or her fitness to prescribe, administer, or dispense a controlled substance. The department may automatically revoke or suspend the registration of a practitioner who has had his or her license, certificate, or registration to practice revoked or suspended and is no longer authorized to prescribe, administer, or dispense under the laws of this state or who has had his or her license, certificate, or registration to practice limited or restricted and is no longer authorized to prescribe, administer, or dispense controlled substances under the laws of this state;
(e) Is habitually intoxicated or is dependent upon or actively addicted to alcohol or any controlled substance or narcotic drug; or
(f) Has violated the Uniform Controlled Substances Act or any rules or regulations adopted and promulgated pursuant to the act.
(2) The department may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.
(3) A person whose registration or renewal has been denied, revoked, or suspended shall be afforded an opportunity for a hearing in accordance with the Administrative Procedure Act. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under the Uniform Controlled Substances Act or any law of the state, except that such proceedings may be consolidated with proceedings under the Uniform Credentialing Act. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing, except in cases when the department finds that there is an imminent danger to the public health or safety.
(4) The department may suspend any registration simultaneously with the institution of proceedings under this section or when renewal of registration is refused in cases when the department finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the department or dissolved by a court of competent jurisdiction.
(5) In the event the department suspends or revokes a registration granted under section28-408, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may in the discretion of the department be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances may be forfeited to the state.
(6) The administration shall be promptly notified of all orders limiting, suspending, or revoking registration.

28-410.
Records of registrants; inventory; violation; penalty; storage.
(1) Each registrant manufacturing, distributing, or dispensing controlled substances in Schedule I, II, III, IV, or V of section28-405shall keep and maintain a complete and accurate record of all stocks of such controlled substances on hand. Such records shall be maintained for five years.
(2) Each registrant manufacturing, distributing, storing, or dispensing such controlled substances shall prepare a biennial inventory of each controlled substance in the registrant's possession in accordance with 21 C.F.R. 1304.11, as such regulation existed on January 1, 2024. Such inventory shall be taken within two years after the previous inventory date. A registrant whose inventory fails to comply with this subsection shall be guilty of a Class IV misdemeanor.
(3) This section shall not apply to practitioners who prescribe or administer, as a part of their practice, controlled substances listed in Schedule II, III, IV, or V of section28-405unless such practitioner regularly engages in dispensing any such drug or drugs to his or her patients.

(4) Controlled substances shall be stored in accordance with the following:
(a) All controlled substances listed in Schedule I of section28-405must be stored in a locked cabinet; and
(b) All controlled substances listed in Schedule II, III, IV, or V of section28-405must be stored in a locked cabinet or distributed throughout the inventory of noncontrolled substances in a manner which will obstruct theft or diversion of the controlled substances or both.
(5) Each pharmacy which is registered with the administration and in which controlled substances are stored or dispensed shall complete a controlled-substances inventory when there is a change in the pharmacist-in-charge. The inventory shall contain the information required in the annual inventory, and the original copy shall be maintained in the pharmacy for five years after the date it is completed.

28-411.
Controlled substances; records; by whom kept; contents; compound controlled substances; duties.
(1) Every practitioner who is authorized to administer or professionally use controlled substances shall keep a record of such controlled substances received by him or her and a record of all such controlled substances administered or professionally used by him or her, other than by medical order issued by a practitioner authorized to prescribe, in accordance with subsection (4) of this section.
(2) Manufacturers, wholesalers, distributors, and reverse distributors shall keep records of all controlled substances compounded, mixed, cultivated, grown, or by any other process produced or prepared and of all controlled substances received and disposed of by them, in accordance with subsection (4) of this section.
(3) Pharmacies shall keep records of all controlled substances received and disposed of by them, in accordance with subsection (4) of this section.
(4)(a) The record of controlled substances received shall in every case show (i) the date of receipt, (ii) the name, address, and Drug Enforcement Administration number of the person receiving the controlled substances, (iii) the name, address, and Drug Enforcement Administration number of the person from whom received, (iv) the kind and quantity of controlled substances received, (v) the kind and quantity of controlled substances produced or removed from process of manufacture, and (vi) the date of such production or removal from process of manufacture.
(b) The record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all controlled substances sold, administered, dispensed, or otherwise disposed of shall show the date of selling, administering, or dispensing, the name and address of the person to whom or for whose use or the owner and species of animal for which the controlled substances were sold, administered, or dispensed, and the kind and quantity of controlled substances. For any lost, destroyed, or stolen controlled substances, the record shall list the kind and quantity of such controlled substances and the discovery date of such loss, destruction, or theft.
(c) Every such record shall be kept for a period of five years from the date of the transaction recorded.
(5) Any person authorized to compound controlled substances shall comply with section38-2867.01.

28-412.
Narcotic drugs; administration to narcotic-dependent person; violation; penalty.
(1) It is unlawful to prescribe any narcotic drug listed in section28-405, except buprenorphine, for the purpose of detoxification treatment or maintenance treatment except as provided in this section.
(2) A narcotic drug may be administered or dispensed to a narcotic-dependent person for detoxification treatment or maintenance treatment by a practitioner who is registered to provide detoxification treatment or maintenance treatment pursuant to section28-406.
(3) A narcotic drug may be administered or dispensed to a narcotic-dependent person when necessary to relieve acute withdrawal symptoms pending the referral of such person for detoxification treatment or maintenance treatment by a physician who is not registered to provide detoxification treatment or maintenance treatment under section28-406. Not more than one day's supply of narcotic drugs shall be administered or dispensed for such person's use at one time. Such treatment shall not be continued for more than three successive calendar days and may not be renewed or extended.
(4) A narcotic drug may be administered or dispensed in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment conditions other than dependence.
(5) Any person who violates this section is guilty of a Class IV felony.
(6) For purposes of this section:
(a) Detoxification treatment means the administering or dispensing of a narcotic drug in decreasing doses to a person for a specified period of time to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and to bring such person to a narcotic drug-free state within such period of time. Detoxification treatment includes short-term detoxification treatment and long-term detoxification treatment;
(b) Long-term detoxification treatment means detoxification treatment for a period of more than thirty days but not more than one hundred eighty days;
(c) Maintenance treatment means the administering or dispensing of a narcotic drug in the treatment of a narcotic-dependent person for a period of more than twenty-one days; and
(d) Short-term detoxification treatment means detoxification treatment for a period of not more than thirty days.

28-413.

Distribution to
another registrant; manner.
Controlled
substances listed in
Schedules I and II of section28-405shall be distributed by a registrant
to another registrant pursuant
to an order form or the electronic
controlled substance ordering system of the administration.
Compliance
with the provisions of the Controlled Substances Act, 21 U.S.C. 801 et seq.,
as such act existed on January
1, 2014, respecting order forms shall be deemed compliance with
this section.

28-414.
Controlled substance; Schedule II; prescription; requirements; contents; dispensing; powers and duties.
(1) Except as otherwise provided in this section or section28-412or when administered directly by a practitioner to an ultimate user, a controlled substance listed in Schedule II of section28-405shall not be dispensed without a prescription from a practitioner authorized to prescribe. All such prescriptions shall be subject to section38-1,146. No prescription for a controlled substance listed in Schedule II of section28-405shall be filled more than six months from the date of issuance. A prescription for a controlled substance listed in Schedule II of section28-405shall not be refilled.
(2)(a) Except as provided in subdivision (2)(b) of this section, a prescription for controlled substances listed in Schedule II of section28-405must contain the following information prior to being filled by a pharmacist or dispensing practitioner: (i) Patient's name and address, (ii) name of the drug, device, or biological, (iii) strength of the drug or biological, if applicable, (iv) dosage form of the drug or biological, (v) quantity of the drug, device, or biological prescribed, (vi) directions for use, (vii) date of issuance, (viii) prescribing practitioner's name and address, and (ix) Drug Enforcement Administration number of the prescribing practitioner.
(b) After consultation with the prescribing practitioner, a pharmacist may add or change the dosage form, drug strength, drug quantity, directions for use, and issue date for a prescription for a controlled substance listed in Schedule II of section28-405.
(c) If the prescription is a written paper prescription, the paper prescription must contain the prescribing practitioner's manual signature. If the prescription is an electronic prescription, the electronic prescription must contain all of the elements in subdivision (2)(a) of this section, must be digitally signed, and must be transmitted to and received by the pharmacy electronically to meet all of the requirements of the Controlled Substances Act, 21 U.S.C. 801 et seq., as it existed on January 1, 2014, pertaining to electronic prescribing of controlled substances.
(3)(a) In emergency situations, a controlled substance listed in Schedule II of section28-405may be dispensed pursuant to an oral prescription reduced to writing in accordance with subsection (2) of this section, except for the prescribing practitioner's signature, and bearing the word "emergency".
(b) For purposes of this section, emergency situation means a situation in which a prescribing practitioner determines that (i) immediate administration of the controlled substance is necessary for proper treatment of the patient, (ii) no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance listed in Schedule II of section28-405, and (iii) it is not reasonably possible for the prescribing practitioner to provide a signed, written or electronic prescription to be presented to the person dispensing the controlled substance prior to dispensing.
(4)(a) In nonemergency situations:
(i) A controlled substance listed in Schedule II of section28-405may be dispensed pursuant to a facsimile of a written, signed paper prescription if the original written, signed paper prescription is presented to the pharmacist for review before the controlled substance is dispensed, except as provided in subdivision (a)(ii) or (iii) of this subsection;
(ii) A narcotic drug listed in Schedule II of section28-405may be dispensed pursuant to a facsimile of a written, signed paper prescription (A) to be compounded for direct parenteral administration to a patient for the purpose of home infusion therapy or (B) for administration to a patient enrolled in a hospice care program and bearing the words "hospice patient"; and
(iii) A controlled substance listed in Schedule II of section28-405may be dispensed pursuant to a facsimile of a written, signed paper prescription for administration to a resident of a long-term care facility.
(b) For purposes of subdivisions (a)(ii) and (iii) of this subsection, a facsimile of a written, signed paper prescription shall serve as the original written prescription and shall be maintained in accordance with subsection (1) of section28-414.03.
(5)(a) A prescription for a controlled substance listed in Schedule II of section28-405may be partially filled if the pharmacist does not supply the full quantity prescribed and he or she makes a notation of the quantity supplied on the face of the prescription or in the electronic record. The remaining portion of the prescription may be filled no later than thirty days after the date on which the prescription is written. The pharmacist shall notify the prescribing practitioner if the remaining portion of the prescription is not or cannot be filled within such period. No further quantity may be supplied after such period without a new written, signed paper prescription or electronic prescription.
(b) A prescription for a controlled substance listed in Schedule II of section28-405written for a patient in a long-term care facility or for a patient with a medical diagnosis documenting a terminal illness may be partially filled. Such prescription shall bear the words

"terminally ill" or "long-term care facility patient" on its face or in the electronic record. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the prescribing practitioner prior to partially filling the prescription. Both the pharmacist and the prescribing practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient. For each partial filling, the dispensing pharmacist shall record on the back of the prescription or on another appropriate record, uniformly maintained and readily retrievable, the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The total quantity of controlled substances listed in Schedule II which is dispensed in all partial fillings shall not exceed the total quantity prescribed. A prescription for a Schedule II controlled substance for a patient in a long-term care facility or a patient with a medical diagnosis documenting a terminal illness is valid for sixty days from the date of issuance or until discontinuance of the prescription, whichever occurs first.

28-414.01.
Controlled substance; Schedule III, IV, or V; medical order, required; prescription; requirements; contents; pharmacist; authority to adapt prescription; duties.
(1) Except as otherwise provided in this section or when administered directly by a practitioner to an ultimate user, a controlled substance listed in Schedule III, IV, or V of section28-405shall not be dispensed without a written, oral, or electronic medical order. Such medical order is valid for six months after the date of issuance. Original prescription information for any controlled substance listed in Schedule III, IV, or V of section28-405may be transferred between pharmacies for purposes of refill dispensing pursuant to section38-2871.
(2) A prescription for controlled substances listed in Schedule III, IV, or V of section28-405must contain the following information prior to being filled by a pharmacist or dispensing practitioner: (a) Patient's name and address, (b) name of the drug, device, or biological, (c) strength of the drug or biological, if applicable, (d) dosage form of the drug or biological, (e) quantity of the drug, device, or biological prescribed, (f) directions for use, (g) date of issuance, (h) number of refills, including pro re nata or PRN refills, not to exceed five refills within six months after the date of issuance, (i) prescribing practitioner's name and address, and (j) Drug Enforcement Administration number of the prescribing practitioner. Beginning January 1, 2022, all such prescriptions shall be subject to section38-1,146, except that all such prescriptions issued by a practitioner who is a dentist shall be subject to section38-1,146beginning January 1, 2024. If the prescription is a written paper prescription, the paper prescription must contain the prescribing practitioner's manual signature. If the prescription is an electronic prescription, the electronic prescription must contain all of the elements in subdivisions (a) through (j) of this subsection, must be digitally signed, and must be transmitted to and received by the pharmacy electronically to meet all of the requirements of 21 C.F.R. 1311, as the regulation existed on January 1, 2014, pertaining to electronic prescribing of controlled substances.
(3)(a) A pharmacist who is exercising reasonable care and who has obtained patient consent may do the following:
(i) Change the quantity of a drug prescribed if:
(A) The prescribed quantity or package size is not commercially available; or
(B) The change in quantity is related to a change in dosage form;
(ii) Change the dosage form of the prescription if it is in the best interest of the patient and if the directions for use are also modified to equate to an equivalent amount of drug dispensed as prescribed;
(iii) Dispense multiple months' supply of a drug if a prescription is written with sufficient refills; and
(iv) Substitute any chemically equivalent drug product for a prescribed drug to comply with a drug formulary which is covered by the patient's health insurance plan unless the prescribing practitioner specifies "no substitution", "dispense as written", or "D.A.W." to indicate that substitution is not permitted. If a pharmacist substitutes any chemically equivalent drug product as permitted under this subdivision, the pharmacist shall provide notice to the prescribing practitioner or the prescribing practitioner's designee. If drug product selection occurs involving a generic substitution, the drug product selection shall comply with section38-28,111.
(b) A pharmacist who adapts a prescription in accordance with this subsection shall document the adaptation in the patient's pharmacy record.
(4) A controlled substance listed in Schedule III, IV, or V of section28-405may be dispensed pursuant to a facsimile of a written, signed paper prescription. The facsimile of a written, signed paper prescription shall serve as the original written prescription for purposes of this subsection and shall be maintained in accordance with subsection (2) of section28-414.03.
(5) A prescription for a controlled substance listed in Schedule III, IV, or V of section28-405may be partially filled if (a) each partial filling is recorded in the same manner as a refilling, (b) the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed, and (c) each partial filling is dispensed within six months after the prescription was issued.

28-414.02.
Prescription created, signed, transmitted,
and received electronically; records.
(1) If a prescription is created, signed,
transmitted, and received electronically, all records related to that prescription
must be retained electronically.
(2) Electronic
records must be maintained electronically for five years after the date of
their creation or receipt.

(3) Records regarding controlled substances must be readily retrievable from all other records. Electronic records must be easily readable or easily rendered into a format that a person can read.
(4) Records of electronic prescriptions for controlled substances shall be maintained in an application that meets the requirements of 21 C.F.R. 1311, as the regulation existed on January 1, 2014. The computers on which the records are maintained may be located at another location, but the records must be readily retrievable at the registered location if requested by an agent of the department or the administration or other law enforcement agent. The electronic application must be capable of printing out or transferring the records in a format that is readily understandable to an agent of the department or the administration or other law enforcement agent at the registered location.

28-414.03.
Controlled substances; maintenance of records; label.
(1) Paper prescriptions for all controlled substances listed in Schedule II of section28-405shall be kept in a separate file by the dispensing practitioner and shall be maintained for a minimum of five years. The practitioner shall make all such files readily available to the department and law enforcement for inspection without a search warrant.
(2) Prescriptions for all controlled substances listed in Schedule III, IV, or V of section28-405shall be maintained either separately from other prescriptions or in a form in which the information required is readily retrievable from ordinary business records of the dispensing practitioner and shall be maintained for a minimum of five years. The practitioner shall make all such records readily available to the department, the administration, and law enforcement for inspection without a search warrant.
(3) Before dispensing any controlled substance listed in Schedule II, III, IV, or V of section28-405, the dispensing practitioner shall affix a label to the container in which the controlled substance is dispensed. Such label shall bear the name and address of the pharmacy or dispensing practitioner, the name of the patient, the date of filling, the serial number of the prescription under which it is recorded in the practitioner's prescription records, the name of the prescribing practitioner, and the directions for use of the controlled substance. Unless the prescribing practitioner writes "do not label" or words of similar import on the original paper prescription or so designates in an electronic prescription or an oral prescription, such label shall also bear the name of the controlled substance.
(4) For multidrug containers, more than one drug, device, or biological may be dispensed in the same container when (a) such container is prepackaged by the manufacturer, packager, or distributor and shipped directly to the pharmacy in this manner or (b) the container does not accommodate greater than a thirty-one-day supply of compatible dosage units and is labeled to identify each drug or biological in the container in addition to all other information required by law.
(5) If a pharmacy fills prescriptions for controlled substances on behalf of another pharmacy under contractual agreement or common ownership, the prescription label shall contain the Drug Enforcement Administration number of the pharmacy at which the prescriptions are filled.

28-414.04.
Controlled substance; transfer.
A registrant who is the owner of a controlled substance may transfer:
(1) Any controlled substance listed in Schedule I or II of section28-405to another registrant as provided by law or by rule and regulation of the department; and
(2) Any controlled substance listed in Schedule III, IV, or V of section28-405to another registrant if such owner complies with subsection (4) of section28-411.

28-414.05.
Controlled substance; destruction; records.
(1) The owner of any stock of controlled substances may cause such controlled substances to be destroyed pursuant to this section when the need for such substances ceases. Complete records of the destruction of controlled substances pursuant to this section shall be maintained by the registrant for five years after the date of destruction.
(2) If the owner is a registrant:

(a) Controlled substances listed in Schedule II, III, IV, or V of section28-405may be destroyed by a pharmacy inspector, by a reverse distributor, or by the administration. Upon destruction, any forms required by the administration to document such destruction shall be completed;
(b) Liquid controlled substances in opened containers which originally contained fifty milliliters or less or compounded liquid controlled substances within the facility where they were compounded may be destroyed if witnessed by two individuals credentialed under the Uniform Credentialing Act and designated by the facility and recorded in accordance with subsection (4) of section28-411; or
(c) Solid controlled substances in opened unit-dose containers or which have been adulterated within a hospital where they were to be administered to patients in such hospital may be destroyed if witnessed by two individuals credentialed under the Uniform Credentialing Act and designated by the hospital and recorded in accordance with subsection (4) of section28-411.
(3) If the owner is a resident of a long-term care facility or hospital, a controlled substance listed in Schedule II, III, IV, or V of section28-405shall be destroyed by two individuals credentialed under the Uniform Credentialing Act and designated by the facility or hospital.

28-414.06.
Controlled substance; practitioner; provide information; limit on liability or penalty.
(1) Any practitioner who gives information to a law enforcement officer or professional board appointed pursuant to the Uniform Credentialing Act shall not be subject to any civil, criminal, or administrative liability or penalty for giving such information.
(2) As used in this section, unless the context otherwise requires:
(a) Information means information regarding unlawfully obtaining or attempting to obtain from a practitioner (i) a controlled substance, (ii) a written or oral prescription for a controlled substance, or (iii) the administration of a controlled substance; and
(b) Law enforcement officer has the definition found in section81-1401.

28-414.07.
Controlled substances; chemical analysis; admissible as evidence in preliminary hearing.
Whenever matter is submitted to the criminalistics laboratory of the Nebraska State Patrol for chemical analysis to determine if the matter is, or contains, a controlled substance, the report of that analysis shall be admissible in any preliminary hearing in any court in Nebraska as prima facie evidence of the identity, nature, and quantity of the matter analyzed. Nothing in this section is intended to require the use of a laboratory report in a preliminary hearing or to prohibit the use of other evidence, including circumstantial evidence, in the preliminary hearing to establish the identity, nature, and quantity of a controlled substance.

28-415.
Narcotic drugs; label; requirements.
(1) A manufacturer, distributor, or packager who sells or dispenses a narcotic drug or a wholesaler who sells or dispenses a narcotic drug in a package prepared by him or her shall securely affix a label to each package in which such drug is contained showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except a pharmacy for the purpose of filling a medical order under the Uniform Controlled Substances Act, shall

alter, deface, or remove any label so affixed.
(2) A pharmacy that sells or dispenses any narcotic drug
on a prescription issued by a practitioner shall affix a label to the container
in which such drug is sold or dispensed pursuant to subsection (3) of section28-414.03. No
person shall alter, deface, or remove any label so affixed.

28-416.
Prohibited acts; violations; penalties.
(1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally:
(a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.
(2) Except as provided in subsections (4), (5), (7), (8), (9), and (10) of this section, any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I, II, or III of section28-405which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section28-405shall be guilty of a Class IIA felony; or (c) a controlled substance classified in Schedule IV or V of section28-405shall be guilty of a Class IIIA felony.
(3) A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(27) of Schedule I of section28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony. A person shall not be in violation of this subsection if section28-472or28-1701applies.
(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.
(b) For purposes of this subsection:
(i) Playground means any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;
(ii) Video arcade facility means any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and
(iii) Youth center means any recreational facility or gymnasium, including any parking lot appurtenant to the facility or gymnasium, intended primarily for use by persons under eighteen years of age which regularly provides athletic, civic, or cultural activities.
(5)(a) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.
(b) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.
(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.
(6) It shall not be a defense to prosecution for violation of subsection (4) or (5) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.
(7) Any person who violates subsection (1) of this section with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:
(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.
(8) Any person who violates subsection (1) of this section with respect to base cocaine (crack) or any mixture or substance

containing a detectable amount of base cocaine in a quantity of:
(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.
(9) Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:
(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.
(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers, and salts of its isomers, or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:
(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.
(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.
(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.
(13) Except as provided in section28-1701, any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(27) of Schedule I of section28-405shall:
(a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course as prescribed in section29-433if the judge determines that attending such course is in the best interest of the individual defendant;
(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and
(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.
(14) Any person convicted of violating this section, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility.
(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.
(16) Any person knowingly or intentionally possessing a firearm while in violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, but in no event shall such person be punished by a penalty greater than a Class IB felony.
(17) A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of subsection (1) of this section shall be guilty of a Class IV felony.
(18) In addition to the existing penalties available for a violation of subsection (1) of this section, including any criminal attempt or conspiracy to violate subsection (1) of this section, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, following conviction for a violation of subsection (1) of this section, and conducted pursuant to section28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of subsection (1) of this section.
(19) In addition to the penalties provided in this section:
(a) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:
(i) For the first offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for thirty days and (B) require such person to attend a drug education class;
(ii) For a second offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for ninety days and (B) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend a drug education class; and
(iii) For a third or subsequent offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for twelve months and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor; and
(b) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and does not have a permit or license issued under the Motor Vehicle Operator's License Act:
(i) For the first offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of

such order and (B) require such person to attend a drug education class;
(ii) For a second offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (B) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend a drug education class; and
(iii) For a third or subsequent offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.
A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections60-497.01to60-497.04if a license or permit is impounded or a juvenile is prohibited from obtaining a license or permit under this subsection.

28-417.
Unlawful acts; violations; penalty.
(1) It shall be unlawful for any person:
(a) To omit, remove, alter, or obliterate a symbol required by the federal Controlled Substances Act, 21 U.S.C. 801 et seq., as the act existed on September 1, 2001, or required by the laws of this state;
(b) To alter, deface, or remove any label affixed to a package of narcotic drugs;
(c) To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under the Uniform Controlled Substances Act;
(d) To refuse any entry into any premises for inspection authorized by the act;
(e) To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or place whatever which such person knows or should know is resorted to by persons using controlled substances in violation of the Uniform Controlled Substances Act for the purpose of using such substances or which is used for the keeping or selling of the same in violation of the act;
(f) To whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner or the owner of any animal for which any such substance has been prescribed, sold, or dispensed by a veterinarian to possess it in a container other than which it was delivered to him or her by the practitioner; or
(g) To be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled substance.
(2) Any person who violates this section shall be guilty of a Class III misdemeanor.

28-418.
Intentional
violations; penalty.
(1) It shall be unlawful
for any person knowingly or intentionally:
(a) Who is a registrant to distribute a controlled substance
classified in Schedule I or II of section28-405in the course of his or her
legitimate business except in
compliance with section28-413;
(b) To use in the course of the manufacture or distribution
of a controlled substance a registration number which is fictitious, revoked,
suspended, or issued to another person;
(c) To acquire or obtain or to attempt to acquire or obtain
possession of a controlled substance by theft, misrepresentation, fraud, forgery,
deception, or subterfuge;
(d) To furnish false or fraudulent material information in
or omit any material information from any application, report, or other document
required to be kept or filed under the Uniform Controlled Substances Act or
any record required to be kept by the act;
(e) To make, distribute, or possess any punch, die, plate,
stone, or other thing designed to print, imprint, or reproduce the trademark,
trade name, or other identifying mark, imprint, or device of another or any
likeness of any of the foregoing upon any drug or container or labeling thereof
so as to render such drug a counterfeit controlled substance;

(f) Who is subject to sections28-406to28-414.05to
distribute or dispense a controlled substance in violation of sections28-414to28-414.05;
(g) Who is a registrant to manufacture a controlled substance
not authorized by his or her registration or to distribute or dispense a controlled
substance not authorized by his or her registration to another registrant
or authorized person;
(h) To possess a false or forged medical order for a controlled
substance issued by a practitioner authorized to prescribe, except that this
subdivision shall not apply to law enforcement officials, practitioners, or
attorneys in the performance of their official lawful duties; or
(i) To communicate information to a practitioner in an effort
to unlawfully procure a controlled substance, the administration of a controlled
substance, or a medical order for a controlled substance issued by a practitioner
authorized to prescribe.
(2) Any person who violates this section shall be guilty
of a Class IV felony.

28-419.
Inhaling or drinking certain intoxicating substances; unlawful.
No person shall breathe, inhale, or drink any compound, liquid, or chemical containing acetate, acetone, benzene, butyl alcohol, cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride, ethylene trichloride, hexane, isopropanol, isopropyl alcohol, methyl alcohol, methyl cellosolve acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophenol, petroleum ether, toluene, toluol, trichloroathane, trichloroethylene, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental, or nervous processes. For the purposes of sections28-419to28-424, any such condition so induced shall be deemed an intoxicated condition.

28-420.
Selling or offering for sale certain compounds; use; knowledge of seller; unlawful.
No person shall knowingly sell or offer for sale, deliver or give to any person any compound, liquid or chemical or any other substance which will induce an intoxicated condition as defined in section28-419, when the seller, offerer or deliverer knows or has reason to know that such compound is intended for use to induce such condition.

28-421.
Act, exceptions.
The
provisions of sections28-419to28-424shall not apply to the use or sale
of such substances, as defined in sections28-419and28-420, when such use
or sale is administered or prescribed for medical or dental purposes, nor
shall the provisions of sections28-419to28-424apply to the use or sale
of alcoholic liquors as defined by section53-103.02.

28-422.
Selling or offering for sale certain compounds; register; maintain for one year.
Every person selling or offering for sale at retail any of the substances as defined in section28-419, shall maintain a register in which are recorded the date of each sale, the quantity sold, and the name and address of the purchaser. The record of each sale shall be available for inspection by any peace officer for at least one year.

28-423.
Inducing or enticing; violation.
No person shall induce or entice any person to violate the provisions of section28-419,28-420, or28-422.

28-424.
Violations; penalty.
Any person who violates any provision of section28-419,28-420,28-422, or28-423shall be guilty of a Class III misdemeanor.

28-427.
Additional penalties.
Any penalty imposed for violation of the Uniform Controlled Substances Act shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law. A conviction or acquittal under federal law or the law of another state having a

substantially similar law shall be a bar to prosecution in this state for the same act. If any person is convicted for violation of the Uniform Controlled Substances Act, in addition to any penalty imposed by the court, the court may order that such person make restitution to any law enforcement agency for reasonable expenditures made in the purchase of any controlled substances from such person or his or her agent as part of the investigation leading to such conviction.

28-428.
Controlled premises, defined; inspection; procedure.
(1) Administrative inspections of controlled premises are authorized in accordance with the following provisions:
(a) For purposes of the Uniform Controlled Substances Act only, controlled premises shall mean: (i) Places where persons registered or exempted from registration requirements under the act are required to keep records; and (ii) places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under the act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance;
(b) When so authorized by an administrative inspection or an officer of the Division of Drug Control or an authorized agent of the department, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting an administrative inspection;
(c) When so authorized by an administrative inspection warrant, an officer of the Division of Drug Control or an authorized agent of the department shall have the right: (i) To inspect and copy records required by the act to be kept; (ii) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling found therein, and, except as otherwise provided in subdivision (1)(e)(ii) of this section, all other things therein, including records, files, papers, processes, controls, and facilities, bearing on any violation of the act; and (iii) to inventory any stock of any controlled substance therein and obtain samples of any such substance;
(d) This section shall not be construed to prevent entries and administrative inspections including seizures of property without a warrant: (i) With the consent of the owner, operator, or agent in charge of the controlled premises; (ii) in situations presenting imminent danger to health or safety; (iii) in situations involving inspection of any conveyance when there is reasonable cause to believe that such conveyance contains substances possessed or carried in violation of the act; (iv) in any other exceptional or emergency circumstance when time or opportunity to apply for a warrant is lacking; and (v) in all other situations when a warrant is not constitutionally required; and
(e) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to (i) financial data; (ii) sales data other than shipment data; or (iii) pricing data.
(2) For the purpose of the execution of administrative inspection warrants, an authorized agent of the department shall be deemed to be a peace officer.
(3) Issuance and execution of administrative inspection warrants for controlled premises shall be in accordance with the provisions of sections29-830to29-835, except that inspection warrants for the purpose of the act shall be issued not only upon a showing that consent to entry for inspection purposes has been refused, but also in all cases when the judge of a court of record has been given reason to believe that consent would be refused if requested.

28-429.
Division of Drug Control; established;
personnel; powers and duties; Nebraska State Patrol Drug Control and Education
Cash Fund; created; use; investment; report; contents.
(1)
There is hereby established in the Nebraska State Patrol a Division of Drug Control. The division shall consist of such personnel as may be designated by the Superintendent of Law Enforcement and Public Safety. It shall be the duty of the division to enforce all of the provisions of the Uniform Controlled Substances Act and any other provisions of the law dealing with controlled substances and to conduct drug education activities as directed by the superintendent. The Nebraska State Patrol shall cooperate with federal agencies, the department, other state agencies, elementary and secondary schools, and County Drug Law Enforcement and Education Fund Boards in discharging their responsibilities concerning traffic in controlled substances, in suppressing the abuse of controlled substances, and in conducting drug education activities. To this end the division is authorized to: (a) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances; (b) coordinate and cooperate in training programs on controlled substance law enforcement and education at the local and state levels; (c) establish a centralized unit which will accept, catalog, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make such information available for federal, state, and local law enforcement purposes on request; (d) cooperate in locating, eradicating,

and destroying wild or illicit growth of plant species from which controlled substances may be extracted, and for these purposes a peace officer is hereby authorized to enter onto property upon which there are no buildings or upon which there are only uninhabited buildings without first obtaining a search warrant or consent; (e) develop a priority program so as to focus the bulk of its efforts on the reduction and elimination of the most damaging drugs including narcotic drugs, depressant and stimulant drugs, and hallucinogenic drugs; and (f) develop and conduct drug education activities in cooperation with elementary and secondary schools in Nebraska and with County Drug Law Enforcement and Education Fund Boards.

(2) There is hereby created the Nebraska State Patrol Drug Control and Education Cash Fund which shall be used for the purposes of (a) obtaining evidence for enforcement of any state law relating to the control of drug abuse and (b) drug education activities conducted pursuant to subsection (1) of this section, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Nebraska State Patrol Drug Control and Education Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) For the purpose of establishing and maintaining legislative oversight and accountability, the Appropriations Committee of the Legislature shall formulate record-keeping procedures to be adhered to by the Nebraska State Patrol for all expenditures, disbursements, and transfers of cash from the Nebraska State Patrol Drug Control and Education Cash Fund. Based on these record-keeping procedures, the Nebraska State Patrol shall prepare and electronically deliver to the Clerk of the Legislature at the commencement of each succeeding session a detailed report which shall contain, but not be limited to: (a) Current total in the cash fund; (b) total amount of expenditures; (c) purpose of the expenditures to include: (i) Salaries and any expenses of all agents and informants; (ii) front money for drug purchases; (iii) names of drugs and quantity of purchases; (iv) amount of front money recovered; and (v) drug education activities; (d) total number of informers on payroll; (e) amounts delivered to patrol supervisors for distribution to agents and informants and the method of accounting for such transactions and the results procured through such transactions; and (f) a description of the drug education activities conducted since the date of the previous report. Each member of the Legislature shall receive an electronic copy of such report by making a request for it to the superintendent.

(4) The superintendent shall adopt and promulgate rules and regulations to carry out this section.

28-430.

Department; enforce act; powers.

The department shall enforce the Uniform Controlled Substances Act and shall cooperate with federal agencies, the Division of Drug Control, and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it is authorized to: (1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances; (2) cooperate with the Drug Enforcement Administration and the Federal Bureau of Investigation; (3) do drug accountability audits of all registered practitioners in accordance with the act; (4) provide laboratory analysis; (5) provide drug abuse education to schools, courts, and persons requesting it; and (6) rely on results, information, and evidence received from the Drug Enforcement Administration and the Federal Bureau of Investigation relating to the regulatory functions of the act, including results of inspections conducted by that agency, which may be acted upon by the department and the Division of Drug Control in the performance of their regulatory functions under the act.

28-431.

Seized without warrant; subject to forfeitures; disposition; manner; when; accepted as evidence; court costs and expenses; report to Auditor of Public Accounts; contents.

(1) The following shall be seized with or without a warrant by an officer of the Division of Drug Control or by any peace officer and the same shall be subject to forfeiture: (a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of the Uniform Controlled Substances Act; (b) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, administering, delivering, importing, or exporting any controlled substance in violation of the act; (c) all lookalike substances; (d) all property which is used, or is intended for use, as

a container for property described in subdivisions (a) and (b) of this subsection; (e) all drug paraphernalia defined in section28-439; (f) all books, records, and research, including, but not limited to, formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of the act; (g) all conveyances including, but not limited to, aircraft, vehicles, or vessels which are used, or intended for use, in transporting any controlled substance with intent to manufacture, distribute, deliver, dispense, export, or import such controlled substance in violation of the act; and (h) all money used, or intended to be used, to facilitate a violation of the act.
(2) Any property described in subdivision (1)(g) of this section which is used, or intended for use, to transport any property described in subdivision (1)(a) or (b) of this section is hereby declared to be a common nuisance, and any peace officer having probable cause to believe that such property is so used, or intended for such use, shall make a search thereof with or without a warrant.
(3) All money that a law enforcement agency proves was furnished by such agency shall be returned to the agency. All property seized without a search warrant shall not be subject to a replevin action and: (a) All property described in subdivisions (1)(a) through (1)(f) of this section shall be kept by the property division of the law enforcement agency which employs the officer who seized such property for so long as it is needed as evidence in any trial; and (b) when no longer required as evidence, all property described in subdivision (1)(f) of this section shall be disposed of on order of a court of record of this state in such manner as the court in its sound discretion shall direct, and all property described in subdivisions (1)(a), (b), (c), (d), and (e) of this section, that has been used or is intended to be used in violation of the act, when no longer needed as evidence shall be destroyed by the law enforcement agency holding the same or turned over to the department for custody or destruction, except that a law enforcement agency may keep a small quantity of the property described in subdivisions (1)(a), (b), (c), (d), and (e) of this section for training purposes or use in investigations. Any large quantity of property described in subdivisions (1)(a), (b), (c), (d), and (e) of this section, whether seized under a search warrant or validly seized without a warrant, may be disposed of on order of a court of record of this state in such manner as the court in its sound discretion shall direct. Such an order may be given only after a proper laboratory examination and report of such property has been completed and after a hearing has been held by the court after notice to the defendant of the proposed disposition of the property. The findings in such court order as to the nature, kind, and quantity of the property so disposed of may be accepted as evidence at subsequent court proceedings in lieu of the property ordered destroyed by the court order.
(4) When any property described in subdivision (1)(g) or (h) of this section is seized, the person seizing the same shall cause to be filed, within ten days thereafter, in the district court of the county in which seizure was made, petition for disposition of such property. The proceedings shall be brought in the name of the state by the county attorney of the county in which such property was seized. The petition shall describe the property, state the name of the owner if known, allege the essential elements of the violation which is claimed to exist, and conclude with a prayer for disposition. The county attorney shall have a copy of the petition served upon the owner of or any person having an interest in the property, if known, in person or by registered or certified mail at his or her last-known address. If the owner is unknown or there is a reasonable probability that there are unknown persons with interests in the property, the county attorney shall provide notice of the seizure and petition for disposition by publication once a week for four consecutive weeks in a newspaper of general circulation in the county of the seizure. At least five days shall elapse between each publication of notice.
(5) At any time after seizure and prior to court disposition, the owner of record of such property may petition the district court of the county in which seizure was made to release such property, and the court shall order the release of the property upon a showing by the owner that he or she had no actual knowledge that such property was being used in violation of the Uniform Controlled Substances Act.
(6) Any person having an interest in the property proceeded against or any person against whom civil or criminal liability would exist if such property is in violation of the act may, within thirty days after seizure, appear and file an answer or demurrer to the petition. The answer or demurrer shall allege the claimant's interest in or liability involving such property. At least thirty but not more than ninety days after seizure, there shall be a hearing before the court. If the claimant proves by a preponderance of the evidence that he or she (a) has not used or intended to use the property to facilitate an offense in violation of the act, (b) has an interest in such property as owner or lienor or otherwise, acquired by him or her in good faith, and (c) at no time had any actual knowledge that such property was being or would be used in, or to facilitate, the violation of the act, the court shall order that such property or the value of the claimant's interest in such property be returned to the claimant. If there are no claims, if all claims are denied, or if the value of the property exceeds all claims granted and it is shown by clear and convincing evidence that such property was used in violation of the act, the court shall order disposition of such property at such time as the property is no longer required as evidence in any criminal proceeding. The court may order that property described in subdivision (1)(g) of this section be sold or put to official use by the confiscating agency for a period of not more than one year and that when such property is no longer necessary for official use or at the end of two years, whichever comes first, such property shall be sold. Proceeds from the sale of the property and any money described in subdivision (1)(h) of this section shall be distributed pursuant to section28-1439.02. Official use shall mean use directly in connection with enforcement of the act.
(7) Any court costs and fees and storage and other proper expenses shall be charged against any person intervening as claimant or owner of the property unless such person shall establish his or her claim. If a sale is ordered, the officer holding the sale shall make a return to the court showing to whom the property was sold and for what price. This return together with the court order shall authorize the county treasurer to issue a title to the purchaser of the property if such title is required under the laws of this state.
(8)(a) For all money, securities, negotiable instruments, firearms, conveyances, or real estate seized pursuant to this section, the Division of Drug Control, any peace officer, or, as provided in subdivision (d) of this subsection, the prosecuting attorney shall

provide a written report of the seizure to the Auditor of Public Accounts. The report shall include:
(i) The date of the seizure;
(ii) The type of property seized, such as a vehicle or currency;
(iii) A description of the property seized, including, if applicable, the make, model, year, and serial number of the property seized;
(iv) The street name and traffic direction where the seizure occurred, such as eastbound, westbound, southbound, or northbound;
(v) The crime for which the suspect was charged;
(vi) The disposition of the property seized through the forfeiture process, such as the property was returned to the suspect, returned to a third-party owner, sold, destroyed, or retained by law enforcement;
(vii) The basis for disposition of the seized property, such as the suspect was found not guilty, agreement for disposition, criminal forfeiture, or civil forfeiture;
(viii) The value of the property forfeited;
(ix) If the seizure resulted from a motor vehicle stop, (A) whether a warning or citation was issued, an arrest was made, or a search was conducted and (B) the characteristics of the race or ethnicity of the suspect. The identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the motor vehicle stop. The information shall not be required to be provided by the suspect; and
(x) Any additional information the Division of Drug Control or peace officer deems appropriate.
(b) Reports shall be made on an annual basis in a manner prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts shall submit a report to the Legislature on the nature and extent of such seizures on an annual basis. Such report shall be submitted electronically.
(c) For seizures resulting from the activities of multijurisdictional law enforcement entities, a law enforcement entity other than a Nebraska law enforcement entity shall, on its own initiative, report the information required by this subsection.
(d) The prosecuting attorney is not required to report information required by this subsection unless he or she has been notified by the Auditor of Public Accounts that the Division of Drug Control or any peace officer has not reported the information required by this subsection.

28-432.
Complaint, pleading, or proceeding; burden of proof.
(1) It shall not be necessary for the state to negate any exemption or exception set forth in the Uniform Controlled Substances Act in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under the provisions of the act, and the burden of proof of any such exemption or exception shall be upon the person claiming its benefit.
(2) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under the Uniform Controlled Substances Act, the person shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him or her to rebut such presumption.

28-433.
Appeal; procedure.
All final determinations, findings, and conclusions of the department under the Uniform Controlled Substances Act shall be final and conclusive decisions of the matters involved, except that any person aggrieved by such decision may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

28-434.
Education and research.
(1) The department and the Division of Drug Control shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with such programs they may: (a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations; (b) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances; (c) consult with interested groups and organizations to aid them in solving administrative and organizational problems; (d) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances; (e) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and (f) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.
(2) The department may encourage research on misuse and abuse of controlled substances. In connection with such research and in furtherance of the enforcement of the Uniform Controlled Substances Act, it may: (a) Establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse; (b) make studies and undertake programs of research to (i) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of the act, (ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof, and (iii) improve methods for preventing, predicting, understanding, and dealing with the misuse and abuse of controlled substances; and (c) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(3) The department may enter into contracts for educational and research activities without performance bonds.
(4) The department shall cooperate with the Division of Drug Control providing technical advice and information, including all evidence of violations of the act disclosed by drug accountability inspections. The criminalistics laboratory of the Nebraska State Patrol shall provide laboratory analysis for the Division of Drug Control and other peace officers of this state when requested for the effective administration and enforcement of the act.
(5) The department may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of persons who are subjects of such research. Persons who obtain such authorization may not be compelled in any state, civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.
(6) The department may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from state prosecution for possession and distribution of controlled substances to the extent authorized by the department.

28-435.
Licensee; reporting and investigation duties.
Every licensee subject to the Uniform Controlled Substances Act shall be subject to and comply with sections38-1,124to38-1,126relating to reporting and investigations.

28-435.01.
Health care
facility; peer review organization or professional association; report required; contents; confidentiality; immunity; failure to report; civil penalty; disposition.
(1) A health care facility licensed under the Health Care
Facility Licensure Act or a peer review organization or professional association relating to a profession regulated under the Uniform Controlled Substances Act shall report to the department, on a form and in the manner specified by the department, any facts known to the facility, organization, or association, including, but not limited to, the identity of the credential holder and consumer, when the facility, organization, or association:
(a) Has made payment due to adverse judgment, settlement, or award of a professional liability claim against it or a licensee, including settlements made prior to suit, arising out of the acts or omissions of the licensee; or
(b) Takes action adversely affecting the privileges or membership of a licensee in such facility, organization, or association due to alleged incompetence, professional negligence, unprofessional conduct, or physical, mental, or chemical impairment.
The report shall be made within thirty days after the date of the action or event.
(2) A report made to the department under this section shall be confidential. The facility, organization, association, or person making such report shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. Nothing in this subsection shall be construed to require production of records protected by the Health Care
Quality Improvement Act or section25-12,123or patient safety work product under the Patient Safety Improvement Act except as otherwise provided in either
of such acts or such section.
(3) Any health care facility, peer review organization, or professional association that fails or neglects to make a report or provide information as required under this section is subject to a civil penalty of five hundred dollars for the first offense and a civil penalty of up to one thousand dollars for a subsequent offense. Any civil penalty collected under this subsection shall be remitted to the State Treasurer to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska.
(4) For purposes of this section, the department shall accept reports made to it under the Nebraska Hospital-Medical Liability Act or in accordance with national practitioner data bank requirements of the federal

Health Care Quality Improvement Act of 1986, as the act existed on January 1, 2007, and may require a supplemental report to the extent such reports do not contain the information required by the department.

28-435.02.
Insurer; duty to report violations.
(1) Unless such knowledge or information is based on confidential medical records protected by the confidentiality provisions of the federal Public Health Services Act, 42 U.S.C. 290dd-2, and federal administrative rules and regulations, as such act and rules and regulations existed on January 1, 2007:
(a) Any insurer having knowledge of any violation of any provision of the Uniform Controlled Substances Act governing the profession of the person being reported whether or not such person is licensed shall report the facts of such violation as known to such insurer to the department; and
(b) All insurers shall cooperate with the department and provide such information as requested by the department concerning any possible violations by any person required to be licensed whether or not such person is licensed.
(2) Such reporting shall be done on a form and in the manner specified pursuant to sections38-1,130and38-1,131. Such reports shall be subject to sections38-1,132to38-1,136.

28-435.03.
Clerk of county or district court; report convictions and judgments; Attorney General or city or county prosecutor; provide information.
The clerk of any county or district court in this state shall report to the department the conviction of any person licensed by the department under the Uniform Controlled Substances Act of any felony or of any misdemeanor involving the use, sale, distribution, administration, or dispensing of a controlled substance, alcohol or chemical impairment, or substance abuse and shall also report a judgment against any such licensee arising out of a claim of professional liability. The Attorney General or city or county prosecutor prosecuting any such criminal action and plaintiff in any such civil action shall provide the court with information concerning the license of the defendant or party. Notice to the department shall be filed within thirty days after the date of conviction or judgment in a manner agreed to by the Director of Public Health of the Division of Public Health and the State Court Administrator.

28-437.
Uniformity of interpretation.
The Uniform Controlled Substances Act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of the act among those states which enact it.

28-439.
Drug paraphernalia, defined; enumerated.
As used in sections28-101,28-431, and28-439to28-444, unless the context otherwise requires, drug paraphernalia shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of sections28-101,28-431, and28-439to28-444or the Uniform Controlled Substances Act. It shall include, but not be limited to, the following:
(1) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
(2) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
(3) Hypodermic syringes, needles, and other objects used, intended for use, and designed for use in parenterally injecting controlled substances into the human body; and
(4) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, which shall include but not be limited to the following:
(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(b) Water pipes;
(c) Carburetion tubes and devices;
(d) Smoking and carburetion masks;
(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, which has become too small or too short to be held in the hand;
(f) Miniature cocaine spoons, and cocaine vials;
(g) Chamber pipes;
(h) Carburetor pipes;
(i) Electric pipes;
(j) Air-driven pipes;
(k) Chillums;

(l) Bongs; and
(m) Ice pipes or chillers.

28-440.
Drug paraphernalia; determination; factors considered.
In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
(1) Statements by an owner or by anyone in control of the object concerning its use;
(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
(3) The proximity of the object, in time and space, to a direct violation of this act;
(4) The proximity of the object to any controlled substance;
(5) The existence of any residue of a controlled substance on the object;
(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person whom he or she knows, or should reasonably know, intends to use the object to facilitate a violation of sections28-101,28-431, and28-439to28-444. The innocence of an owner, or of anyone in control of the object, as to a direct violation of sections28-101,28-431, and28-439to28-444shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
(7) Instructions, oral or written, provided with the object concerning its use;
(8) Descriptive materials accompanying the object which explain or depict its use;
(9) National and local advertising concerning its use;
(10) The manner in which the object is displayed for sale;
(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
(12) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
(13) The existence and scope of any legitimate use for the object in the community; and
(14) Expert testimony concerning its use.

28-441.
Drug paraphernalia; use or possession; unlawful; penalty.
(1) It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of sections28-101,28-431, and28-439to28-444.
(2) Any person who violates this section shall be guilty of an infraction.
(3) A person shall not be in violation of this section if section28-472or28-1701applies.

28-442.
Drug paraphernalia; deliver or manufacture; unlawful; exception; penalty.
(1) It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances in which one reasonably should know, that it will be used to manufacture, inject, ingest, or inhale or otherwise be used to introduce into the human body a controlled substance in violation of sections28-101,28-431, and28-439to28-444.
(2) This section shall not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases.
(3) Any person who violates this section shall be guilty of a Class II misdemeanor.

28-443.
Delivery of drug paraphernalia to a minor; penalty.
Any person eighteen years of age or older who violates section28-442by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior shall be guilty of a Class I misdemeanor.

28-444.
Advertisement of drug paraphernalia; unlawful; penalty.
(1) It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
(2) Any person who violates this section shall be guilty of a Class III misdemeanor.

28-445.
Imitation controlled

substance; prohibited acts; determination; penalties; seizure.
(1) Any person who knowingly and intentionally manufactures, distributes, delivers, or possesses with intent to distribute or deliver an imitation controlled substance shall:
(a) For the first offense, be guilty of a Class III misdemeanor; and
(b) For the second and all subsequent offenses, be guilty of a Class II misdemeanor.
(2) In determining whether a substance is an imitation controlled substance the court or other authority concerned shall consider all relevant factors, including, but not limited to, the following:
(a) Whether the substance is represented as having an effect similar to or the same as an illicit controlled substance;
(b) Whether the substance is represented by way of terminology which is deceptively similar to or the same as that describing a particular controlled substance;
(c) Whether the dosage unit price substantially exceeds the reasonable price of a similar dosage unit of like chemical composition sold over the counter;
(d) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter sales and contained the packaging and labeling information approved by the federal Food and Drug Administration;
(e) Whether the substance is packaged in a manner and quantity similar to or the same as that commonly used for illicit controlled substances;
(f) Whether the dosage unit appearance of the substance is deceptively similar to that of a particular controlled substance;
(g) Whether the substance is distributed to persons who represent it as a controlled substance or controlled substance analogue, under circumstances which indicate the distributor knows, intends, or should know that his or her distributee is making or will make such representations; and
(h) Whether the person in possession or control of the substance utilized deception, fraud, or evasive tactics or actions to prevent the seizure, discovery, or detection of the substance by law enforcement.
(3) Any substance possessed, distributed, or delivered in violation of this section shall be subject to seizure and forfeiture as provided in section28-431.

28-449.
Crystalline iodine; sale; requirements.
Any person who sells crystalline iodine to another person shall require photo identification of the purchaser and shall maintain a written record for a period of five years after the sale, including the date of the sale, the name, address, and date of birth of the purchaser, and the quantity purchased.

28-450.
Ephedrine, pseudoephedrine, or phenylpropanolamine; immediate precursor; prohibited acts; violation; penalty.
No person shall sell, distribute, or otherwise transfer any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the person knows that the transferee will use the drug product as an immediate precursor to any controlled substance. No person shall unlawfully sell, distribute, or otherwise transfer such a product with reckless disregard as to how the drug product will be used. Any person who violates this section is guilty of a Class III misdemeanor.

28-451.
Anhydrous ammonia; possession; penalty.
No person shall possess anhydrous ammonia with the intent to manufacture methamphetamine. Any person who violates this section

is guilty of a Class IV felony.

28-452.
Ephedrine, pseudoephedrine, or phenylpropanolamine; possession; penalty.
No person shall possess ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, with the intent to manufacture methamphetamine. Any person who violates this section is guilty of a Class IV felony.

28-453.
Methamphetamine; retailer education program.
The Nebraska State Patrol may develop and maintain a program to inform retailers about illicit methamphetamine production, distribution, and use in Nebraska and devise procedures and forms for retailers to use in reporting to the patrol suspicious purchases, thefts, or other transactions involving any products under the retailers' control which contain ephedrine, pseudoephedrine, phenylpropanolamine, or ephedra. Reporting under this section shall be voluntary. Retailers reporting information to the patrol in good faith shall be immune from civil liability.

28-455.
Methamphetamine Awareness and Education Fund; created; use; investment.
The Methamphetamine Awareness and Education Fund is created. The Nebraska Commission on Law Enforcement and Criminal Justice shall use the fund to support projects relating to educating retailers and the public on the dangers of methamphetamine. The commission may accept contributions, gifts, grants, and bequests for such purposes and remit them to the State Treasurer for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

28-456.
Phenylpropanolamine
or pseudoephedrine; sold without a prescription; requirements; enforcement.
(1) Any drug products containing phenylpropanolamine, pseudoephedrine,
or their salts, optical isomers, or salts of such optical isomers may be sold
without a prescription only if they are:
(a) Labeled and marketed in a manner consistent with the
pertinent OTC Tentative Final or Final Monograph;
(b) Manufactured and distributed for legitimate medicinal
use in a manner that reduces or eliminates the likelihood of abuse;
(c) Packaged as follows:
(i) Except for liquids, sold in package sizes of not more
than three and six-tenths grams of pseudoephedrine base or three and six-tenths
grams of phenylpropanolamine base, in blister packs, each blister containing
not more than two dosage units, or if the use of blister packs is technically
infeasible, in unit dose packets or pouches; and
(ii) For liquids, sold in package sizes of not more than
three and six-tenths grams of pseudoephedrine base or three and six-tenths
grams of phenylpropanolamine base;
(d) Sold by a person, eighteen years of age or older, in
the course of his or her employment to a customer, eighteen years of age or
older, with the following restrictions:
(i) No customer shall be allowed to purchase, receive, or
otherwise acquire more than three and six-tenths grams of pseudoephedrine
base or three and six-tenths grams of phenylpropanolamine base during a twenty-four-hour
period;
(ii) No customer shall purchase, receive, or otherwise acquire
more than nine grams of pseudoephedrine base or nine grams of phenylpropanolamine
base during a thirty-day period; and
(iii) The customer shall display a valid driver's or operator's
license, a Nebraska state identification card, a military identification card,
an alien registration card, or a passport as proof of identification; and
(e) Stored behind a counter, in an area not accessible to
customers, or in a locked case so that a customer needs assistance from an
employee to access the drug product.
(2) Any person who sells drug products in violation of this
section may be subject to a civil penalty of fifty dollars per day, and for

a second or any subsequent violation, the penalty may be one hundred dollars per day. Any such drug products shall be seized and destroyed upon the finding of a violation of this section. The department, in conjunction with the Attorney General, the Nebraska State Patrol, and local law enforcement agencies, shall have authority to make inspections and investigations to enforce this section. In addition, the department may seek injunctive relief for suspected violations of this section.

28-456.01.
Pseudoephedrine
or phenylpropanolamine; limitation on acquisition; violation; penalty.
(1) No
person shall purchase, receive, or otherwise acquire, other than wholesale acquisition by a retail business in the normal course of its trade or business, any drug product containing more than three and six-tenths grams of pseudoephedrine base or three and six-tenths grams of phenylpropanolamine base during a twenty-four-hour period unless purchased pursuant to a medical order. Any person who violates this section shall be guilty of a Class IV misdemeanor for the first offense and a Class III misdemeanor for each subsequent offense.
(2) No person
shall purchase, receive, or otherwise acquire, other than wholesale acquisition by a retail business in the normal course of its trade or business, any drug product containing more than nine grams of pseudoephedrine base or nine grams of phenylpropanolamine base during a thirty-day period unless purchased pursuant to a medical order. Any person who violates this section shall be guilty of a Class IV misdemeanor for the first offense and a Class III misdemeanor for each subsequent offense.

28-457.
Methamphetamine; prohibited acts; violation; penalties.
(1) For purposes of this section:
(a) Bodily injury has the same meaning as in section28-109;
(b) Chemical substance means a substance intended to be used as an immediate precursor or reagent in the manufacture of methamphetamine or any other chemical intended to be used in the manufacture of methamphetamine. Intent for purposes of this subdivision may be demonstrated by the substance's use, quantity, manner of storage, or proximity to other precursors or manufacturing equipment;
(c) Child means a person under the age of nineteen years;
(d) Methamphetamine means methamphetamine, its salts, optical isomers, and salts of its isomers;
(e) Paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in manufacturing, injecting, ingesting, inhaling, or otherwise introducing methamphetamine into the human body;
(f) Prescription has the same meaning as in section28-401;
(g) Serious bodily injury has the same meaning as in section28-109; and
(h) Vulnerable adult has the same meaning as in section28-371.
(2) Any person who knowingly or intentionally causes or permits a child or vulnerable adult to inhale or have contact with methamphetamine, a chemical substance, or paraphernalia is guilty of a Class I misdemeanor. For any second or subsequent conviction under this subsection, any person so offending is guilty of a Class IV felony.
(3) Any person who knowingly or intentionally causes or permits a child or vulnerable adult to ingest methamphetamine, a chemical substance, or paraphernalia is guilty of a Class I misdemeanor. For any second or subsequent conviction under this subsection, any person so offending shall be guilty of a Class IIIA felony.
(4) Any child or vulnerable adult who resides with a person violating subsection (2) or (3) of this section shall be taken into protective custody as provided in the Adult Protective Services Act or the Nebraska Juvenile Code.
(5) Any person who violates subsection (2) or (3) of this section and a child or vulnerable adult actually suffers serious bodily injury by ingestion of, inhalation of, or contact with methamphetamine, a chemical substance, or paraphernalia is guilty of a Class IIIA felony unless the ingestion, inhalation, or contact results in the death of the child or vulnerable adult, in which case the person is guilty of a Class IB felony.
(6) It is an affirmative defense to a violation of this section that the chemical substance was provided by lawful prescription for the child or vulnerable adult and that it was administered to the child or vulnerable adult in accordance with the prescription instructions provided with the chemical substance.

28-458.

Methamphetamine precursor; terms, defined.

For purposes of sections 28-458 to 28-462:

(1) Exchange means the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators;

(2) Methamphetamine precursor means any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine that is required to be documented pursuant to the logbook requirements of 21 U.S.C. 830;

(3) Seller means any person who lawfully sells a methamphetamine precursor pursuant to subdivision (1)(d) of section 28-456 or his or her employer; and

(4) Stop-sale alert means a notification sent to a seller indicating that the completion of a methamphetamine precursor sale would result in a violation of subdivision (1)(d)(i) or (ii) of section 28-456.

28-459.

Methamphetamine precursor; seller; duties; waiver authorized.

(1) Beginning January 1, 2012, each seller shall, before completing a sale of a methamphetamine precursor, electronically submit required information to the exchange, if the exchange is available to sellers. Required information shall include, but not be limited to:

(a) The name, age, and address of the person purchasing, receiving, or otherwise acquiring the methamphetamine precursor;

(b) The name of the product and quantity of product purchased;

(c) The date and time of the purchase;

(d) The name or initials of the seller who sold the product; and

(e) The type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification.

(2) If a seller experiences mechanical or electronic failure of the electronic logging equipment on the sales end of the transaction or a failure of the exchange and is unable to comply with subsection (1) of this section, the seller shall maintain a written log or an alternative electronic record-keeping mechanism or may refrain from selling any methamphetamine precursor until such time as the seller is able to comply with subsection (1) of this section.

(3) The Attorney General may grant a waiver exempting a seller from compliance with subsection (1) of this section upon a showing of good cause by the seller that he or she is otherwise unable to submit log information by electronic means, including, but not limited to, any financial, technological, or other reason which would place an undue burden on the seller, as established by the Attorney General.

(4) Whenever the exchange generates a stop-sale alert, the seller shall not complete the sale unless the seller has a reasonable fear of imminent bodily harm if he or she does not complete the sale. The exchange shall contain an override function to the stop-sale alert for the seller to use in a situation in which a reasonable fear of imminent bodily harm is present.

(5) This section does not apply if a lawful prescription for the methamphetamine precursor is presented to a pharmacist licensed under the Uniform Credentialing Act.

28-460.

Methamphetamine precursor; access
to exchange to law enforcement.
As a condition of use in Nebraska, the National Association
of Drug Diversion Investigators shall provide real-time access to the exchange
through its online portal to law enforcement in this state as authorized by
the Attorney General and no fee or charge shall be imposed on a seller for
the use of the exchange.

28-461.
Methamphetamine precursor; seller;
immunity.
A
seller utilizing in good faith sections28-458to28-462shall be immune from
any civil cause of action based upon an act or omission in carrying out such
sections.

28-462.
Methamphetamine precursor; prohibited
acts; penalty.
Beginning
January 1, 2013, a seller that knowingly fails to submit methamphetamine precursor
information to the exchange as required by sections28-458to28-462or knowingly
submits incorrect information to the exchange shall be guilty of a Class IV
misdemeanor.

28-463.
Cannabidiol; terms, defined; legislative findings.
(1) For purposes of sections28-463to28-468:
(a) Cannabidiol means processed cannabis plant extract, oil, or resin that contains more than ten percent cannabidiol by weight, but not more than three-tenths of one percent tetrahydrocannabinols by weight, and delivered in the form of a liquid or solid dosage form; and
(b) Intractable seizures means intractable, catastrophic genetic, or metabolic epilepsies; Lennox-Gastaut Syndrome; epilepsies consisting of drop seizures at risk for significant bodily injury; or cluster seizures that result in significant life-threatening apnea after the trial and failure of at least three antiepileptic therapies that directly address the epilepsy in question.
(2) The Legislature finds:
(a) There are individuals in Nebraska who suffer from intractable seizures and treatment resistant seizures for which currently available treatment options have been ineffective. Cannabidiol shows promise in treating individuals with intractable seizures and treatment resistant seizures; and
(b) Additional study of cannabidiol for the treatment of intractable seizures and treatment resistant seizures should be undertaken.
(3) The purpose of sections28-463to28-468is to permit medical professionals to conduct limited-scope, evidence-based studies exploring the safety and efficacy of treating intractable seizures and treatment resistant seizures using cannabidiol.

28-464.
Medical Cannabidiol Pilot Study; University of Nebraska and Nebraska Medicine; authority to produce or possess cannabidiol; patient; eligibility.
(1) The University of Nebraska and Nebraska Medicine shall be the only entities in this state authorized to produce or possess cannabidiol for research for purposes of the Medical Cannabidiol Pilot Study.
(2) Cannabidiol shall be obtained from or tested at the University of Nebraska Medical Center and dispensed by the Nebraska Medicine Research Pharmacy.
(3) Cannabidiol may only be obtained by patients with intractable seizures and treatment resistant seizures and on the order of a physician who is licensed to practice medicine and surgery in Nebraska and designated as a medical provider under section28-465and administered to a patient by or under the direction or supervision of such medical provider participating in the Medical Cannabidiol Pilot Study.

28-465.
Medical Cannabidiol Pilot Study; created; physician or pharmacist; duties; risks and benefits form; use; participant; document; contents.
(1) The University of Nebraska Medical Center shall create the Medical Cannabidiol Pilot Study. The pilot study shall designate at least two medical providers to conduct research on the safety and preliminary effectiveness of cannabidiol to treat patients with intractable seizures and treatment resistant seizures. The medical providers shall be physicians licensed to practice medicine and

surgery in Nebraska, and at least one shall be a pediatric neurologist. The medical providers shall adhere to the policies and procedures established by the University of Nebraska Medical Center for the pilot study.
(2) A physician designated as a medical provider or a licensed pharmacist participating in the Medical Cannabidiol Pilot Study shall not be subject to arrest or prosecution, penalized or disciplined in any manner, or denied any right or privilege for approving or recommending the use of cannabidiol under the pilot study.
(3)(a) A physician designated as a medical provider conducting research under the Medical Cannabidiol Pilot Study shall:
(i) Determine eligibility for participation in the pilot study;
(ii) Keep a record of the evaluation and observation of a patient under the physician's care, including the patient's response to cannabidiol treatment; and
(iii) Transmit the record described in subdivision (a)(ii) of this subsection to the department upon request.
(b) All medical records received or maintained by the department pursuant to this section are confidential and may not be disclosed to the public.
(4) The University of Nebraska Medical Center shall create a risks and benefits form to be signed by the medical provider conducting the cannabidiol trial and by the patient who is to be administered cannabidiol or a parent or legal guardian of the patient if the patient is under nineteen years of age. The risks and benefits form shall document their discussion of the risks and benefits of invasive therapies, including, but not limited to, neurostimulation such as vagus nerve stimulation and responsive neurostimulation and epilepsy surgery, including corpus callosotomy, if indicated. This form shall be completed and on file with the University of Nebraska Medical Center before the patient begins the cannabidiol trial.
(5) The University of Nebraska Medical Center shall provide a document to patients who are to be administered cannabidiol or a parent or legal guardian of such patients confirming participation in the Medical Cannabidiol Pilot Study. The document shall include, at a minimum, the patient's name, date of birth, and address, as well as the name and contact information of the patient's medical provider. If the patient is under nineteen years of age, the document shall also include the name, date of birth, and address of the parent or legal guardian of the patient. The document may be provided by the patient to law enforcement agencies in order to verify participation in the pilot study.

28-466.
University of Nebraska Medical Center and Nebraska Medicine; duties; powers.
(1) The University of Nebraska Medical Center and Nebraska Medicine, when using cannabidiol for research, shall comply with the Uniform Controlled Substances Act regarding possession of controlled substances, record-keeping requirements relative to the dispensing, use, or administration of controlled substances, and inventory requirements, as applicable.
(2) The University of Nebraska Medical Center and Nebraska Medicine are authorized to pursue any federal permits or waivers necessary to conduct the activities authorized under sections28-463to28-468.

28-467.
Prosecution for unlawful possession of marijuana; defense; restrictions on certain actions.
(1) In a prosecution for the unlawful possession of marijuana under the Uniform Controlled Substances Act, it is an affirmative and complete defense to prosecution that:
(a) The defendant suffered from intractable seizures and the use or possession of cannabidiol was pursuant to the order of a physician designated as a medical provider under section28-465; or
(b) The defendant is the parent or legal guardian of an individual who suffers from intractable seizures and the use or possession of cannabidiol was pursuant to the order of a physician designated as a medical provider under section28-465.
(2) An agency of this state or a political subdivision thereof, including any law enforcement agency, may not initiate proceedings to remove a child from a home based solely upon the possession or use of cannabidiol by the child or possession of cannabidiol by a parent or legal guardian for use by the child as authorized under sections28-463to28-468.
(3) An employee of the state or any division, agency, or institution thereof or any employee of Nebraska Medicine involved in the research, ordering, dispensing, and administration of cannabidiol under sections28-463to28-468, including its cultivation and processing, shall not be subject to prosecution for unlawful possession, use, distribution, or dispensing of marijuana under the Uniform Controlled Substances Act for activities arising from or related to the use of cannabidiol in the treatment of individuals diagnosed with intractable seizures or treatment resistant seizures.

28-468.
Report; contents.
The University of Nebraska Medical Center shall submit a report electronically to the chairperson of the Judiciary Committee of the Legislature, the chairperson of the Health and Human Services Committee of the Legislature, and the Clerk of the Legislature on or before September 15, 2016, and each September 15 thereafter, containing the following performance measures:
(1) The number of patients enrolled in the Medical Cannabidiol Pilot Study, including the number of patients under nineteen years of age;
(2) The number of patients previously enrolled in the pilot study and no longer receiving treatment under the pilot study;
(3) Any changes in intractable seizure or treatment resistant seizure frequency and severity;
(4) Any relevant or related adverse health outcomes for patients; and

(5) A summary of findings concerning appropriate dosing.

28-469.
Termination.
Sections28-463to28-468terminate on October 1, 2019.

28-470.
Naloxone; authorized activities; immunity from administrative action, criminal prosecution, or civil liability.
(1) A health professional who is authorized to prescribe or dispense naloxone, if acting with reasonable care, may prescribe, administer, or dispense naloxone to any of the following persons without being subject to administrative action or criminal prosecution:
(a) A person who is apparently experiencing or who is likely to experience an opioid-related overdose; or
(b) A family member, friend, or other person in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose.
(2) A family member, friend, or other person, including school personnel, who is in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose, other than an emergency responder or peace officer, is not subject to actions under the Uniform Credentialing Act, administrative action, or criminal prosecution if the person, acting in good faith, obtains naloxone from a health professional or a prescription for naloxone from a health professional and administers the naloxone obtained from the health professional or acquired pursuant to the prescription to a person who is apparently experiencing an opioid-related overdose.
(3) An emergency responder who, acting in good faith, obtains naloxone from the emergency responder's emergency medical service organization and administers the naloxone to a person who is apparently experiencing an opioid-related overdose shall not be:
(a) Subject to administrative action or criminal prosecution; or
(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the emergency responder caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission. This subdivision shall not affect the liability of such emergency medical service organization for the emergency responder's acts of commission or omission.
(4) A peace officer or law enforcement employee who, acting in good faith, obtains naloxone from the peace officer's or employee's law enforcement agency and administers the naloxone to a person who is apparently experiencing an opioid-related overdose shall not be:
(a) Subject to administrative action or criminal prosecution; or
(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the peace officer or employee caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission. This subdivision shall not affect the liability of such law enforcement agency for the peace officer's or employee's acts of commission or omission.
(5) For purposes of this section:
(a) Administer has the same meaning as in section38-2806;
(b) Dispense has the same meaning as in section38-2817;
(c) Emergency responder means an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic licensed under the Emergency Medical Services Practice Act or practicing pursuant to the EMS Personnel Licensure Interstate Compact;
(d) Health professional means a physician, physician assistant, nurse practitioner, or pharmacist licensed under the Uniform Credentialing Act;
(e) Law enforcement agency means a police department, a town marshal, the office of sheriff, or the Nebraska State Patrol;
(f) Law enforcement employee means an employee of a law enforcement agency, a contractor of a law enforcement agency, or an employee of such contractor who regularly, as part of his or her duties, handles, processes, or is likely to come into contact with any evidence or property which may include or contain opioids;
(g) Naloxone means naloxone hydrochloride; and
(h) Peace officer has the same meaning as in section49-801.

28-471.
Lookalike substance; prohibited acts; penalty.
(1) A person shall not offer, display, market, advertise for sale, or sell a lookalike substance. A violation of this section shall be deemed to have occurred if a person knowingly offers, displays, markets, advertises for sale, or sells a lookalike substance and the packaging containing such substance bears a label or marking which:

(a) Is false, misleading, or incomplete;
(b) Does not specifically identify all chemicals or chemical compounds contained on or in the substance or product inside the packaging; or
(c) Does not specifically identify the name and place of business of the manufacturer, packer, or distributor of the product or substance contained inside the packaging.
(2) Any person who violates this section is guilty of a Class IV felony. The penalty for a violation of this section shall be in addition to any other applicable criminal offenses or penalties or civil remedies or penalties.
(3) This section shall not apply to lookalike substances intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs if the drug is plainly labeled for investigational use only and the investigational use is authorized by state or federal law.

28-472.
Drug overdose; exception from criminal liability; conditions.
(1) A person shall not be in violation of section28-441or subsection (3) of section28-416if:
(a) Such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another;
(b) Such person made a request for medical assistance as soon as the drug overdose was apparent;
(c) The evidence for the violation of section28-441or subsection (3) of section28-416was obtained as a result of the drug overdose and the request for medical assistance; and
(d) When emergency medical assistance was requested for the drug overdose of another person:
(i) Such requesting person remained on the scene until medical assistance or law enforcement personnel arrived; and
(ii) Such requesting person cooperated with medical assistance and law enforcement personnel.
(2) The exception from criminal liability provided in subsection (1) of this section applies to any person who makes a request for emergency medical assistance and complies with the requirements of subsection (1) of this section.
(3) A person shall not be in violation of section28-441or subsection (3) of section28-416if such person was experiencing a drug overdose and the evidence for such violation was obtained as a result of the drug overdose and a request for medical assistance by another person made in compliance with subsection (1) of this section.
(4) A person shall not initiate or maintain an action against a peace officer or the state agency or political subdivision employing such officer based on the officer's compliance with subsections (1) through (3) of this section.
(5) Nothing in this section shall be interpreted to interfere with or prohibit the investigation, arrest, or prosecution of any person for, or affect the admissibility or use of evidence in, cases involving:
(a) Drug-induced homicide;
(b) Except as provided in subsections (1) through (3) of this section, violations of section28-441or subsection (3) of section28-416; or
(c) Any other criminal offense.
(6) As used in this section, drug overdose means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance or the consumption or use of another substance with which a controlled substance was combined and which condition a layperson would reasonably believe requires emergency medical assistance.

28-475.
Opiates; receipt; identification required.
(1) Unless the individual taking receipt of dispensed opiates listed in Schedule II, III, or IV of section28-405is personally and positively known to the pharmacist or dispensing practitioner, the individual shall display a valid driver's or operator's license, a state identification card, a military identification card, an alien registration card, or a passport as proof of identification.
(2) This section does not apply to a patient who is a resident of a health care facility licensed pursuant to the Health Care Facility Licensure Act.

28-476.
Hemp; carry or transport; requirements; peace officer; powers; violation; penalty.
(1) No person shall carry or transport hemp in this state unless such hemp is:
(a) Produced in compliance with the requirements of the Agriculture Improvement Act of 2018, as such act is defined in section2-503; and
(b) Carried or transported as provided in section2-515.
(2)(a) A peace officer may detain any person carrying or transporting hemp in this state if such person does not provide the documentation required by this section and section2-515. Unless the peace officer has probable cause to believe the hemp is, or is being carried or transported with, marijuana or any other controlled substance, the peace officer shall immediately release the hemp and the person carrying or transporting such hemp upon production of such documentation.
(b) The failure of a person detained as described in this subsection to produce documentation required by this section shall constitute probable cause to believe the hemp may be marijuana or another controlled substance. In such case, a peace officer may collect such

hemp for testing to determine the delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace officer has probable cause to believe the person detained is carrying or transporting marijuana or any other controlled substance in violation of state or federal law, the peace officer may seize and impound the hemp or marijuana or other controlled substance and arrest such person.
(c) This subsection does not limit or restrict in any way the power of a peace officer to enforce violations of the Uniform Controlled Substances Act and federal law regulating marijuana and other controlled substances.
(3) In addition to any other penalties provided by law, any person who intentionally violates this section shall be guilty of a Class IV misdemeanor and fined not more than one thousand dollars.

28-501.
Building, defined.
As used in this article, unless the context otherwise requires, building shall mean a structure which has the capacity to contain, and is designed for the shelter of man, animals, or property, and includes ships, trailers, sleeping cars, aircraft, or other vehicles or places adapted for overnight accommodations of persons or animals, or for carrying on of business therein, whether or not a person or animal is actually present. If a building is divided into units for separate occupancy, any unit not occupied by the defendant is a building of another.

28-502.
Arson, first degree;
penalty.
(1) A person commits arson in the first
degree if he or she intentionally damages a building or property contained within a building by starting
a fire or causing an explosion when another person is present in the building
at the time and either (a) the actor knows that fact, or (b) the circumstances
are such as to render the presence of a person therein a reasonable probability.
(2) A person commits arson in the first degree if a fire is
started or an explosion is caused in the perpetration of any robbery, burglary,
or felony criminal mischief when another person is present in the building
at the time and either (a) the actor knows that fact, or (b) the circumstances
are such as to render the presence of a person therein a reasonable probability.
(3) Arson in the first degree is a Class II felony.

28-503.
Arson, second
degree; penalty.
(1) A person commits arson in
the second degree if he or she intentionally damages a building or property contained within a building by
starting a fire or causing an explosion or if a fire is started or an explosion
is caused in the perpetration of any robbery, burglary, or felony criminal
mischief.
(2) The following affirmative defenses may be introduced into
evidence upon prosecution for a violation of this section:
(a) No person other than the accused has a security or proprietary
interest in the damaged building, or, if other persons have such interests,
all of them consented to his or her conduct; or
(b) The accused's sole intent was to destroy or damage the
building for a lawful and proper purpose.
(3) Arson in the second degree is a Class III felony.

28-504.
Arson, third degree; penalty.
(1) A person commits arson in the third degree if he or she intentionally sets fire to, burns, causes to be burned, or by the use of any explosive, damages or destroys, or causes to be damaged or destroyed, any property of another person without such other person's consent. Such property shall not be contained within a building and shall not be a building or occupied structure.
(2) Arson in the third degree is a Class IV felony if the damages amount to one thousand five hundred dollars or more.
(3) Arson in the third degree is a Class I misdemeanor if the damages are five hundred dollars or more but less than one thousand five hundred dollars.
(4) Arson in the third degree is a Class II misdemeanor if the damages are less than five hundred dollars.

28-505.
Burning to defraud insurer; penalty.

Any person who, with the intent to deceive or harm an insurer, sets fire to or burns or attempts so to do, or who causes to be burned, or who aids, counsels or procures the burning of any building or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, commits a Class IV felony.

28-506.
Lawful burning of property; training and safety promotion purposes; permit.
Property may be lawfully destroyed by burning such structures as condemned by law, structures no longer having any value for habitation or business or no longer serving any useful value in the area in which situated, and any other combustible material that will serve to be used for test fires to educate and train members of organized fire departments and promote fire safety anywhere in Nebraska. Before any structure may be destroyed by fire for training and educational purposes it must be reported to the State Fire Marshal and a permit issued for that purpose. Any expense incurred in burning a structure shall be assumed by the organized fire department requesting this type of training for members of its department.

28-507.
Burglary; penalty.
(1) A person commits burglary if such person willfully, maliciously, and forcibly breaks and enters any real estate or any improvements erected thereon with intent to commit any felony or with intent to steal property of any value.
(2) Burglary is a Class IIA felony.

28-508.
Possession of burglar's tools; penalty.
(1) A person commits the offense of possession of burglar's tools if:
(a) He knowingly possesses any explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking; and
(b) He intends to use the explosive, tool, instrument, or article, or knows some person intends ultimately to use it, in the commission of an offense of the nature described in subdivision (1)(a) of this section.
(2) Possession of burglar's tools is a Class IV felony.

28-509.
Terms, defined.
As used in sections28-509to28-518, unless the context otherwise requires:
(1) Deprive shall mean:
(a) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or
(b) To dispose of the property of another so as to create a substantial risk that the owner will not recover it in the condition it was when the actor obtained it;
(2) Financial institution shall mean a bank, insurance company, credit union, building and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;
(3) Movable property shall mean property the location of which can be changed, including things growing on, affixed to, or found in land, and documents although the rights represented thereby may have no physical location. Immovable property shall mean all other property;
(4) Obtain shall mean:
(a) In relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or
(b) In relation to labor or service, to secure performance thereof;
(5) Property shall mean anything of value, including real estate, tangible and intangible personal property, contract rights, credit cards, charge plates, or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer, choses in action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, and electric or other power;
(6) Property of another shall mean property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement;
(7) Receiving shall mean acquiring possession, control, or title, or lending on the security of the property; and
(8) Stolen shall mean property which has been the subject of theft or robbery or a vehicle which is received from a person who is then in violation of section28-517.

28-510.

Consolidation of theft offenses.
Conduct denominated theft in sections28-509to28-518constitutes a single offense embracing the separated offenses heretofore known as larceny, embezzlement, false pretense, extortion, blackmail, fraudulent conversion, receiving stolen property, and the like. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under sections28-509to28-518, notwithstanding the specification of a different manner in the indictment or information, subject only to the power of the court to insure fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

28-511.
Theft by unlawful taking or disposition.
(1) A person is guilty of theft if he or she takes, or exercises control over, movable property of another with the intent to deprive him or her thereof.
(2) A person is guilty of theft if he or she transfers immovable property of another or any interest therein with the intent to benefit himself or herself or another not entitled thereto.
(3) Except as provided in subsection (4) of this section, it shall be presumed that a lessee's failure to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement is done with intent to deprive if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten days after such notice to return such property.
(4) A person is guilty of theft if he or she (a) rents or leases a motor vehicle under a written lease or rental agreement specifying the time and place for the return of the vehicle and fails to return the vehicle within seventy-two hours of written demand for return of the vehicle made upon him or her by certified mail to the address given by him or her for such purpose or (b) uses a fraudulent or stolen credit card to rent or lease a vehicle. Nothing in this subsection shall apply to any person who (i) through inadvertence, mistake, act of God, or other natural occurrence has unintentionally failed to return a rented motor vehicle or to inform the owner of the location of the vehicle or (ii) has had a rented motor vehicle stolen or otherwise converted from his or her possession and has filed the appropriate report with law enforcement authorities.

28-511.01.
Theft by shoplifting;
penalty; photographic evidence.
(1) A person commits
the crime of theft by shoplifting when he or she, with the intent of appropriating goods or merchandise to his
or her own use without paying for the goods or merchandise or to
deprive the owner of possession of such goods or merchandise or its
retail value, in whole or in part, does any of the following:
(a) Conceals or takes possession of the goods or merchandise
of any store or retail establishment;
(b) Alters the price tag or other price marking on goods or
merchandise of any store or retail establishment;
(c) Transfers the goods or merchandise of any store or retail
establishment from one container to another;
(d) Interchanges the label or price tag from one item of a good or of merchandise with
a label or price tag for another item of a
good or of merchandise;
(e) Causes the cash register or other sales recording device
to reflect less than the retail price of the goods or merchandise; or
(f) Alters,
bypasses, disables, shields, or removes any security or alarm device attached
to or housing any goods or merchandise of any store, including the use or
possession of a security device countermeasure as defined in section28-511.03,
prior to purchase of the goods or merchandise.
(2)
In any prosecution for theft by shoplifting, photographs of the shoplifted
property may be accepted as prima facie evidence as to the identity of the
property. Such photograph shall be accompanied by a written statement containing
the following:
(a) A description of the property;
(b) The name of the owner or owners of the property;
(c) The time, date, and location where the shoplifting occurred;
(d) The time and date the photograph was taken;
(e) The name of the photographer; and

(f) Verification by the arresting officer.
The purpose of this subsection is to allow the owner or owners of shoplifted property the use of such property during pending criminal prosecutions. Prior to allowing the use of the shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property, which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading.

28-511.02.
Theft of rented or leased motor vehicle; where tried.
In any criminal prosecution for theft pursuant to subsection (4) of section28-511, the accused shall be tried in the county where the motor vehicle was rented or leased or where the motor vehicle was recovered except as otherwise provided in section25-412.03.

28-511.03.
Possession of security device countermeasure; penalty.
(1) It shall be unlawful for any person, other than an authorized agent of a store or retail establishment, to possess, in that store, any security device countermeasure.
(2) For purposes of this section, security device countermeasure means a device which bypasses, disables, or removes an electronic or magnetic theft alarm sensor.
(3) Any person violating this section is guilty of a Class II misdemeanor.

28-512.
Theft by deception.
A person commits theft if he obtains property of another by deception. A person deceives if he intentionally:
(1) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise; or
(2) Prevents another from acquiring information which would affect his judgment of a transaction; or
(3) Fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or
(4) Uses a credit card, charge plate, or any other instrument which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer (a) where such instrument has been stolen, forged, revoked, or canceled, or where for any other reason its use by the actor is unauthorized, or (b) where the actor does not have the intention and ability to meet all obligations to the issuer arising out of his use of the instrument.
The word deceive does not include falsity as to matters having no pecuniary significance, or statements unlikely to deceive ordinary persons in the group addressed.

28-513.
Theft by extortion.
(1) A person commits theft if he or she obtains property, money, or other thing of value of another by threatening to:
(a) Inflict bodily injury on anyone or commit any other criminal offense;
(b) Accuse anyone of a criminal offense;
(c) Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his or her credit or business repute;
(d) Take or withhold action as an official, or cause an official to take or withhold action;
(e) Bring about or continue a strike, boycott, or other collective unofficial action, if the property, money, or other thing of value is not demanded or received for the benefit of the group in whose interest the actor purports to act;
(f) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
(g) Distribute or otherwise make public an image or video of a person's intimate area or of a person engaged in sexually explicit conduct without that person's consent.
(2) It is an affirmative defense to prosecution based on subdivision (1)(b), (1)(c), or (1)(d) of this section that the property, money, or other thing of value obtained by threat of accusation, exposure, lawsuit, or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit, or other official action relates, or as compensation for property or lawful services.

28-514.

Theft of property lost, mislaid, or delivered by mistake; penalty.
(1) A person who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it.
(2) Any person convicted of violating subsection (1) of this section shall be punished by the penalty prescribed in the next lower classification below the value of the item lost, mislaid, or delivered under a mistake pursuant to section28-518.
(3) Any person convicted of violating subsection (1) of this section when the value of the property is five hundred dollars or less shall be guilty of a Class III misdemeanor for the first conviction, a Class II misdemeanor for the second conviction, and a Class I misdemeanor for the third or subsequent conviction.

28-515.
Theft of services.
(1) A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.
(2) A person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

28-515.01.
Theft of telecommunications service; penalty.
(1) It is unlawful for any person to:
(a) Knowingly make or possess any device designed to or commonly used to obtain telecommunications service fraudulently from a licensed cable television franchisee with the intent to use such device in the commission of an offense described in subsection (1) of section28-515;
(b) Knowingly tamper with, interfere with, or connect to any cables, wires, converters, or other devices used for the distribution of telecommunications service by any mechanical, electrical, acoustical, or other means without authority from the operator of the service with the intent of obtaining telecommunications service fraudulently; or
(c) Sell, give, transfer, or offer or advertise for sale a device which such person knows or should know is intended to be used for the purpose of obtaining telecommunications service fraudulently.
(2) For purposes of this section:
(a) Telecommunications service includes, but is not limited to, telephone service and cable television service; and
(b) Device includes, but is not limited to, instrument, apparatus, equipment, and plans or instructions for making or assembling the instrument, apparatus, or equipment.
(3) A violation of this section is a Class II misdemeanor.

28-515.02.
Electric current, gas, and water; avoiding meter measurement; reconnection; penalty.
(1) It is unlawful for any person:
(a) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;
(b) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;
(c) To reconnect electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to sections70-1601to70-1615; or
(d) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it, without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter.
(2) Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.
(3) A violation of this section is a Class III misdemeanor.

28-516.

Unauthorized use of a propelled vehicle; affirmative defense; penalties.
(1) A person commits the offense of unauthorized use of a propelled vehicle if he or she intentionally exerts unauthorized control over another's propelled vehicle by operating it without the owner's consent.
(2) Propelled vehicle shall mean an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle.
(3) It is an affirmative defense to prosecution under this section that the defendant reasonably believed that the owner would have authorized the use had he or she known of it.
(4) Unauthorized use of a propelled vehicle is a Class III misdemeanor for the first offense, a Class I misdemeanor for the second offense, and a Class IV felony for the third and any subsequent offenses.

28-517.
Theft by receiving stolen property.
A person commits theft if he receives, retains, or disposes of stolen movable property of another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained, or disposed with intention to restore it to the owner.

28-518.
Grading of theft offenses; aggregation allowed; when.
(1) Theft constitutes a Class IIA felony when the value of the thing involved is five thousand dollars or more.
(2) Theft constitutes a Class IV felony when the value of the thing involved is one thousand five hundred dollars or more but less than five thousand dollars.
(3) Theft constitutes a Class I misdemeanor when the value of the thing involved is more than five hundred dollars but less than one thousand five hundred dollars.
(4) Theft constitutes a Class II misdemeanor when the value of the thing involved is five hundred dollars or less.
(5) For any second or subsequent conviction under subsection (3) of this section, any person so offending shall be guilty of a Class IV felony.
(6) For any second conviction under subsection (4) of this section, any person so offending shall be guilty of a Class I misdemeanor, and for any third or subsequent conviction under subsection (4) of this section, the person so offending shall be guilty of a Class IV felony.
(7) For a prior conviction to be used to enhance the penalty under subsection (5) or (6) of this section, the prior conviction must have occurred no more than ten years prior to the date of commission of the current offense.
(8) Amounts taken pursuant to one scheme or course of conduct from one or more persons may be aggregated in the indictment or information in determining the classification of the offense, except that amounts may not be aggregated into more than one offense.
(9) In any prosecution for theft under sections28-509to28-518, value shall be an essential element of the offense that must be proved beyond a reasonable doubt.

28-519.
Criminal mischief; penalty.
(1) A person commits criminal mischief if he or she:
(a) Damages property of another intentionally or recklessly; or
(b) Intentionally tampers with property of another so as to endanger person or property; or
(c) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.
(2) Criminal mischief is a Class IV felony if the actor intentionally or maliciously causes pecuniary loss of five thousand dollars or more, or a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service.
(3) Criminal mischief is a Class I misdemeanor if the actor intentionally or maliciously causes pecuniary loss of one thousand five hundred dollars or more but less than five thousand dollars.
(4) Criminal mischief is a Class II misdemeanor if the actor intentionally or maliciously causes pecuniary loss of five hundred dollars or more but less than one thousand five hundred dollars.
(5) Criminal mischief is a Class III misdemeanor if the actor intentionally, maliciously, or recklessly causes pecuniary loss in an amount of less than five hundred dollars, or if his or her action results in no pecuniary loss.

28-520.
Criminal trespass,
first degree; penalty.
(1) A person commits first
degree criminal trespass if:
(a) He or she enters or secretly
remains in any building or occupied structure, or any separately secured or
occupied portion thereof, knowing
that he or she is not licensed or privileged to do so; or
(b) He or she

enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility.
(2)
First degree criminal trespass is a Class I misdemeanor.
(3) For purposes
of this section, public power infrastructure facility means a power plant, an electrical station or substation, or any other facility which is used by a public power supplier as defined in section70-2103to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

28-521.
Criminal trespass, second degree; penalty.
(1) A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:
(a) Actual communication to the actor; or
(b) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
(c) Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided in section28-520.
(2) A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she intentionally causes an electronic device, such as an unmanned aircraft, to enter into, upon, or above the property of another, including such property owned by such person and leased or rented to another, with the intent to observe another person without his or her consent in a place of solitude or seclusion.
(3) For purposes of this section, unmanned aircraft means an aircraft, including an aircraft commonly known as a drone, which is operated without the possibility of direct human intervention from within or on the aircraft.
(4) Second degree criminal trespass is a Class III misdemeanor, except as provided for in subsection (5) of this section.
(5) Second degree criminal trespass is a Class II misdemeanor if the offender defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person.

28-522.
Criminal trespass; affirmative defenses.
It is an affirmative defense to prosecution under sections28-520and28-521that:
(1) A building or occupied structure involved in an offense under section28-520was abandoned; or
(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
(3) The actor reasonably believed that the owner of the premises or other person empowered to license access thereto would have licensed him to enter or remain; or
(4) The actor was in the process of navigating or attempting to navigate with a nonpowered vessel any stream or river in this state and found it necessary to portage or otherwise transport the vessel around any fence or obstructions in such stream or river.

28-523.
Littering of public and private property; penalty.
(1) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:
(a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
(b) The litter is placed in a receptacle or container installed on such property for such purpose.
(2) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this subsection shall mean any material appearing in a place or in a context not associated with that material's function or origin.
(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering.
(4) A person who commits the offense of littering shall be guilty of a Class III misdemeanor. A person convicted of the offense of littering for the second time shall be guilty of a Class II misdemeanor. A person convicted of the offense of littering for the third or a subsequent time shall be guilty of a Class I misdemeanor.

28-524.
Graffiti; penalty.
(1) Any person who knowingly

and intentionally applies graffiti of any type on any building, public or private, or any other tangible property owned by any person, firm, or corporation or any public entity or instrumentality, without the express permission of the owner or operator of the property, commits the offense of unauthorized application of graffiti.
(2) Unauthorized application of graffiti is a Class III misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.
(3) Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed, order the defendant to clean up, repair, or replace the damaged property, keep the defaced property or another specified property in the community free of graffiti or other inscribed materials for up to one year, or order a combination of restitution and labor.
(4) Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed, order the defendant to undergo counseling.
(5) Upon conviction of an offense under this section, the court may, in addition to any other punishment imposed, order the suspension of the defendant's motor vehicle operator's license for up to one year. A copy of an abstract of the court's conviction, including an adjudication of a juvenile, shall be transmitted to the director pursuant to sections60-497.01to60-497.04.
(6) For purposes of this section, graffiti means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched, or etched on a rock, tree, wall, bridge, fence, gate, building, or other structure. Graffiti does not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or an authorized agent for such owner or tenant.

28-601.
Terms, defined.
As used in sections28-601to28-605, unless the context otherwise requires:
(1) Written instrument shall mean any paper, document, or other instrument containing written or printed matter used for purposes of reciting, embodying, conveying, or recording information, and any money, credit card, token, stamp, seal, badge, trademark, or any evidence or symbol of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of some person;
(2) Complete written instrument shall mean a written instrument which purports to be genuine and fully drawn with respect to every essential feature thereof;
(3) Incomplete written instrument shall mean one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;
(4) To falsely make a written instrument shall mean to make or draw a written instrument, whether complete or incomplete, which purports to be an authentic creation of its ostensible maker, but which is not, either because the ostensible maker is fictitious or because, if real, he did not authorize the making or the drawing thereof;
(5) To falsely complete a written instrument shall mean to transform an incomplete written instrument into a complete one by adding, inserting, or changing matter without the authority of anyone entitled to grant such authority, so that the complete written instrument falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker;
(6) To falsely alter a written instrument shall mean to change a written instrument without the authority of anyone entitled to grant such authority, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that such instrument in its thus altered form falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker;
(7) Forged instrument shall mean a written instrument which has been falsely made, completed, endorsed or altered. The terms forgery and counterfeit and their variants are intended to be synonymous in legal effect as used in this article;
(8) Possess shall mean to receive, conceal, or otherwise exercise control over; and
(9) Utter shall mean to issue, authenticate, transfer, sell, transmit, present, use, pass, or deliver, or to attempt or cause such uttering.

28-602.
Forgery, first degree; penalty.

(1) A person commits forgery in the first degree if, with intent to deceive or harm, he falsely makes, completes, endorses, alters, or utters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:
(a) Part of an issue of money, stamps, securities, or other valuable instruments issued by a government or governmental agency; or
(b) Part of an issue of stock, bonds, bank notes, or other instruments representing interests in or claims against a corporate or other organization or its property.
(2) Forgery in the first degree is a Class III felony.

28-603.
Forgery, second degree; penalty; aggregation allowed; when.
(1) Whoever, with intent to deceive or harm, falsely makes, completes, endorses, alters, or utters any written instrument which is or purports to be, or which is calculated to become or to represent if completed, a written instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status, commits forgery in the second degree.
(2) Forgery in the second degree is a Class IIA felony when the face value, or purported face value, or the amount of any proceeds wrongfully procured or intended to be procured by the use of such instrument, is five thousand dollars or more.
(3) Forgery in the second degree is a Class IV felony when the face value, or purported face value, or the amount of any proceeds wrongfully procured or intended to be procured by the use of such instrument, is one thousand five hundred dollars or more but is less than five thousand dollars.
(4) Forgery in the second degree is a Class I misdemeanor when the face value, or purported face value, or the amount of any proceeds wrongfully procured or intended to be procured by the use of such instrument, is five hundred dollars or more but is less than one thousand five hundred dollars.
(5) Forgery in the second degree is a Class II misdemeanor when the face value, or purported face value, or the amount of any proceeds wrongfully procured or intended to be procured by the use of such instrument, is less than five hundred dollars.
(6) For the purpose of determining the class of penalty for forgery in the second degree, the face values, or purported face values, or the amounts of any proceeds wrongfully procured or intended to be procured by the use of more than one such instrument, may be aggregated in the indictment or information if such instruments were part of the same scheme or course of conduct which took place within a sixty-day period and within one county. Such values or amounts shall not be aggregated into more than one offense.

28-604.
Criminal possession of a forged instrument; penalty; aggregation allowed; when.
(1) Whoever, with knowledge that it is forged and with intent to deceive or harm, possesses any forged instrument covered by section28-602or28-603commits criminal possession of a forged instrument.
(2) Criminal possession of a forged instrument prohibited by section28-602is a Class IV felony.
(3) Criminal possession of a forged instrument prohibited by section28-603, the amount or value of which is five thousand dollars or more, is a Class IV felony.
(4) Criminal possession of a forged instrument prohibited by section28-603, the amount or value of which is one thousand five hundred dollars or more but less than five thousand dollars, is a Class I misdemeanor.
(5) Criminal possession of a forged instrument prohibited by section28-603, the amount or value of which is five hundred dollars or more but less than one thousand five hundred dollars, is a Class II misdemeanor.
(6) Criminal possession of a forged instrument prohibited by section28-603, the amount or value of which is less than five hundred dollars, is a Class III misdemeanor.
(7) For the purpose of determining the class of penalty for criminal possession of a forged instrument prohibited by section28-603, the amounts or values of more than one such forged instrument may be aggregated in the indictment or information if such forged instruments were part of the same scheme or course of conduct which took place within a sixty-day period and within one county. Such amounts or values shall not be aggregated into more than one offense.

28-605.
Criminal possession of written instrument forgery devices; penalty.
(1) A person commits criminal possession of written instrument forgery devices when:
(a) He or she makes or possesses with knowledge of its character any plate, die, or other device, apparatus, equipment, or article specifically designed for use in counterfeiting, unlawfully simulating, or otherwise forging written instruments; or
(b) He or she makes or possesses any device, apparatus, equipment, or article capable of or adaptable to a use specified in subdivision (1)(a) of this section, with intent to use it himself or herself, or to aid or permit another to use it, for purposes of forgery; or
(c) Illegally possesses a genuine plate, die, or other device used in the production of written instruments, with intent to deceive or harm.
(2) Criminal possession of written instrument forgery devices is a Class IV felony.

28-606.
Criminal simulation; penalty.
(1) A person commits a criminal simulation when:

(a) With intent to deceive or harm, he makes, alters, or represents an object in such fashion that it appears to have an antiquity, rarity, source or authorship, ingredient, or composition which it does not in fact have; or
(b) With knowledge of its true character and with intent to use to deceive or harm, he utters, misrepresents, or possesses any object so simulated.
(2) Criminal simulation is a Class III misdemeanor.

28-607.
Making, using, or uttering slugs; terms, defined; penalty.
(1) A person commits the offense of unlawfully using slugs, if he makes, uses, or utters a slug or slugs with intent to deprive a supplier of property or service sold or offered by means of a coin machine or with knowledge that he is facilitating such a deprivation by another person.
(2) As used in this section, unless the context otherwise requires:
(a) Slug shall mean an object which by size, shape, or any other quality is capable of being inserted, deposited, or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill, or token;
(b) Coin machine shall mean a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed to receive a coin or bill of a specified denomination or a token made for the purpose and in return for the insertion or deposit thereof to mechanically offer, provide, assist in providing or permit the acquisition of property or a public or private service; and
(c) Value of the slug or slugs shall mean the value of the coins, bills, or tokens for which they are being substituted.
(3) The making, using, or uttering of slugs of the value of one hundred dollars or more is a Class I misdemeanor.
(4) The making, using, or uttering of slugs of the value of less than one hundred dollars is a Class II misdemeanor.

28-609.
Impersonating a public servant; penalty.
(1) A person commits the offense of impersonating a public servant if he falsely pretends to be a public servant other than a peace officer and performs any act in that pretended capacity.
(2) It is no defense to a prosecution under this section that the office the actor pretended to hold did not in fact exist.
(3) Impersonating a public servant is a Class III misdemeanor.

28-610.
Impersonating a peace officer; penalty.
(1) A person commits the offense of impersonating a peace officer if he falsely pretends to be a peace officer and performs any act in that pretended capacity.
(2) Impersonating a peace officer is a Class I misdemeanor.

28-611.
Issuing or passing a bad check or similar order; penalty; collection procedures.
(1) Whoever obtains property, services, child support credit, spousal support credit, or present value of any kind by issuing or passing a check, draft, assignment of funds, or similar signed order for the payment of money, knowing that he or she does not have sufficient funds in or credit with the drawee for the payment of the check, draft, assignment of funds, or order in full upon presentation, commits the offense of issuing a bad check. Issuing a bad check is:
(a) A Class IIA felony if the amount of the check, draft, assignment of funds, or order is five thousand dollars or more;
(b) A Class IV felony if the amount of the check, draft, assignment of funds, or order is one thousand five hundred dollars or more, but less than five thousand dollars;
(c) A Class I misdemeanor if the amount of the check, draft, assignment of funds, or order is five hundred dollars or more, but less than one thousand five hundred dollars; and
(d) A Class II misdemeanor if the amount of the check, draft, assignment of funds, or order is less than five hundred dollars.
(2) The aggregate amount of any series of checks, drafts, assignments, or orders issued or passed within a sixty-day period in one county may be used in determining the classification of the offense pursuant to subsection (1) of this section, except that checks, drafts, assignments, or orders may not be aggregated into more than one offense.
(3) For any second or subsequent offense under subdivision (1)(c) or (1)(d) of this section, any person so offending shall be guilty of a Class IV felony.
(4) Whoever otherwise issues or passes a check, draft, assignment of funds, or similar signed order for the payment of money, knowing that he or she does not have sufficient funds in or credit with the drawee for the payment of the check, draft, assignment of funds, or order in full upon its presentation, shall be guilty of a Class II misdemeanor.
(5) Any person in violation of this section who makes voluntary restitution to the injured party for the value of the check, draft, assignment of funds, or order shall also pay ten dollars to the injured party and any reasonable handling fee imposed on the injured party by a financial institution.
(6) In any prosecution for issuing a bad check, the person issuing the check, draft, assignment of funds, or order shall be presumed to have known that he or she did not have sufficient funds in or credit with the drawee for the payment of the check, draft, assignment of funds, or order in full upon presentation if, within thirty days after issuance of the check, draft, assignment of funds,

or order, he or she was notified that the drawee refused payment for lack of funds and he or she failed within ten days after such notice to make the check, draft, assignment of funds, or order good or, in the absence of such notice, he or she failed to make the check, draft, assignment of funds, or order good within ten days after notice that such check, draft, assignment of funds, or order has been returned to the depositor was sent to him or her by the county attorney or his or her deputy, by United States mail addressed to such person at his or her last-known address. Upon request of the depositor and the payment of ten dollars for each check, draft, assignment of funds, or order, the county attorney or his or her deputy shall be required to mail notice to the person issuing the check, draft, assignment of funds, or order as provided in this subsection. The ten-dollar payment shall be payable to the county treasurer and credited to the county general fund. No such payment shall be collected from any county office to which such a check, draft, assignment of funds, or order is issued in the course of the official duties of the office.
(7) Any person convicted of violating this section may, in addition to a fine or imprisonment, be ordered to make restitution to the party injured for the value of the check, draft, assignment of funds, or order and to pay ten dollars to the injured party and any reasonable handling fee imposed on the injured party by a financial institution. If the court, in addition to sentencing any person to imprisonment under this section, also enters an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.
(8) The fact that restitution to the party injured has been made and that ten dollars and any reasonable handling fee imposed on the injured party by a financial institution have been paid to the injured party shall be a mitigating factor in the imposition of punishment for any violation of this section.

28-611.01.
Issuing a no-account check; penalty; aggregation allowed; when.
(1) Whoever issues or passes a check, draft, assignment of funds, or similar signed order for the payment of money, knowing that he or she has no account with the drawee at the time the check, draft, assignment of funds, or order is issued, commits the offense of issuing a no-account check. Issuing a no-account check is:
(a) A Class III felony if the amount of the check, draft, assignment of funds, or order is five thousand dollars or more;
(b) A Class IV felony if the amount of the check, draft, assignment of funds, or order is one thousand five hundred dollars or more, but less than five thousand dollars;
(c) A Class I misdemeanor if the amount of the check, draft, assignment of funds, or order is five hundred dollars or more, but less than one thousand five hundred dollars; and
(d) A Class II misdemeanor if the amount of the check, draft, assignment of funds, or order is less than five hundred dollars.
(2) The aggregate amount of any series of checks, drafts, assignments, or orders issued or passed within a sixty-day period in one county may be used in determining the classification of the offense pursuant to subsection (1) of this section, except that checks, drafts, assignments, or orders may not be aggregated into more than one offense.
(3) For any second or subsequent offense under this section, any person so offending shall be guilty of:
(a) A Class III felony if the amount of the check, draft, assignment of funds, or order is one thousand five hundred dollars or more; and
(b) A Class IV felony if the amount of the check, draft, assignment of funds, or order is less than one thousand five hundred dollars.

28-612.
False statement or book entry; destruction or secretion of records; penalty.
(1) A person commits a Class IV felony if he or she:
(a) Willfully and knowingly subscribes to, makes, or causes to be made any false statement or entry in the books of an organization; or
(b) Knowingly subscribes to or exhibits false papers with the intent to deceive any person or persons authorized to examine into the affairs of any such organization; or
(c) Makes, states, or publishes any false statement of the amount of the assets or liabilities of any such organization; or
(d) Fails to make true and correct entry in the books and records of such organization of its business and transactions in the manner and form prescribed by the Department of Banking and Finance; or
(e) Mutilates, alters, destroys, secretes, or removes any of the books or records of such organization, without the consent of the Director of Banking and Finance.
(2) As used in this section, organization means:
(a) Any trust company transacting a business under the Nebraska Trust Company Act;
(b) Any association organized for the purpose set forth in section8-302;
(c) Any bank as defined in section8-101.03; or
(d) Any credit union transacting business in this state under the Credit Union Act.

28-613.
Commercial bribery and breach of duty to act disinterestedly; penalty.
(1) A person commits a Class I misdemeanor if he or she solicits, accepts, or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he or she is subject as:
(a) Agent or employee; or

(b) Trustee, guardian, or other fiduciary; or
(c) Lawyer, physician, accountant, appraiser, or other professional advisor; or
(d) Officer, director, partner, limited liability company member, manager, or other participant in the direction of the affairs of an incorporated or unincorporated association; or
(e) Duly elected or appointed representative or trustee of a labor organization or employee of a welfare trust fund; or
(f) Arbitrator or other purportedly disinterested adjudicator or referee.
(2) A person who holds himself or herself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities, property, or services commits a Class I misdemeanor if he or she solicits, accepts, or agrees to accept any benefit to alter, modify, or change his or her selection, appraisal, or criticism.
(3) A person commits a Class I misdemeanor if he or she confers or offers or agrees to confer any benefit the acceptance of which would be an offense under subsection (1) or (2) of this section.

28-614.
Tampering with publicly exhibited contest; penalty; contest, participant, official, defined.
(1) A person commits the offense of tampering with a publicly exhibited contest if:
(a) He confers, or offers or agrees to confer, directly or indirectly, any benefit upon:
(i) A contest participant with intent to influence him not to give his best efforts in a publicly exhibited contest; or
(ii) A contest official with intent to influence him to perform improperly his duties in connection with a publicly exhibited contest;
(b) Being a contest participant or contest official, he intentionally solicits, accepts, or agrees to accept, directly or indirectly, any benefit from another person with intent that he will thereby be influenced:
(i) In the case of a contest participant, not to give his best efforts in a publicly exhibited contest; or
(ii) In the case of a contest official, to perform improperly his duties in connection with a publicly exhibited contest; or
(c) With intent to influence the outcome of a publicly exhibited contest he:
(i) Tampers with any contest participant, contest official, animal, equipment, or other thing involved in the conduct or operation of the contest, in a manner contrary to the rules and usages purporting to govern the contest in question; or
(ii) Substitutes a contest participant, animal, equipment, or other thing involved in the conduct or operation of the contest, for the genuine person, animal, or thing.
(2) In this section:
(a) Publicly exhibited contest shall mean any professional or amateur sport, athletic game or contest, or race or contest involving machines, persons, or animals, viewed by the public, but shall not include an exhibition which does not purport to be and which is not represented as being such a sport, game, contest, or race;
(b) Contest participant shall mean any person who participates or expects to participate in a publicly exhibited contest as a player, contestant, or member of a team, or as a coach, manager, trainer, or other person directly associated with a player, contestant, or team; and
(c) Contest official shall mean any person who acts or expects to act in a publicly exhibited contest as an umpire, referee, or judge, or otherwise to officiate at a publicly exhibited contest.
(3) Tampering with a publicly exhibited contest is a Class II misdemeanor.

28-615.
Identification number, obscure, and article, defined.
As used in sections28-615to28-617:
(1) Identification number shall mean a serial or motor number placed by a manufacturer upon an article as a permanent individual identifying mark;
(2) Obscure shall mean to destroy, remove, alter, conceal, or deface so as to render illegible by ordinary means of inspection; and
(3) Article shall mean any product made by a manufacturer and includes but is not limited to any appliance, radio, television, motor vehicle, tractor or other farm machinery.

28-616.
Altering identification number; penalty.
(1) A person commits the offense of altering an identification number if, with the intent to deceive or harm, he obscures an identification number or in the course of business he sells, offers for sale, leases or otherwise disposes of an article knowing that an identification number thereon is obscured.
(2) Altering an identification number is a Class I misdemeanor.

28-617.
Receiving an altered article; penalty.
(1) A person commits the offense of receiving an altered article if, with the intent to deceive or harm another, he buys or receives any article knowing that an identification number thereon is obscured, without first ascertaining that the person so selling or delivering the same has a legal right to do so.
(2) Receiving an altered article is a Class I misdemeanor.

28-618.
Financial transactions; terms, defined.
For purposes of sections28-618to28-630:
(1) Account holder shall mean the person or business entity named on the face of a financial transaction device for whose benefit the financial transaction device is issued by an issuer;
(2) Acquirer shall mean any business organization, financial institution, or agent of such organization or institution which authorizes a merchant to accept payment by financial transaction device for money, property, services, or anything else of value;
(3) Automated banking device shall mean any machine which, when properly activated by a financial transaction device or a personal identification code, may be used for any purpose for which a financial transaction device is issued;
(4) Counterfeit financial transaction device shall mean any financial transaction device which is fictitious, altered, forged, stolen, obtained as part of a scheme to defraud, or otherwise unlawfully obtained and which may or may not be embossed with account information or a company logo or any facsimile, false representation, depiction, or component of a financial transaction device;
(5) Embossing shall mean any process in which account numbers are placed on financial transaction devices that results in the number being raised from the surface of the device;
(6) Expired financial transaction device shall mean a financial transaction device which is no longer valid because the term shown on it has elapsed;
(7) Financial transaction device shall mean any instrument or device whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, debit card, electronic funds transfer card, or account number representing a financial account. Such device shall affect the financial interest, standing, or obligation of the financial account for services or financial payments for money, credit, property, or services;
(8) Financial-transaction-device-making equipment shall mean any equipment, impression, machine, mechanism, plate, or other device designed, used, or capable of being used to produce a financial transaction device, a counterfeit financial transaction device, or any aspect or component of a financial transaction device;
(9) Holographic shall mean a photographic method that uses laser light to produce three-dimensional images;
(10) Intent to defraud shall mean an unlawful attempt to secure money, credit, property, or services from an issuer, without permission of the account holder, for the benefit of any person other than the account holder;
(11) Issuer shall mean any person or any financial or business entity that acquires financial rights by issuing, canceling, controlling, or distributing a financial transaction device;
(12) Magnetic encoding shall mean any electronically encoded account holder information which is placed on a magnetic strip on the financial transaction device and is capable of being read by an electronic terminal such as an automatic teller machine or an electronic terminal at a merchant location also known as a point-of-sale terminal;
(13) Personal identification code shall mean any grouping of letters, numbers, or symbols assigned to the account holder of a financial transaction device by the issuer to permit authorized electronic access of that account;
(14) Receives or receiving shall mean acquiring possession or control of or accepting as security for a loan a financial transaction device;
(15) Revoked financial transaction device shall mean a financial transaction device which is no longer valid because permission to use it has been suspended or terminated by the issuer;
(16) Sales form shall mean any written, electronic, magnetic, or printed record of a financial transaction involving use of a financial transaction device;
(17) Sales form processing services shall mean services provided to enable a person to obtain payment or credit for sales forms;
(18) Sales form processor shall mean any bank, financial institution, or other entity which with authority from a bona fide association of issuers provides sales form processing services;
(19) Service mark shall mean a word, name, symbol, or other device or any combination thereof to identify the goods or services of the entity from the goods and services of another entity;
(20) To falsely alter a financial transaction device shall mean to change such device without the authority of anyone entitled to grant such authority, whether in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means, so that such device in its altered form falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible issuer;
(21) To falsely complete a financial transaction device shall mean to transform an incomplete device into a complete one by adding, inserting, or changing matter without the authority of anyone entitled to grant such authority, so that the complete device falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible issuer;
(22) To falsely make a financial transaction device shall mean to make or manufacture a device, whether complete or incomplete, which purports to be an authentic creation of its ostensible issuer but which is fictitious or, if real, the ostensible issuer did not authorize the making or the manufacturing thereof; and
(23) Traffic shall mean to distribute, dispense, sell, transfer, or otherwise dispose of property or to buy, receive, possess, obtain control of, or use property with the intent to dispense, distribute, sell, transfer, or otherwise dispose of such property.

28-619.
Issuing a false financial statement for purposes of obtaining a financial transaction device; penalties.

(1) A person commits the offense of issuing a false financial statement for purposes of obtaining a financial transaction device if, upon filing an application for a financial transaction device with an issuer, such person (a) knowingly makes or causes to be made a statement or report which is false in some material respect and reasonably relied upon relative to his or her name, occupation, financial condition, assets, or liabilities, (b) willfully and materially overvalues any assets, or (c) willfully omits or materially undervalues any indebtedness with the intent of influencing the issuer to issue a financial transaction device.
(2) Any person issuing a false financial statement for the purposes of obtaining a financial transaction device, when such device is used in violation of this section to obtain money, property, or services, shall be guilty of a Class I misdemeanor.
(3) Any person issuing two or more false financial statements for purposes of obtaining two or more financial transaction devices, when such devices are used in violation of this section to obtain money, property, or services, shall be guilty of a Class IV felony.

28-620.
Unauthorized use of a financial transaction device; penalties; prosecution of offense.
(1) A person commits the offense of unauthorized use of a financial transaction device if such person uses such device in an automated banking device, to imprint a sales form, or in any other manner:
(a) For the purpose of obtaining money, credit, property, or services or for making financial payment, with intent to defraud;
(b) With notice that the financial transaction device is expired, revoked, or canceled;
(c) With notice that the financial transaction device is forged, altered, or counterfeited; or
(d) When for any reason his or her use of the financial transaction device is unauthorized either by the issuer or by the account holder.
(2) For purposes of this section, notice shall mean either notice given in person or notice given in writing to the account holder, by registered or certified mail, return receipt requested, duly stamped and addressed to such account holder at his or her last address known to the issuer. Such notice shall be evidenced by a returned receipt signed by the account holder which shall be prima facie evidence that the notice was received.
(3) Any person committing the offense of unauthorized use of a financial transaction device shall be guilty of:
(a) A Class II misdemeanor if the total value of the money, credit, property, or services obtained or the financial payments made are less than five hundred dollars within a six-month period from the date of the first unauthorized use;
(b) A Class I misdemeanor if the total value of the money, credit, property, or services obtained or the financial payments made are five hundred dollars or more but less than one thousand five hundred dollars within a six-month period from the date of the first unauthorized use;
(c) A Class IV felony if the total value of the money, credit, property, or services obtained or the financial payments made are one thousand five hundred dollars or more but less than five thousand dollars within a six-month period from the date of the first unauthorized use; and
(d) A Class IIA felony if the total value of the money, credit, property, or services obtained or the financial payments made are five thousand dollars or more within a six-month period from the date of the first unauthorized use.
(4) Any prosecution under this section may be conducted in any county where the person committed the offense or any one of a series of offenses to be aggregated.
(5) Once aggregated and filed, no separate prosecution for an offense arising out of the same series of offenses aggregated and filed shall be allowed in any county.

28-621.
Criminal possession of a financial transaction device; penalties.
(1) A person commits the offense of criminal possession of a financial transaction device if, with the intent to defraud, such person has in his or her possession or under his or her control any financial transaction device issued to a different account holder or which he or she knows or reasonably should know to be lost, stolen, forged, altered, or counterfeited.
(2) Any person committing the offense of criminal possession of one financial transaction device shall be guilty of a Class III misdemeanor.
(3) Any person committing the offense of criminal possession of two or three financial transaction devices, each issued to different account holders, shall be guilty of a Class IV felony.
(4) Any person committing the offense of criminal possession of four or more financial transaction devices, each issued to different account holders, shall be guilty of a Class IIA felony.

28-622.
Unlawful circulation of a financial transaction device in the first degree; penalty.
(1) A person commits the offense of unlawful circulation of a financial transaction device in the first degree if such person sells or has in his or her possession or under his or her control with the intent to deliver, circulate, or sell two or more financial transaction devices which he or she knows or reasonably should know to be lost, stolen, forged, altered, counterfeited, or delivered under a mistake as to the identity or address of the account holder.
(2) Any person committing the offense of unlawful circulation of a financial transaction device in the first degree shall be guilty of a Class IIA felony.

28-623.

Unlawful circulation of a financial transaction device in the second degree; penalty.
(1) A person commits the offense of unlawful circulation of a financial transaction device in the second degree if such person sells or has in his or her possession or under his or her control with the intent to deliver, circulate, or sell any financial transaction device which he or she knows or reasonably should know to be lost, stolen, forged, altered, counterfeited, or delivered under a mistake as to the identity or address of the account holder.
(2) Any person committing the offense of unlawful circulation of a financial transaction device in the second degree shall be guilty of a Class IV felony.

28-624.
Criminal possession of a blank financial transaction device; penalties.
(1) A person commits the offense of criminal possession of a blank financial transaction device if, without the authorization of the issuer or manufacturer, such person has in his or her possession, has under his or her control, or receives from another person a blank financial transaction device, with intent to use or to cause the use of such device.
(2) Any person committing the offense of criminal possession of a blank financial transaction device shall be guilty of a Class I misdemeanor.
(3) Any person committing the offense of criminal possession of two or more blank financial transaction devices shall be guilty of a Class IV felony.

28-625.
Criminal sale of a blank financial transaction device; penalties; blank financial transaction device, defined.
(1) A person commits the offense of criminal sale of a blank financial transaction device if, without the authorization of the issuer or manufacturer, such person has in his or her possession, has under his or her control, or receives from another person a blank financial transaction device, with intent to deliver, circulate, or sell or to cause the delivery, circulation, or sale of such device.
(2) Any person committing the offense of criminal sale of one blank financial transaction device shall be guilty of a Class IV felony.
(3) Any person committing the offense of criminal sale of two or more blank financial transaction devices shall be guilty of a Class III felony.
For purposes of section28-624and this section, a blank financial transaction device shall mean a device that has at least one or more characteristics of a financial transaction device but does not contain all of the characteristics of a financial transaction device including, but not limited to, a financial transaction device which has not been embossed or magnetically encoded with the name of the account holder, personal identification code, expiration date, or other proprietary institutional information.

28-626.
Criminal possession of a financial transaction forgery device; penalty.
(1) A person commits the offense of criminal possession of a financial transaction forgery device if (a) such person possesses any tool, photographic equipment, printing equipment, or any other device or group or combination of devices adapted, designed, or commonly used for committing or facilitating the commission of an offense involving the unauthorized manufacturing, printing, embossing, or magnetic encoding of a financial transaction device or the altering or addition of any service marks or holographic images to a financial transaction device and (b) intends to use the device or devices possessed or knows that some person intends to use the device or devices possessed in the commission of such an offense.
(2) Any person committing the offense of criminal possession of a financial transaction forgery device shall be guilty of a Class IV felony.

28-627.
Unlawful manufacture of a financial transaction device; penalty.
(1) A person commits the offense of unlawful manufacture of a financial transaction device if, with intent to defraud, such person:
(a) Falsely makes or manufactures, by printing, embossing, or magnetically encoding, a financial transaction device;
(b) Falsely alters or adds service marks, optical characters, or holographic images to a device which is, purports to be, or is circulated to become or represent if completed a financial transaction device; or
(c) Falsely completes a financial transaction device by adding to an incomplete device to make it appear to be a complete one.
(2) Any person committing the offense of unlawful manufacture of a financial transaction device shall be guilty of a Class IIA felony.

28-628.
Laundering of sales forms; penalty.
A person other than a sales form processor commits the offense of laundering of sales forms if such person presents for payment to any sales form processor a sales form which was not originated as a result of a sales transaction between such person and the account holder named on such sales form.
Any person committing the offense of laundering of sales forms shall be guilty of a Class IV felony.

28-629.

Unlawful acquisition of sales form processing services; penalty.
A person commits the offense of unlawful acquisition of sales form processing services if, upon applying for such services with a sales form processor, such person makes or causes to be made a statement or report which is false in some material respect relative to the type of goods or services provided by such person to his or her customers or the method by which such person solicits or concludes sales transactions with his or her customers.
Any person committing the offense of unlawful acquisition of sales form processing services shall be guilty of a Class IV felony.

28-630.
Unlawful factoring of a financial transaction device; penalty.
(1) A person commits the offense of unlawful factoring of a financial transaction device if such person or any agent or employee of such person is authorized by any acquirer to furnish money, property, services, or anything else of value and, with intent to defraud the account holder, acquirer, or issuer, presents for payment a financial transaction device transaction record to the issuer or acquirer.
(2) Any person committing the offense of unlawful factoring of a financial transaction device shall be guilty of a Class IV felony.

28-631.
Fraudulent insurance act; penalties.
(1) A person or entity commits a fraudulent insurance act if he or she:
(a) Knowingly and with intent to defraud or deceive presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, or any agent of an insurer, any statement as part of, in support of, or in denial of a claim for payment or other benefit from an insurer or pursuant to an insurance policy knowing that the statement contains any false, incomplete, or misleading information concerning any fact or thing material to a claim;
(b) Assists, abets, solicits, or conspires with another to prepare or make any statement that is intended to be presented to or by an insurer or person in connection with or in support of any claim for payment or other benefit from an insurer or pursuant to an insurance policy knowing that the statement contains any false, incomplete, or misleading information concerning any fact or thing material to the claim;
(c) Makes any false or fraudulent representations as to the death or disability of a policy or certificate holder or a covered person in any statement or certificate for the purpose of fraudulently obtaining money or benefit from an insurer;
(d) Knowingly and willfully transacts any contract, agreement, or instrument which violates this section;
(e) Receives money for the purpose of purchasing insurance and converts the money to the person's own benefit;
(f) Willfully embezzles, abstracts, purloins, misappropriates, or converts money, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance;
(g) Knowingly and with intent to defraud or deceive issues fake or counterfeit insurance policies, certificates of insurance, insurance identification cards, or insurance binders;
(h) Knowingly and with intent to defraud or deceive possesses fake or counterfeit insurance policies, certificates of insurance, insurance identification cards, or insurance binders;
(i) Knowingly and with intent to defraud or deceive makes any false entry of a material fact in or pertaining to any document or statement filed with or required by the Department of Insurance;
(j) Knowingly and with the intent to defraud or deceive provides false, incomplete, or misleading information to an insurer concerning the number, location, or classification of employees for the purpose of lessening or reducing the premium otherwise chargeable for workers' compensation insurance coverage;
(k) Knowingly and with intent to defraud or deceive removes, conceals, alters, diverts, or destroys assets or records of an insurer or person engaged in the business of insurance or attempts to remove, conceal, alter, divert, or destroy assets or records of an insurer or person engaged in the business of insurance;
(l) Willfully operates as or aids and abets another operating as a discount medical plan organization in violation of subsection (1) of section44-8306; or
(m) Willfully collects fees for purported membership in a discount medical plan organization but purposefully fails to provide the promised benefits.
(2)(a) A violation of subdivisions (1)(a) through (f) of this section is a Class III felony when the amount involved is five thousand dollars or more.
(b) A violation of subdivisions (1)(a) through (f) of this section is a Class IV felony when the amount involved is one thousand five hundred dollars or more but less than five thousand dollars.
(c) A violation of subdivisions (1)(a) through (f) of this section is a Class I misdemeanor when the amount involved is five hundred dollars or more but less than one thousand five hundred dollars.
(d) A violation of subdivisions (1)(a) through (f) of this section is a Class II misdemeanor when the amount involved is less than five hundred dollars.
(e) For any second or subsequent conviction under subdivision (2)(c) of this section, the violation is a Class IV felony.
(f) A violation of subdivisions (1)(g), (i), (j), (k), (l), and (m) of this section is a Class IV felony.
(g) A violation of subdivision (1)(h) of this section is a Class I misdemeanor.
(3) Amounts taken pursuant to one scheme or course of conduct from one person, entity, or insurer may be aggregated in the

indictment or information in determining the classification of the offense, except that amounts may not be aggregated into more than one offense.
(4) In any prosecution under this section, if the amounts are aggregated pursuant to subsection (3) of this section, the amount involved in the offense shall be an essential element of the offense that must be proved beyond a reasonable doubt.
(5) A prosecution under this section shall be in lieu of an action under section44-6607.
(6) For purposes of this section:
(a) Insurer means any person or entity transacting insurance as defined in section44-102with or without a certificate of authority issued by the Director of Insurance. Insurer also means health maintenance organizations, legal service insurance corporations, prepaid limited health service organizations, dental and other similar health service plans, discount medical plan organizations, and entities licensed pursuant to the Intergovernmental Risk Management Act and the Comprehensive Health Insurance Pool Act. Insurer also means an employer who is approved by the Nebraska Workers' Compensation Court as a self-insurer; and
(b) Statement includes, but is not limited to, any notice, statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or medical records, X-rays, test result, or other evidence of loss, injury, or expense, whether oral, written, or computer-generated.

28-632.
Payment cards; terms, defined.
For purposes of this section and sections28-633and28-634:
(1) Encoding machine means an electronic device that is used to encode information onto a payment card;
(2) Merchant means:
(a) An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator;
(b) An establishing financial institution as defined in section8-157.01; or
(c) A person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person;
(3) Payment card means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant;
(4) Person means an individual, firm, partnership, association, corporation, limited liability company, or other business entity; and
(5) Scanning device means a scanner, a reader, a wireless access device, a radio-frequency identification scanner, near-field communication technology, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card.

28-633.
Payment cards; prohibited acts; violation; penalty.
(1) A person that accepts a payment card for the transaction of business shall print no more than the last five digits of the payment card account number upon any receipt provided to the payment card holder.
(2) This section applies only to receipts that are electronically printed and does not apply to any transaction in which the only means of recording the payment card number is by handwriting or by an imprint or copy of the payment card.
(3) A violation of this section is a Class III misdemeanor for the first offense and a Class I misdemeanor for a second or subsequent offense.
(4)(a) This section becomes operative on January 1, 2004, with respect to any cash register or other machine or device that electronically prints receipts for payment card transactions and that is originally put into use on or after January 1, 2004.
(b) This section becomes operative on January 1, 2007, with respect to any cash register or other machine or device that electronically prints receipts for payment card transactions and that is originally put into use before January 1, 2004.

28-634.
Payment cards; prohibited acts relating to scanning device or encoding machine; violation; penalty.
(1) It is unlawful for a person to intentionally and knowingly:
(a) Use a scanning device to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card without the permission of the authorized user of the payment card, the issuer of the authorized user's payment card, or a merchant;
(b) Possess a scanning device with the intent to obtain information encoded on a payment card without the permission of the authorized user, the issuer of the authorized userâ■■s payment card, or a merchant or possess a scanning device with knowledge that some other person intends to use the scanning device to obtain information encoded on a payment card without the permission of the authorized user, the issuer of the authorized userâ■■s payment card, or a merchant;
(c) Use an encoding machine to place information encoded on a payment card onto a different card without the permission of the authorized user of the card from which the information was obtained, the issuer of the authorized user's payment card, or a merchant; or
(d) Possess an encoding machine with the intent to place information encoded on a payment card onto a different payment card

without the permission of the user, the issuer of the authorized userâ■■s payment card, or a merchant.
(2) A violation of this section is a Class IV felony for the first offense and a Class IIIA felony for a second or subsequent offense.

28-636.
Criminal impersonation; identity theft; identity fraud; terms, defined.
For purposes of sections28-636to28-640:
(1) Personal identification document means a birth certificate, motor vehicle operator's license, state identification card, public, government, or private employment identification card, social security card, visa work permit, firearm owner's identification card, certificate issued under section69-2404, or passport or any document made or altered in a manner that it purports to have been made on behalf of or issued to another person or by the authority of a person who did not give that authority. Personal identification document does not include a financial transaction device as defined in section28-618;
(2) Personal identification number means a combination of numerals or letters selected for a customer of a financial institution, a merchant, or any other third party which is used in conjunction with an access device to initiate an electronic funds transfer transaction;
(3) Personal identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person including a person's: (a) Name; (b) date of birth; (c) address; (d) motor vehicle operator's license number or state identification card number as assigned by the State of Nebraska or another state; (e) social security number or visa work permit number; (f) public, private, or government employer, place of employment, or employment identification number; (g) maiden name of a person's mother; (h) number assigned to a person's credit card, charge card, or debit card, whether issued by a financial institution, corporation, or other business entity; (i) number assigned to a person's depository account, savings account, or brokerage account; (j) personal identification number; (k) electronic identification number, address, or routing code used to access financial information; (l) digital signature; (m) telecommunications identifying information or access device; (n) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; and (o) other number or information which can be used to access a person's financial resources; and
(4) Telecommunications identifying information or access device means a card, plate, code, account number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with other telecommunications identifying information or another telecommunications access device may be used to: (a) Obtain money, goods, services, or any other thing of value; or (b) initiate a transfer of funds other than a transfer originated solely by a paper instrument.

28-637.
Criminal impersonation; identity theft;
identity fraud; venue; victim; contact local law enforcement agency.
For purposes
of sections28-636to28-640:
(1) Notwithstanding
any other provision of law, venue for the prosecution and trial of violations
of sections28-636to28-640may be commenced and maintained in any county
in which an element of the offense occurred, including the county where a
victim resides; and
(2) If a person or entity reasonably believes that he, she, or it
has been the victim of a violation of sections28-636to28-640, the victim
may contact a local law enforcement agency which has jurisdiction over the
victim's residence, place of business, or registered address. Notwithstanding
that jurisdiction may lie elsewhere for investigation and prosecution of a
crime of identity theft, the local law enforcement agency shall take the complaint
and provide the complainant with a copy of the complaint and refer the complaint
to a law enforcement agency in the appropriate jurisdiction.

28-638.
Criminal impersonation; penalty; restitution.
(1) A person commits the crime of criminal impersonation if he or she:
(a) Pretends to be a representative of some person or organization and does an act in his or her fictitious capacity with the intent to gain a pecuniary benefit for himself, herself, or another and to deceive or harm another;
(b) Carries on any profession, business, or any other occupation without a license, certificate, or other authorization required by law;
(c) Knowingly provides false personal identifying information or a false personal identification document to a court or a law enforcement officer; or
(d) Knowingly provides false personal identifying information or a false personal identification document to an employer for the purpose of obtaining employment.
(2)(a) Criminal impersonation, as described in subdivisions (1)(a) and (1)(b) of this section, is a Class III felony if the credit, money,

goods, services, or other thing of value that was gained or was attempted to be gained was five thousand dollars or more. Any second or subsequent conviction under this subdivision is a Class II felony.
(b) Criminal impersonation, as described in subdivisions (1)(a) and (1)(b) of this section, is a Class IV felony if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was one thousand five hundred dollars or more but less than five thousand dollars. Any second or subsequent conviction under this subdivision is a Class III felony.
(c) Criminal impersonation, as described in subdivisions (1)(a) and (1)(b) of this section, is a Class I misdemeanor if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was five hundred dollars or more but less than one thousand five hundred dollars. Any second or subsequent conviction under this subdivision is a Class IV felony.
(d) Criminal impersonation, as described in subdivisions (1)(a) and (1)(b) of this section, is a Class II misdemeanor if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than five hundred dollars. Any second conviction under this subdivision is a Class I misdemeanor, and any third or subsequent conviction under this subdivision is a Class IV felony.
(e) Criminal impersonation, as described in subdivision (1)(c) of this section, is a Class IV felony. Any second conviction under this subdivision is a Class III felony, and any third or subsequent conviction under this subdivision is a Class II felony.
(f) Criminal impersonation, as described in subdivision (1)(d) of this section, is a Class II misdemeanor. Any second or subsequent conviction under this subdivision is a Class I misdemeanor.
(g) A person found guilty of violating this section may, in addition to the penalties under this subsection, be ordered to make restitution pursuant to sections29-2280to29-2289.

28-639.
Identity theft; penalty; restitution.
(1) A person commits the crime of identity theft if he or she knowingly takes, purchases, manufactures, records, possesses, or uses any personal identifying information or entity identifying information of another person or entity without the consent of that other person or entity or creates personal identifying information for a fictional person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, or with the intent to obtain or continue employment or with the intent to gain a pecuniary benefit for himself, herself, or another.
(2) Identity theft is not:
(a) The lawful obtaining of credit information in the course of a bona fide consumer or commercial transaction;
(b) The lawful, good faith exercise of a security interest or a right of setoff by a creditor or a financial institution;
(c) The lawful, good faith compliance by any person when required by any warrant, levy, garnishment, attachment, court order, or other judicial or administrative order, decree, or directive; or
(d) The investigative activities of law enforcement.
(3)(a) Identity theft is a Class IIA felony if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was five thousand dollars or more. Any second or subsequent conviction under this subdivision is a Class II felony.
(b) Identity theft is a Class IV felony if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was one thousand five hundred dollars or more but less than five thousand dollars. Any second or subsequent conviction under this subdivision is a Class III felony.
(c) Identity theft is a Class I misdemeanor if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was five hundred dollars or more but less than one thousand five hundred dollars. Any second or subsequent conviction under this subdivision is a Class IV felony.
(d) Identity theft is a Class II misdemeanor if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than five hundred dollars. Any second conviction under this subdivision is a Class I misdemeanor, and any third or subsequent conviction under this subdivision is a Class IV felony.
(e) A person found guilty of violating this section may, in addition to the penalties under this subsection, be ordered to make restitution pursuant to sections29-2280to29-2289.

28-640.
Identity fraud; penalty; restitution.
(1) A person
commits the crime of identity fraud if he or she without lawful authority:
(a) Makes,
counterfeits, alters, or mutilates any personal identification document with
the intent to deceive another; or
(b) Willfully and knowingly obtains, possesses,
uses, sells or furnishes or attempts to obtain, possess, or furnish to another
person for any purpose of deception a personal identification document.
(2)(a) Identity

fraud is a Class I misdemeanor. Any second or subsequent conviction under this subdivision is a Class IV felony.
(b) A person found guilty of violating this section may, in addition to the penalties under this subsection, be ordered to make restitution pursuant to sections29-2280to29-2289.

28-641.
Counterfeit airbags; act, how cited.
Sections28-641to28-644shall be known and may be cited as the Counterfeit Airbag Prevention Act.

28-642.
Counterfeit airbags; terms, defined.
For purposes of the Counterfeit Airbag Prevention Act, unless the context otherwise requires:
(1) Airbag means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system;
(2) Counterfeit supplemental restraint system component means a supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from such manufacturer or supplier;
(3) Nonfunctional airbag means an airbag that meets any of the following criteria:
(a) The airbag was previously deployed or damaged;
(b) The airbag has an electric fault that is detected by the motor vehicle's diagnostic system when the installation procedure is completed and (i) the motor vehicle is returned to the customer who requested the work to be performed or (ii) ownership is intended to be transferred;
(c) The airbag includes a part or object installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or
(d) The airbag is subject to the prohibitions of subsection (j) of 49 U.S.C. 30120, as such section existed on January 1, 2019; and
(4) Supplemental restraint system means an inflatable restraint system as defined in 49 C.F.R. 571.208, as such regulation existed on January 1, 2019, designed for use in conjunction with an active safety system. A supplemental restraint system includes one or more airbags and all components required to ensure that an airbag works as designed by the motor vehicle manufacturer, including both of the following:
(a) The airbag operates as necessary in the event of a crash; and
(b) The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

28-643.
Counterfeit airbags; prohibited acts.
A person violates the Counterfeit Airbag Prevention Act if the person does any of the following:
(1) Knowingly and intentionally manufactures, imports, installs, reinstalls, distributes, sells, or offers for sale any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component or a nonfunctional airbag or does not meet federal safety requirements as provided in 49 C.F.R. 571.208, as such regulation existed on January 1, 2019;
(2) Knowingly and intentionally sells, installs, or reinstalls a device that causes a motor vehicle's diagnostic system to fail to warn when the motor vehicle is equipped with a counterfeit supplemental restraint system component or a nonfunctional airbag or when no airbag is installed;
(3) Knowingly and intentionally represents to another person that a counterfeit supplemental restraint system component or nonfunctional airbag installed in a motor vehicle is not a counterfeit supplemental restraint system component or a nonfunctional airbag; or
(4) Causes another person to violate this section or assists another person in violating this section.

28-644.
Counterfeit airbags; violations; penalties.
(1) Except as otherwise provided in this section, a violation of the Counterfeit Airbag Prevention Act is a Class IV felony.
(2) A violation of the act is a Class IIIA felony if the defendant has been previously convicted of a violation of the act.
(3) A violation of the act is a Class III felony if the violation resulted in an individual suffering bodily injury.
(4) A violation of the act is a Class IIA felony if the violation resulted in an individual suffering serious bodily injury.
(5) A violation of the act is a Class II felony if the violation resulted in the death of an individual.

28-645.
Criminal impersonation by stolen valor; penalty; restitution.
(1) A person commits the offense of criminal impersonation by stolen valor if such person:
(a)(i) Pretends to be an active member or veteran of the United States Navy, Army, Air Force, Marines, Coast Guard, or Space

Force, including armed forces reserves and the National Guard, through the unauthorized manufacture, sale, possession, or use of military regalia or gear, including the wearing of military uniforms or the use of falsified military identification; and
(ii) Does an act in such fictitious capacity with the intent to:
(A) Gain a pecuniary benefit for such person or another person; and
(B) Deceive or harm another person; or
(b) With the intent to deceive or harm another, fraudulently represents such person to be a recipient of the Congressional Medal of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star, Purple Heart, Combat Infantryman Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon, Air Force Combat Action Medal, or another similar award or honor and obtains money, property, or anything of value through such fraudulent representation.
(2) A violation of this section is a Class I misdemeanor.
(3) A person found guilty of violating this section may, in addition to the penalty under subsection (2) of this section, be ordered to make restitution pursuant to sections29-2280to29-2289.

28-701.
Bigamy; penalty; exception.
(1) If any married person, having a husband or wife living, shall marry any other person, he shall be deemed guilty of bigamy, unless as an affirmative defense it appears that at the time of the subsequent marriage:
(a) The accused reasonably believes that the prior spouse is dead; or
(b) The prior spouse had been continually absent for a period of five years during which the accused did not know the prior spouse to be alive; or
(c) The accused reasonably believed that he was legally eligible to remarry.
(2) Any unmarried person who knowingly marries a person who is married commits bigamy.
(3) Bigamy is a Class I misdemeanor.

28-702.
Incestuous marriages; declared void.
Incestuous marriages are marriages between parents and children, grandparents and grandchildren of every degree, between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, aunts and nephews. Incestuous marriages are declared to be absolutely void. This section shall extend to children and relations born out of wedlock.

28-703.
Incest; penalty.
(1) Any person who shall knowingly intermarry or engage in sexual penetration with any person who falls within the degrees of consanguinity set forth in section28-702or any person who engages in sexual penetration with his or her stepchild who is under nineteen years of age commits incest.
(2) Incest is a Class III felony, except that incest with a person who is under eighteen years of age is a Class IIA felony.
(3)(a) For purposes of this section, the definitions found in section28-318shall be used.
(b) The testimony of a victim shall be entitled to the same weight as the testimony of victims of other crimes under this code.

28-705.
Abandonment of spouse, child, or dependent stepchild; prohibited acts; penalty.
(1) Any person who abandons and neglects or refuses to maintain or provide for his or her spouse or his or her child or dependent stepchild, whether such child is born in or out of wedlock, commits abandonment of spouse, child, or dependent stepchild.
(2) For the purposes of this section, child shall mean an individual under the age of sixteen years.
(3) When any person abandons and neglects to provide for his or her spouse or his or her child or dependent stepchild for three consecutive months or more, it shall be prima facie evidence of intent to violate the provisions of subsection (1) of this section.
(4) A designation of assets for or use of income by an individual in accordance with section68-922shall be considered just cause for failure to use such assets or income to provide medical support of such individual's spouse.
(5) Abandonment of spouse, child, or dependent stepchild is a Class I misdemeanor.

28-706.
Criminal nonsupport; penalty; exceptions.
(1) Any person who intentionally fails, refuses, or neglects to provide proper support which he or she knows or reasonably should know he or she is legally obliged to provide to a spouse, minor child, minor stepchild, or other dependent commits criminal nonsupport.
(2) A parent or guardian who refuses to pay hospital costs, medical costs, or any other costs arising out of or in connection with an abortion procedure performed on a minor child or minor stepchild does not commit criminal nonsupport if:
(a) Such parent or guardian was not consulted prior to the abortion procedure; or
(b) After consultation, such parent or guardian refused to grant consent for such procedure, and the abortion procedure was not necessary to preserve the minor child or stepchild from an imminent peril that substantially endangered her life or health.

(3) Support includes, but is not limited to, food, clothing, medical care, and shelter.
(4) A designation of assets for or use of income by an individual in accordance with section68-922shall be considered just cause for failure to use such assets or income to provide medical support of such individual's spouse.
(5) This section does not exclude any applicable civil remedy.
(6) Except as provided in subsection (7) of this section, criminal nonsupport is a Class II misdemeanor.
(7) Criminal nonsupport is a Class IV felony if it is in violation of any order of any court.

28-707.
Child abuse; privileges not available; penalties.
(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:
(a) Placed in a situation that endangers his or her life or physical or mental health;
(b) Cruelly confined or cruelly punished;
(c) Deprived of necessary food, clothing, shelter, or care;
(d) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section28-830or by allowing, encouraging, or forcing such minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions;
(e) Placed in a situation to be sexually abused as defined in section28-319,28-319.01, or28-320.01; or
(f) Placed in a situation to be a trafficking victim as defined in section28-830.
(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.
(3) Child abuse is a Class I misdemeanor if the offense is committed negligently and does not result in serious bodily injury as defined in section28-109or death.
(4) Child abuse is a Class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section28-109or death.
(5) Child abuse is a Class IIIA felony if the offense is committed negligently and results in serious bodily injury as defined in section28-109.
(6) Child abuse is a Class IIA felony if the offense is committed negligently and results in the death of such child.
(7) Child abuse is a Class II felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.
(8) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.
(9) For purposes of this section, negligently refers to criminal negligence and means that a person knew or should have known of the danger involved and acted recklessly, as defined in section28-109, with respect to the safety or health of the minor child.

28-709.
Contributing to the delinquency of a child; penalty; definitions.
(1) Any person who, by any act, encourages, causes, or contributes to the delinquency or need for special supervision of a child under eighteen years of age, so that such child becomes, or will tend to become, a delinquent child, or a child in need of special supervision, commits contributing to the delinquency of a child.
(2) The following definitions shall be applicable to this section:
(a) Delinquent child shall mean any child under the age of eighteen years who has violated any law of the state or any city or village ordinance; and
(b) A child in need of special supervision shall mean any child under the age of eighteen years (i) who, by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian, or custodian; (ii) who is habitually truant from school or home; or (iii) who deports himself so as to injure or endanger seriously the morals or health of himself or others.
(3) Contributing to the delinquency of a child is a Class I misdemeanor.

28-710.
Act, how cited; terms, defined.
(1) Sections28-710to28-727shall be known and may be cited as the Child Protection and Family Safety Act.
(2) For purposes of the Child Protection and Family Safety Act:
(a) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support. Alternative response is an alternative to traditional response and does not include an investigation or a formal determination as to whether child abuse or neglect has occurred, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section28-718;
(b) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:
(i) Placed in a situation that endangers his or her life or physical or mental health;
(ii) Cruelly confined or cruelly punished;
(iii) Deprived of necessary food, clothing, shelter, or care;
(iv) Left unattended in a motor vehicle if such minor child is six years of age or younger;

(v) Placed in a situation to be sexually abused;
(vi) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section28-830or by allowing, encouraging, or forcing such person to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or
(vii) Placed in a situation to be a trafficking victim as defined in section28-830;
(c) Child advocacy center means a community-based organization that (i) provides an appropriate site for conducting forensic interviews as defined in section28-728and referring victims of child abuse or neglect and appropriate caregivers for such victims to needed evaluation, services, and supports, (ii) assists county attorneys in facilitating case reviews, developing and updating protocols, and arranging training opportunities for the teams established pursuant to sections28-728and28-729, and (iii) is a member, in good standing, of a state chapter as defined in 34 U.S.C. 20302;
(d) Comprehensive assessment means an analysis of child safety, risk of future child abuse or neglect, and family strengths and needs on a report of child abuse or neglect using an evidence-informed and validated tool. Comprehensive assessment does not include a finding as to whether the child abuse or neglect occurred but does determine the need for services and support, if any, to address the safety of children and the risk of future abuse or neglect;
(e) Department means the Department of Health and Human Services;
(f) Investigation means fact gathering by the department, using an evidence-informed and validated tool, or by law enforcement related to the current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed;
(g) Kin caregiver means a person with whom a child in foster care has been placed or with whom a child is residing pursuant to a temporary living arrangement in a non-court-involved case, who has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child or with a sibling of such child placed pursuant to section43-1311.02;
(h) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol;
(i) Non-court-involved case means an ongoing case opened by the department following a report of child abuse or neglect in which the department has determined that ongoing services are required to maintain the safety of a child or alleviate the risk of future abuse or neglect and in which the family voluntarily engages in child protective services without a filing in a juvenile court;
(j) Out-of-home child abuse or neglect means child abuse or neglect occurring outside of a child's family home, including in day care homes, foster homes, day care centers, residential child-caring agencies as defined in section71-1926, other child care facilities or institutions, and the community. Out-of-home child abuse or neglect also includes cases in which the subject of the report of child abuse or neglect is not a member of the child's household, no longer has access to the child, is unknown, or cannot be identified;
(k) Relative caregiver means a person with whom a child is placed by the department and who is related to the child, or to a sibling of such child pursuant to section43-1311.02, by blood, marriage, or adoption or, in the case of an Indian child, is an extended family member as defined in section43-1503;
(l) Report means any communication received by the department or a law enforcement agency pursuant to the Child Protection and Family Safety Act that describes child abuse or neglect and contains sufficient content to identify the child who is the alleged victim of child abuse or neglect;
(m) Review, Evaluate, and Decide Team means an internal team of staff within the department and shall include no fewer than two supervisors or administrators and two staff members knowledgeable on the policies and practices of the department, including, but not limited to, the structured review process. County attorneys, child advocacy centers, or law enforcement agency personnel may attend team reviews upon request of a party;
(n) School employee means a person nineteen years of age or older who is employed by a public, private, denominational, or parochial school approved or accredited by the State Department of Education;
(o) Student means a person less than nineteen years of age enrolled in or attending a public, private, denominational, or parochial school approved or accredited by the State Department of Education, or who was such a person enrolled in or who attended such a school within ninety days of any violation of section28-316.01;
(p) Traditional response means an investigation by a law enforcement agency or the department pursuant to section28-713which requires a formal determination of whether child abuse or neglect has occurred; and
(q) Subject of the report of child abuse or neglect or subject of the report means the person or persons identified in the report as responsible for the child abuse or neglect.

28-710.01.
Legislative declarations.
(1) The Legislature declares that the public policy of the State of Nebraska is to protect children whose health or welfare may be jeopardized by abuse or neglect. The Legislature recognizes that most families want to keep their children safe, but circumstances or conditions sometimes interfere with their ability to do so. Families and children are best served by interventions that engage their protective capacities and address immediate safety concerns and ongoing risks of child abuse or neglect. In furtherance of this public policy and the family policy and principles set forth in sections43-532and43-533, it is the intent of the Legislature to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings and to provide, when necessary, a safe temporary or permanent home environment for abused or neglected children.
(2) In addition, it is the policy of this state to: Require the reporting of child abuse or neglect in home, school, and community

settings; provide for alternative response to reports as permitted by law and the rules and regulations of the department; provide for traditional response to reports as required by law and the rules and regulations of the department; and provide protective and supportive services designed to preserve and strengthen the family in appropriate cases.

28-711.
Child subjected
to abuse or neglect; report; contents; toll-free number.
(1) When any physician, any medical
institution, any nurse, any school employee, any social worker, the Inspector General appointed under
section43-4317, or any other
person has reasonable cause to believe that a child has been subjected to
child abuse or neglect or observes such child being subjected to conditions
or circumstances which reasonably would result in child abuse or neglect,
he or she shall report such incident or cause a report of child abuse or neglect
to be made to the proper law enforcement agency or to the department on the
toll-free number established by subsection (2) of this section. Such report
may be made orally by telephone with the caller giving his or her name and
address, shall be followed by a written report, and to the extent available
shall contain the address and age of the abused or neglected child, the address
of the person or persons having custody of the abused or neglected child,
the nature and extent of the child abuse or neglect or the conditions and
circumstances which would reasonably result in such child abuse or neglect,
any evidence of previous child abuse or neglect including the nature and extent,
and any other information which in the opinion of the person may be helpful
in establishing the cause of such child abuse or neglect and the identity
of the perpetrator or perpetrators. Law enforcement agencies receiving any
reports of child abuse or neglect under this subsection shall notify the department
pursuant to section28-718on the next working day by telephone or mail.
(2) The department shall establish a statewide toll-free
number to be used by any person any hour of the day or night, any day of the
week, to make reports of child abuse or neglect. Reports of child abuse or
neglect not previously made to or by a law enforcement agency shall be made
immediately to such agency by the department.

28-712.
Reports of child abuse or neglect; department; determination; alternative response; department; use; advisory committee; recommendations; rules and regulations.
(1) Upon receipt of a report pursuant to section28-711, the department shall determine whether to (a) accept the report for traditional response and an investigation pursuant to section28-713, (b) accept the report for alternative response pursuant to section28-712.01, (c) accept the report for screening by the Review, Evaluate, and Decide Team to determine eligibility for alternative response, or (d) classify the report as requiring no further action by the department.
(2)(a) The Nebraska Children's Commission shall appoint an advisory committee to examine the department's alternative response to reports of child abuse or neglect and to make recommendations to the Legislature, the department, and the commission regarding (i) the receipt and screening of reports of child abuse or neglect by the department, (ii) the ongoing use of alternative response, (iii) the ongoing use of traditional response, and (iv) the provision of services within alternative response and non-court-involved cases to ensure child safety, to reduce the risk of child abuse or neglect, and to engage families. The advisory committee may request, receive, and review data from the department regarding such processes.
(b) The members of the advisory committee shall include, but not be limited to, a representative of (i) the department, (ii) law enforcement agencies, (iii) county attorneys or other prosecutors, (iv) the state chapter of child advocacy centers as defined in 34 U.S.C. 20302, (v) attorneys for parents, (vi) guardians ad litem, (vii) a child welfare advocacy organization, (viii) families with experience in the child welfare system, (ix) family caregivers, (x) the Foster Care Review Office, and (xi) the office of Inspector General of Nebraska Child Welfare. Members of the advisory committee shall be appointed for terms of two years. The Nebraska Children's Commission shall appoint the chairperson of the advisory committee and may fill vacancies on the advisory committee as they occur.
(3) The department shall adopt and promulgate rules and regulations to carry out this section and sections28-710.01,28-712.01, and28-713. Such rules and regulations shall include, but not be limited to, provisions on (a) the transfer of cases from alternative response to traditional response, (b) notice to families subject to a comprehensive assessment and served through alternative response of the alternative response process and their rights, including the opportunity to challenge agency determinations, (c) the provision of services through alternative response, and (d) the collection, sharing, and reporting of data.

28-712.01.

Reports of child abuse or neglect; alternative response assigned; criteria; Review, Evaluate, and Decide Team; duties; department; duties; Inspector General's review.

(1)(a) The department may assign a report for alternative response consistent with the Child Protection and Family Safety Act.

(b) No report involving any of the following shall be assigned to alternative response but shall be immediately forwarded to law enforcement or the county attorney:

(i) Murder in the first or second degree as defined in section28-303or28-304or manslaughter as defined in section28-305;

(ii) Assault in the first, second, or third degree or assault by strangulation or suffocation as defined in section28-308,28-309,28-310, or28-310.01;

(iii) Sexual abuse, including acts prohibited by section28-319,28-319.01,28-320,28-320.01,28-320.02,28-322.01,28-322.02,28-322.03,28-322.04,28-322.05,28-703, or28-707;

(iv) Labor trafficking of a minor or sex trafficking of a minor as defined in section28-830;

(v) Neglect of a minor child that results in serious bodily injury as defined in section28-109, requires hospitalization of the child, or results in an injury to the child that requires ongoing medical care, behavioral health care, or physical or occupational therapy, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(vi) Physical abuse to the head or torso of a child or physical abuse that results in bodily injury;

(vii) An allegation that requires a forensic interview at a child advocacy center or coordination with the child abuse and neglect investigation team pursuant to section28-728;

(viii) Out-of-home child abuse or neglect;

(ix) An allegation being investigated by a law enforcement agency at the time of the assignment;

(x) A history of termination of parental rights;

(xi) Absence of a caretaker without having given an alternate caregiver authority to make decisions and grant consents for necessary care, treatment, and education of a child or without having made provision to be contacted to make such decisions or grant such consents;

(xii) Domestic violence involving a caretaker in situations in which the alleged perpetrator has access to the child or caretaker;

(xiii) A household member illegally manufactures methamphetamine or opioids;

(xiv) A child has had contact with methamphetamine or other nonprescribed opioids, including a positive drug screening or test; or

(xv) For a report involving an infant, a household member tests positive for methamphetamine or nonprescribed opioids at the birth of such infant.

(c) The department may adopt and promulgate rules and regulations to (i) provide additional ineligibility criteria for assignment to alternative response and (ii) establish additional criteria requiring review by the Review, Evaluate, and Decide Team.

(d) A report that includes any of the following may be eligible for alternative response but shall first be reviewed by the Review, Evaluate, and Decide Team prior to assignment to alternative response:

(i) Domestic assault as defined in section28-323or domestic violence in the family home;

(ii) Use of alcohol or controlled substances as defined in section28-401or28-405by a caregiver that impairs the caregiver's ability to care and provide safety for the child; or

(iii) A family member residing in the home or a caregiver that has been the subject of a report accepted for traditional response or assigned to alternative response in the past six months.

(2) The Review, Evaluate, and Decide Team shall convene to review reports pursuant to the department's rules, regulations, and policies, to evaluate the information, and to determine assignment for alternative response or traditional response. The team shall utilize consistent criteria to review the severity of the allegation of child abuse or neglect, access to the perpetrator, vulnerability of the child, family history including previous reports, parental cooperation, parental or caretaker protective factors, and other information as deemed necessary. At the conclusion of the review, the report shall be assigned to either traditional response or alternative response. Decisions of the team shall be made by consensus. If the team cannot come to consensus, the report shall be assigned for a traditional response.

(3) In the case of an alternative response, the department shall complete a comprehensive assessment. The department shall transfer the case being given alternative response to traditional response if the department determines that a child is unsafe or if the concern for the safety of the child is due to a temporary living arrangement. Upon completion of the comprehensive assessment, if it is determined that the child is safe, participation in services offered to the family receiving an alternative response is voluntary, the case shall not be transferred to traditional response based upon the family's failure to enroll or participate in such services, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section28-718.

(4) The department shall, by the next working day after receipt of a report of child abuse or neglect, enter into the tracking system of child protection cases maintained pursuant to section28-715all reports of child abuse or neglect received under this section that are opened for alternative response and any action taken.

(5) The department shall make available to the appropriate investigating law enforcement agency, child advocacy center, and county attorney a copy of all reports relative to a case of suspected child abuse or neglect. Aggregate, nonidentifying data regarding reports of child abuse or neglect receiving an alternative response shall be made available quarterly to requesting agencies outside the department. Such alternative response data shall include, but not be limited to, the nature of the initial child abuse or neglect report, the age of the child or children, the nature of services offered, the location of the cases, the number of cases per month, and the number of alternative response cases that were transferred to traditional response. Other than the office of Inspector General of

Nebraska Child Welfare, the Public Counsel, law enforcement agency personnel, child advocacy center employees, and county attorneys, no other agency or individual shall be provided specific, identifying reports of child abuse or neglect being given alternative response. The office of Inspector General of Nebraska Child Welfare shall have access to all reports relative to cases of suspected child abuse or neglect subject to traditional response and those subject to alternative response. The department and the office shall develop procedures allowing for the Inspector General's review of cases subject to alternative response. The Inspector General shall include in the report pursuant to section43-4331a summary of all cases reviewed pursuant to this subsection.

28-713.
Reports of child abuse or neglect; law enforcement agency; department; duties; rules and regulations.
(1) Unless a report is assigned to alternative response, upon the receipt of a call reporting child abuse and neglect as required by section28-711, it is the duty of the law enforcement agency to investigate the report, to take immediate steps to protect the child, and to institute legal proceedings consistent with section43-247if the child is seriously endangered in the child's surroundings and immediate removal is necessary for the protection of the child. The law enforcement agency may request assistance from the department during the investigation and shall, by the next working day, notify either the hotline established under section28-711or the department of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency. A copy of all reports, whether or not an investigation is being undertaken, shall be provided to the department.
(2)(a) When a report is assigned for traditional response, the department shall utilize an evidence-informed and validated tool to assess the safety of the child at the time of the assessment, the risk of future child abuse or neglect, the need for services to protect and assist the child and to preserve the family, and whether the case shall be entered into the central registry pursuant to section28-720. As part of such investigation, the department may request assistance from the appropriate law enforcement agency or refer the matter to the county attorney to initiate legal proceedings.
(b) If in the course of an investigation the department finds a child is seriously endangered in the child's surroundings and immediate removal is necessary for the protection of the child, the department shall make an immediate request for the county attorney to institute legal proceedings consistent with section43-247.
(3) When a report contains an allegation of out-of-home child abuse or neglect, a law enforcement agency or the department shall immediately notify each person having custody of each child who has allegedly been abused or neglected that such report has been made unless the person to be notified is the subject of such report. The department or the law enforcement agency shall provide such person with information about the nature of the alleged child abuse or neglect and any other necessary information. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the child and to preserve the family.
(4)(a) In situations of alleged out-of-home child abuse or neglect, if the subject of the report of child abuse or neglect is a school employee and the child is a student in the school to which such school employee is assigned for work, the department shall immediately notify the Commissioner of Education of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency or the department.
(b) In situations of alleged out-of-home child abuse or neglect, if the subject of the report of child abuse or neglect is a child care provider or a child care staff member as defined by subdivision (5)(k) of section71-1912, the Division of Children and Family Services of the Department of Health and Human Services shall immediately notify the Division of Public Health of the Department of Health and Human Services of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency or the department.
(5) The department shall, by the next working day after receiving a report of child abuse or neglect under this section, make a written report or a summary on forms provided by the department to the proper law enforcement agency in the county and enter in the tracking system of child protection cases maintained pursuant to section28-715all reports of child abuse or neglect opened for investigation and any action taken.
(6) The department shall, upon request, make available to the appropriate investigating law enforcement agency and the county attorney a copy of all reports relative to a case of suspected child abuse or neglect.
(7)(a) In addition to the responsibilities under subsections (1) through (6) of this section, upon the receipt of any report that a child is a reported or suspected victim of sex trafficking of a minor or labor trafficking of a minor as defined in section28-830and without regard to the subject of the report, the department shall:
(i) Assign the case to staff for an in-person investigation. The department shall assign a report for investigation regardless of whether or not the subject of the report is a member of the child's household or family or whether the subject is known or unknown, including cases of out-of-home child abuse and neglect;
(ii) Conduct an in-person investigation and appropriately coordinate with law enforcement agencies, the local child advocacy center, and the child abuse and neglect investigation team under section28-729;
(iii) Use specialized screening and assessment instruments to identify whether the child is a victim of sex trafficking of a minor or labor trafficking of a minor or at high risk of becoming such a victim and determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation. On or before December 1, 2019, the department shall develop and adopt these instruments in consultation with knowledgeable organizations and individuals, including representatives of child advocacy centers, behavioral health providers, child welfare and juvenile justice service providers, law enforcement representatives, and prosecutors; and
(iv) Provide for or refer and connect the child and family to services deemed appropriate by the department in the least restrictive

environment, or provide for safe and appropriate placement, medical services, mental health care, or other needs as determined by the department based upon the department's assessment of the safety, risk, and needs of the child and family to respond to or prevent abuse, neglect, and exploitation.
(b) On or before July 1, 2020, the department shall adopt rules and regulations on the process of investigation, screening, and assessment of reports of child abuse or neglect and the criteria for opening an ongoing case upon allegations of sex trafficking of a minor or labor trafficking of a minor.
(8) When a preponderance of the evidence indicates that a child is a victim of abuse or neglect as a result of being a trafficking victim as defined in section28-830, the department shall identify the child as a victim of trafficking, regardless of whether the subject of the report is a member of the child's household or family or whether the subject is known or unknown. The child shall be included in the department's data and reporting on the numbers of child victims of abuse, neglect, and trafficking.

28-713.01.
Cases of child abuse or neglect; completion of investigation; notice; when; right to amend or expunge information.
(1) Upon completion of the investigation pursuant to section28-713:
(a) In situations of alleged out-of-home child abuse or neglect, the person or persons having custody of the allegedly abused or neglected child or children shall be given written notice of the results of the investigation and any other information the law enforcement agency or department deems necessary. Such notice and information shall be sent by first-class mail;
(b) The subject of the report of child abuse or neglect shall be given written notice of the determination of the case and whether the subject of the report of child abuse or neglect will be entered into the central registry of child protection cases maintained pursuant to section28-718under the criteria provided in section28-720; and
(c) If the subject of the report of child abuse or neglect is a school employee and the child is a student in the school to which such school employee is assigned for work, the notice described in subdivision (1)(b) of this section shall also be sent to the Commissioner of Education.
(2) If the subject of the report will be entered into the central registry, the notice to the subject shall be sent by certified mail with return receipt requested or first-class mail to the last-known address of the subject of the report of child abuse or neglect and shall include:
(a) The nature of the report;
(b) The classification of the report under section28-720;
(c) Notification of the right of the subject of the report of child abuse or neglect to request the department to amend or expunge identifying information from the report or to remove the substantiated report from the central registry in accordance with section28-723; and
(d) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age:
(i) Notification of the mandatory expungement hearing to be held according to section28-721, a waiver form to waive the hearing, and an explanation of the hearing process;
(ii) An explanation of the implications of being entered in the central registry as a subject;
(iii) Notification of any other procedures determined appropriate in rules and regulations adopted and promulgated by the department; and
(iv) Provision of a copy of all notice materials required to be provided to the subject under this subsection to the minor child's attorney of record, parent or guardian, and guardian ad litem, if applicable.
(3) If the subject of the report will not be entered into the central registry, the notice to the subject shall be sent by first-class mail and shall include:
(a) The nature of the report; and
(b) The classification of the report under section28-720.

28-713.02.
Non-court-involved cases; right of parent; caregiver authority; department; powers and duties.
(1) In all non-court-involved cases in which a child lives temporarily with a kin caregiver or a relative caregiver until reunification can be safely achieved:
(a) A parent shall have the right to have his or her child returned to such parent's home upon demand unless the child is seriously endangered by the child's surroundings and removal is necessary for the child's protection; and
(b) The kin caregiver or the relative caregiver shall have temporary parental authority to exercise powers regarding the care, custody, and property of the child except (i) the power to consent to marriage and adoption of the child and (ii) for other limitations placed on the delegation of parental authority to the kin caregiver or the relative caregiver by the parent.
(2) If a child is seriously endangered and removal is necessary, the department shall inform the parent that he or she may be referred for a court-involved case or for a petition to be filed pursuant to subdivision (3)(a) of section43-247.
(3) The department may reimburse a kin caregiver or a relative caregiver for facilitating services for the child and shall notify such caregiver if such caregiver is eligible for the child-only Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq., and any other public benefit for which such caregiver may be eligible, and shall assist such caregiver in applying for such program or benefit.

(4) In all non-court-involved cases, the department shall provide a written notice of rights to any parent, and, if applicable, to any kin caregiver or relative caregiver, that complies with due process and includes notice (a) of the specific factual basis of the department's involvement, (b) of the possibility that a petition under section43-247could be filed in the future if it is determined that the safety of the child is not or cannot be assured, and (c) that the participation of the parent, kin caregiver, or relative caregiver in receiving prevention services could be relevant evidence presented in any future proceedings.
(5) Nothing in this section shall be construed to affect the otherwise existing rights of a child or parent who is involved in a non-court-involved case.

28-713.03.
Rules and regulations.
(1) The department shall adopt and promulgate rules and regulations consistent with Laws 2020, LB1061, and shall revoke any rules and regulations inconsistent with Laws 2020, LB1061, by July 1, 2021.
(2) The department shall adopt and promulgate rules and regulations regarding (a) the maximum time allowed between receiving a report of child abuse or neglect and an assigned caseworker making contact with the affected family, (b) the maximum amount of time between receipt of a report and the completion of an assessment or investigation, (c) the transfer of cases from alternative response to traditional response, (d) the criteria and process to be used by the Review, Evaluate, and Decide Team, and (e) the process used to accept and categorize reports, including the operation of the hotline established under section28-711.
(3) The department shall adopt and promulgate rules and regulations describing the process for non-court-involved cases, the right of any child, parent, kin caregiver, or relative caregiver to an administrative appeal of any department action or inaction in a non-court-involved case, and the process for finding that a child is seriously endangered.

28-714.
Privileged communications; not grounds for excluding evidence.
The privileged communication between patient and physician, between client and professional counselor, and between husband and wife shall not be a ground for excluding evidence in any judicial proceeding resulting from a report of child abuse or neglect required by section28-711.

28-715.
Tracking system; department; duties; use authorized.
The department shall retain all information from all reports of suspected child abuse or neglect required by section28-711and all records generated as a result of such reports in a tracking system of child protection cases. The tracking system shall be used for statistical purposes as well as a reference for future investigations if subsequent reports of child abuse or neglect are made involving the same victim or subject of a report of child abuse or neglect.

28-716.
Person participating in an investigation or the making of a report or providing information or assistance; immune from liability; civil or criminal.
Any person participating in an investigation or the making of a report of child abuse or neglect required by section28-711pursuant to or participating in a judicial proceeding resulting therefrom or providing information or assistance, including a medical evaluation or consultation in connection with an investigation, a report, or a judicial proceeding pursuant to a report of child abuse or neglect, shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

28-717.
Violation; penalty.
Any person who willfully fails to make any report of child abuse or neglect required by section28-711shall be guilty of a Class III misdemeanor.

28-718.
Child protection cases; central registry; name-change order; treatment; fee; waiver.
(1) There shall be a central registry of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section28-713and classified as either court substantiated or agency substantiated as provided in section28-720.
(2) The department shall determine whether a name-change order received from the clerk of a district court pursuant to section25-21,271is for a person on the central registry of child protection cases and, if so, shall include the changed name with the former name in the registry and file or cross-reference the information under both names.
(3) The department may charge a reasonable fee in an amount established by the department in rules and regulations to recover expenses in carrying out central registry records checks. The fee shall not exceed three dollars for each request to check the records of the central registry. The department shall remit the fees to the State Treasurer for credit to the Health and Human Services Cash Fund. The department may waive the fee if the requesting party shows the fee would be an undue financial hardship. The

department shall use the fees to defray costs incurred to carry out such records checks. The department may adopt and promulgate rules and regulations to carry out this section.

28-719.
Child abuse and neglect records; access; when.
Upon complying with identification requirements established by regulation of the department, or when ordered by a court of competent jurisdiction, any person legally authorized by section28-722,28-726, or28-727to have access to records relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with the requirements of the Child Protection and Family Safety Act. Except for such information provided to department personnel and county attorneys, such information shall not include the name and address of the person making the report of child abuse or neglect. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central registry of child protection cases maintained pursuant to section28-718shall be entered in the central registry record.

28-720.
Cases; central registry; classification; expungement; department; report.
(1) All cases entered into the central registry of child protection cases maintained pursuant to section28-718shall be classified as one of the following:
(a) Court substantiated, if a court of competent jurisdiction has entered a judgment of guilty against the subject of the report of child abuse or neglect upon a criminal complaint, indictment, or information or there has been an adjudication of jurisdiction of a juvenile court over the child under subdivision (3)(a) of section43-247which relates or pertains to the report of child abuse or neglect;
(b) Court pending, if a criminal complaint, indictment, or information or a juvenile petition under subdivision (3)(a) of section43-247, which relates or pertains to the subject of the report of abuse or neglect, has been filed and is pending in a court of competent jurisdiction; or
(c) Agency substantiated, if the department's determination of child abuse or neglect against the subject of the report of child abuse or neglect was supported by a preponderance of the evidence and based upon an investigation pursuant to section28-712.01or28-713.
(2) If a case described in subdivision (1)(b) of this section is dismissed by the court or a juvenile petition under subdivision (3)(a) of section43-247is redesignated to indicate there is no fault on the part of the parent, guardian, or custodian, the case shall be immediately expunged from the central registry of child protection cases.
(3)(a) If the subject of the report of child abuse or neglect is a minor child who is younger than twelve years of age, the case shall not be entered into the central registry of child protection cases.
(b) If a juvenile petition is filed under subdivision (3)(a) of section43-247indicating that the juvenile is without proper support through no fault of his or her parent, guardian, or custodian, the case shall not be entered into the central registry of child protection cases.
(4) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age, the case shall not be classified as court pending in the central registry of child protection cases.
(5) The department shall report annually, on or before September 15, to the Governor and electronically to the chairpersons of the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature the number of cases entered into the central registry of child protection cases in which the subject is a minor child, the ages of such subjects who are children, and the number of such cases classified as court substantiated or agency substantiated.

28-720.01.
Unfounded reports; how treated.
All reports of child abuse or neglect which are not under subdivision (1)(a), (b), or (c) of section28-720shall be considered unfounded and shall be maintained only in the tracking system of child protection cases pursuant to section28-715and not in the central registry of child protection cases maintained pursuant to section28-718.

28-721.
Central registry; record; amend, expunge, or remove; mandatory expungement hearing; waiver; department; duties.
(1) At any time, the department may amend, expunge, or remove from the central registry of child protection cases maintained pursuant to section28-718any record upon good cause shown and upon notice to the subject of the report of child abuse or neglect.
(2)(a) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age, the subject is entered into the central registry of child protection cases maintained under section28-718, and the case involving that minor child is classified as court substantiated or agency substantiated as provided in section28-720, the department shall conduct a mandatory expungement hearing within sixty days after the subject receives the notification required under section28-713.01unless the subject and the subject's attorney of record, parent, guardian, or guardian ad litem sign and return a waiver form as provided under section28-713.01within thirty days after receipt. The department shall not, as guardian, sign a waiver form for any subject in its custody. If such subject remains on the central registry of child protection cases, the department shall conduct a second mandatory expungement hearing within sixty days after the subject's nineteenth birthday unless the subject signs and returns a waiver form as provided under section28-713.01within thirty days after receipt.

(b) The department may conduct the mandatory expungement hearing by any means, including by telephone.
(c) If a mandatory expungement hearing is held regarding the subject of a report of child abuse or neglect who is a minor child and the subject is entered into the central registry of child protection cases maintained under section28-718, the subject may make a subsequent request under subsection (1) of this section or section28-723.

28-722.
Central registry; subject of report; access to information.
Upon request, a subject of the report of child abuse or neglect or, if such subject is a minor or otherwise legally incompetent, the guardian or guardian ad litem of the subject, shall be entitled to receive a copy of all information contained in the central registry of child protection cases maintained pursuant to section28-718pertaining to his or her case. The department shall not release data that would be harmful or detrimental or that would identify or locate a person who, in good faith, made a report of child abuse or neglect or cooperated in a subsequent investigation unless ordered to do so by a court of competent jurisdiction.

28-723.
Subject of report; request to amend, expunge, or remove information; denied; hearing; decision; appeal.
At any time subsequent to the completion of the department's investigation, the subject of the report of child abuse or neglect may request the department to amend, expunge identifying information from, or remove the record of the report from the central registry of child protection cases maintained pursuant to section28-718. If the department refuses to do so or does not act within thirty days, the subject of the report of child abuse or neglect shall have the right to a fair hearing within the department to determine whether the record of the report of child abuse or neglect should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with the Child Protection and Family Safety Act. Such fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department. A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded. The hearing shall be conducted by the chief executive officer of the department or his or her designated agent, who is hereby authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of the act. The decision shall be made in writing, at the close of the hearing or within thirty days thereof, and shall state the reasons upon which it is based. Decisions of the department may be appealed under the Administrative Procedure Act.

28-724.
Record; amendment, expunction, or removal; notice.
Written notice of any amendment, expunction, or removal of any record in the central registry of child protection cases maintained pursuant to section28-718shall be served upon the subject of the report of child abuse or neglect. The department shall inform any other individuals or agencies which received such record of any amendment, expunction, or removal of such record.

28-725.
Information, report; confidential; violation; penalty.
All

information of the department concerning reports of child abuse or neglect of noninstitutional children, including information in the tracking system of child protection cases maintained pursuant to section28-715or records in the central registry of child protection cases maintained pursuant to section28-718, and all information of the department generated as a result of such reports or records, shall be confidential and shall not be disclosed except as specifically authorized by the Child Protection and Family Safety Act and section81-3126or other applicable law. The subject of the report of child abuse or neglect may authorize any individual or organization to receive the following information from the central registry of child protection cases maintained pursuant to section28-718which relates or pertains to him or her: (1) The date of the alleged child abuse or neglect; and (2) the classification of the case pursuant to section28-720. Permitting, assisting, or encouraging the unauthorized release of any information contained in such reports or records shall be a Class V misdemeanor.

28-726.
Information; access.
Except as provided in this section and sections28-722and81-3126, no person, official, or agency shall have access to information in the tracking system of child protection cases maintained pursuant to section28-715or in records in the central registry of child protection cases maintained pursuant to section28-718unless in furtherance of purposes directly connected with the administration of the Child Protection and Family Safety Act. Such persons, officials, and agencies having access to such information shall include, but not be limited to:
(1) A law enforcement agency investigating a report of known or suspected child abuse or neglect;
(2) A county attorney in preparation of a child abuse or neglect petition or termination of parental rights petition;
(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;
(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, a guardian, or other person responsible for the abused or neglected child's welfare who is the subject of the report of child abuse or neglect;
(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report of child abuse or neglect shall be made available to the researcher or auditor;
(6) The Foster Care Review Office and the designated local foster care review board when the information relates to a child in a foster care placement as defined in section43-1301. The information provided to the office and local board shall not include the name or identity of any person making a report of suspected child abuse or neglect;
(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act existed on January 1, 2005, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed on September 1, 2001, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness;
(8) The person or persons having custody of the abused or neglected child in situations of alleged out-of-home child abuse or neglect;
(9) The department, as required or authorized by state law, federal law, federal regulation, or applicable federal program provisions and in furtherance of its programs;
(10) A probation officer administering juvenile intake services pursuant to section29-2260.01, conducting court-ordered predispositional investigations prior to disposition, or supervising a juvenile upon disposition; and
(11) A child advocacy center pursuant to team protocols and in connection with a specific case under review or investigation by a child abuse and neglect investigation team or a child abuse and neglect treatment team convened by a county attorney.

28-727.
Report; person making; receive summary of findings and actions; when.
Upon request, a physician or the person in charge of an institution, school, facility, or agency making a legally mandated report of child abuse or neglect pursuant to section28-711shall receive a summary of the findings of and actions taken by the department in response to his or her report. The amount of detail such summary contains shall depend on the source of the report of child abuse or neglect and shall be established by regulations of the department.

28-728.
Legislative findings and intent; child abuse and neglect investigation team; child advocacy center; child abuse and neglect treatment team; powers and duties.
(1) The Legislature finds that child abuse and neglect are community problems requiring a coordinated response by law enforcement, child advocacy centers, prosecutors, the Department of Health and Human Services, and other agencies or entities designed to protect children. It is the intent of the Legislature to create a child abuse and neglect investigation team in each county

or contiguous group of counties and to create a child abuse and neglect treatment team in each county or contiguous group of counties.
(2) Each county or contiguous group of counties will be assigned by the Department of Health and Human Services to a child advocacy center. The purpose of a child advocacy center is to provide a child-focused location for conducting forensic interviews and medical evaluations for alleged child victims of abuse and neglect and for coordinating a multidisciplinary team response that supports the physical, emotional, and psychological needs of children who are alleged victims of abuse or neglect. Each child advocacy center shall meet accreditation criteria set forth by the National Children's Alliance. Nothing in this section shall prevent a child from receiving treatment or other services at a child advocacy center which has received or is in the process of receiving accreditation.
(3) Each county attorney or the county attorney representing a contiguous group of counties is responsible for convening the child abuse and neglect investigation team and ensuring that protocols are established and implemented. A representative of the child advocacy center assigned to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team must have protocols which, at a minimum, shall include procedures for:
(a) Mandatory reporting of child abuse and neglect as outlined in section28-711to include training to professionals on identification and reporting of abuse;
(b) Assigning roles and responsibilities between law enforcement and the Department of Health and Human Services for the initial response;
(c) Outlining how reports will be shared between law enforcement and the Department of Health and Human Services under sections28-712.01and28-713;
(d) Coordinating the investigative response including, but not limited to:
(i) Defining cases that require a priority response;
(ii) Contacting the reporting party;
(iii) Arranging for a video-recorded forensic interview at a child advocacy center for children who are three to eighteen years of age and are alleged to be victims of sexual abuse or serious physical abuse or neglect, have witnessed a violent crime, are found in a drug-endangered environment, or have been recovered from a kidnapping;
(iv) Assessing the need for and arranging, when indicated, a medical evaluation of the alleged child victim;
(v) Assessing the need for and arranging, when indicated, appropriate mental health services for the alleged child victim or nonoffender caregiver;
(vi) Conducting collateral interviews with other persons with information pertinent to the investigation including other potential victims;
(vii) Collecting, processing, and preserving physical evidence including photographing the crime scene as well as any physical injuries as a result of the alleged child abuse and neglect; and
(viii) Interviewing the alleged perpetrator;
(e) Reducing the risk of harm to alleged child abuse and neglect victims;
(f) Ensuring that the child is in safe surroundings, including removing the perpetrator when necessary or arranging for temporary custody of the child when the child is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the child's protection as provided in section43-248;
(g) Sharing of case information between team members; and
(h) Outlining what cases will be reviewed by the investigation team including, but not limited to:
(i) Cases of sexual abuse, serious physical abuse and neglect, drug-endangered children, and serious or ongoing domestic violence;
(ii) Cases determined by the Department of Health and Human Services to be high or very high risk for further maltreatment; and
(iii) Any other case referred by a member of the team when a system-response issue has been identified.
(4) Each county attorney or the county attorney representing a contiguous group of counties is responsible for convening the child abuse and neglect treatment team and ensuring that protocols are established and implemented. A representative of the child advocacy center appointed to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team must have protocols which, at a minimum, shall include procedures for:
(a) Case coordination and assistance, including the location of services available within the area;
(b) Case staffings and the coordination, development, implementation, and monitoring of treatment or safety plans particularly in those cases in which ongoing services are provided by the Department of Health and Human Services or a contracted agency but the juvenile court is not involved;
(c) Reducing the risk of harm to child abuse and neglect victims;
(d) Assisting those child abuse and neglect victims who are abused and neglected by perpetrators who do not reside in their homes; and
(e) Working with multiproblem status offenders and delinquent youth.
(5) For purposes of sections28-728to28-730, forensic interview means a video-recorded interview of an alleged child victim conducted at a child advocacy center by a professional with specialized training designed to elicit details about alleged incidents of abuse or neglect, and such interview may result in intervention in criminal or juvenile court.

28-729.
Teams; members;

training; child advocacy center; duties;
meetings.
(1) A child abuse and neglect investigation team shall include
a representative from the county attorney's office, a representative from the Division of Children and Family Services
of the Department of Health and Human Services, a representative
from each law enforcement agency which has jurisdiction within the county
or contiguous group of counties, a representative from the child advocacy
center, and representatives from such other agencies as determined by the
team.
(2) A child abuse and neglect treatment team shall include
a representative
from the Division of Children
and Family Services of the Department of Health and Human Services,
a juvenile probation officer, a representative from each of the mental health profession and the medical profession actively
practicing
within the county or contiguous group of counties, a representative from each
school district which provides services within the county or contiguous group
of counties, a representative from the child advocacy center, and representatives
from such other agencies as determined by the team. For purposes of this subsection,
more than one school district may be represented by the same individual.
(3) The teams established pursuant to this section and section28-728shall be encouraged to expand their membership to include the
various
relevant disciplines which exist within the county or contiguous group of
counties. The additional members shall have the requisite experience necessary
as determined by the core members of the teams. Consistent with requirements
set out by the teams, all members of both teams shall attend child abuse and
neglect training on an annual basis. Such training shall be no less than eight
hours annually and consist of the following components:
(a) Child abuse and neglect investigation procedures;
(b) Legal requirements and procedures for successful prosecution
of child abuse and neglect cases;
(c) Roles and responsibilities of child protective services,
law enforcement agencies, county attorneys, child
advocacy centers, the Attorney General, and judges;
(d) Characteristics of child development and family dynamics;
(e) Recognition of various types of abuse and neglect;
(f) Duty of public and private individuals and agencies, including
schools, governmental agencies, physicians, and child advocates, to report
suspected or known child abuse;
(g) Multidisciplinary approaches to providing services to
children; and
(h) Continually identifying and improving
weaknesses in the current child protection system and developing ongoing best practices.
(4) The representative of the child advocacy center shall report the name
and address of each team member and
the number of times the team met within a calendar year to the
Nebraska Commission on Law Enforcement and Criminal Justice.
(5) Each team shall meet at a location agreed to by the team.
The number of meetings of the team shall be secondary to the caseload of the
team, but each team shall meet at least quarterly. Each team may substitute a telephone conference call among
team members in lieu of meeting in person. If a team fails to convene, the
commission shall notify the Child Protection Division of the office of the
Attorney General and the division shall appoint the team members or convene
the team pursuant to sections28-728to28-730. Nothing in this section shall
relieve the county attorney from ensuring that the teams meet as required
by this section.

28-730.
Records and information; access; disclosure; limitation; review of cases; immunity; violation; penalty; video recording of forensic interviews; maintain; release or use; prohibited; exceptions.

(1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, law enforcement agencies, county attorneys, the Attorney General, the Department of Health and Human Services, child advocacy centers, and other team members concerning a child whose case is being investigated or discussed by a child abuse and neglect investigation team or a child abuse and neglect treatment team shall be shared with the respective team members as part of the discussion and coordination of efforts for investigative or treatment purposes. Upon request by a team, any individual or agency with information or records concerning a particular child shall share all relevant information or records with the team as determined by the team pursuant to the appropriate team protocol. Only a team which has accepted the child's case for investigation or treatment shall be entitled to access to such information.
(2) All information acquired by a team member or other individuals pursuant to protocols developed by the team shall be confidential and shall not be disclosed except to the extent necessary to perform case consultations, to carry out a treatment plan or recommendations, or for use in a legal proceeding instituted by a county attorney or the Child Protection Division of the office of the Attorney General. Information, documents, or records otherwise available from the original sources shall not be immune from discovery or use in any civil or criminal action merely because the information, documents, or records were presented during a case consultation if the testimony sought is otherwise permissible and discoverable. Any person who presented information before the team or who is a team member shall not be prevented from testifying as to matters within the person's knowledge.
(3) Each team may review any case arising under the Nebraska Criminal Code when a child is a victim or any case arising under the Nebraska Juvenile Code. A member of a team who participates in good faith in team discussion or any person who in good faith cooperates with a team by providing information or records about a child whose case has been accepted for investigation or treatment by a team shall be immune from any civil or criminal liability. The provisions of this subsection or any other section granting or allowing the grant of immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.
(4) A member of a team who publicly discloses information regarding a case consultation in a manner not consistent with sections28-728to28-730shall be guilty of a Class III misdemeanor.
(5) A child advocacy center shall maintain the video recording of all forensic interviews conducted at that child advocacy center. Such maintenance shall be in accordance with child abuse and neglect investigation team protocols established pursuant to section28-728. The recording may be maintained digitally if adequate security measures are in place to ensure no unauthorized access.
(6) Information obtained through forensic interviews may be shared with members of child abuse and neglect investigation teams and child abuse and neglect treatment teams.
(7) A custodian of a video recording of a forensic interview shall not release or use the video recording or copies of such recording or consent, by commission or omission, to the release or use of the video recording or copies to or by any other party without a court order, notwithstanding any consent or release by the child victim or child witness, except that:
(a) The child advocacy center where a forensic interview is conducted may use the video recording for purposes of supervision and peer review required to meet national accreditation standards;
(b) Any custodian shall release or consent to the release or use of the video recording upon request to law enforcement agencies authorized to investigate, or agencies authorized to prosecute, any juvenile or criminal conduct described in the forensic interview;
(c) Any custodian shall release or consent to the release or use of the video recording upon request pursuant to a request under the Office of Inspector General of Nebraska Child Welfare Act;
(d) Any custodian shall provide secure access to view a video recording of a forensic interview upon request by a representative of the Department of Health and Human Services for purposes of classifying cases of child abuse and neglect pursuant to section28-720or determining the risk of harm to the child and needed social services of the family pursuant to section28-713. Such representative shall be subject to the same release and use restrictions as any custodian under this subsection; and
(e) Any custodian shall release or consent to the release or use of the video recording pursuant to a court order issued under section29-1912or29-1926.

28-731.
Teams; exempt from Open Meetings Act.
The teams established by sections28-728to28-730shall not be considered a public body for purposes of the Open Meetings Act.

28-801.
Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties.
(1) Except as provided in subsection (5) of this section, any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in section28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.
(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:
(a) If such person has had no prior convictions or has had one prior conviction, such person shall be guilty of a Class II misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had two or more prior convictions, such person shall be guilty of a Class I misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.
(3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section28-830.
(4) For purposes of this section, prior conviction means any conviction on or after July 14, 2006, for violation of subsection (1) of this section or any conviction on or after July 14, 2006, for violation of a city or village ordinance relating to prostitution.
(5) If the law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of subsection (1) of this section is (a) a person engaging in those acts as a direct result of being a trafficking victim as defined in section28-830, such person shall be immune from prosecution for a prostitution offense or (b) a person under eighteen years of age, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under section43-248and further disposition under the Nebraska Juvenile Code. A law enforcement officer who takes a person under eighteen years of age into custody under this section shall immediately report an allegation of a violation of section28-831to the Department of Health and Human Services which shall commence an investigation within twenty-four hours under the Child Protection and Family Safety Act.

28-801.01.
Solicitation of prostitution; penalty; affirmative defense.
(1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section28-318, in exchange for money or other thing of value, commits solicitation of prostitution.
(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:
(a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars, unless the person solicited is under the age of eighteen years, in which case such person violating this section shall be guilty of a Class IV felony. If the court places such person on probation, such order of probation shall include in its conditions (i) the payment of a fine of not less than two hundred fifty dollars, (ii) that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment, and (iii) that such person shall satisfactorily attend and complete, at his or her own expense, an educational program designed to educate participants on the effect of prostitution on the participants' health, on the person solicited, and on the community; and
(b) If such person has had one or more prior convictions, such person shall be guilty of a Class IV felony and pay a fine of not less than five hundred dollars. If the court places such person on probation, such order of probation shall include in its conditions (i) the payment of a fine of not less than five hundred dollars, (ii) that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment, and (iii) that such person shall satisfactorily attend and complete, at his or her own expense, an educational program designed to educate participants on the effect of prostitution on the participants' health, on the person solicited, and on the community.
(3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section28-830.

28-802.
Pandering; penalty.
(1) A person commits pandering if such person:
(a) Entices another person to become a prostitute;
(b) Procures or harbors therein an inmate for a house of prostitution or for any place where prostitution is practiced or allowed;
(c) Inveigles, entices, persuades, encourages, or procures any person to come into or leave this state for the purpose of prostitution or debauchery; or
(d) Receives or gives or agrees to receive or give any money or other thing of value for procuring or attempting to procure any person to become a prostitute or commit an act of prostitution or come into this state or leave this state for the purpose of prostitution or debauchery.
(2) Pandering is a Class II felony.

28-803.
Pandering; evidence.
(1) Any person referred to in section28-802shall be a competent witness in any prosecution thereunder to testify to any and all matters, including conversation with the accused, or by the accused with third persons, in his presence, notwithstanding having married the accused either before or after the violation of any of the provisions of such section; and the act and state of marriage shall not be a defense to any violation of such section.
(2) Pandering shall be an exception to the husband-wife privilege as provided in section27-505.

28-804.

Keeping a place of prostitution; penalty.
(1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who knowingly grants or permits the use of such place for the purpose of prostitution commits the offense of keeping a place of prostitution.
(2) Keeping a place of prostitution is a Class IV felony, unless any person using such place for the practice of prostitution is under the age of eighteen years, in which case any person convicted of keeping a place of prostitution shall be guilty of a Class III felony.

28-804.01.
Prostitution cases; incriminating testimony; how treated.
In all cases arising under sections28-801to28-804, no person shall be excused from testifying against another person by reason of such testimony tending to incriminate the person testifying, but the testimony so given, unless voluntary, shall in no case be used against the person so testifying in any criminal prosecution or otherwise.

28-805.
Debauching a minor; penalty.
(1) Any person not a minor commits the offense of debauching a minor if he or she shall debauch or deprave the morals of any boy or girl under the age of seventeen years by:
(a) Lewdly inducing such boy or girl carnally to know any other person; or
(b) Soliciting any such boy or girl to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution or sexual penetration; or
(c) Arranging or assisting in arranging any meeting for such purpose between any such boy or girl and any female or male of dissolute character or any inmate of any place where prostitution, debauchery, or other immoral practices are permitted or encouraged; or
(d) Arranging or aiding or assisting in arranging any meeting between any such boy or girl and any other person for the purpose of sexual penetration.
(2) Debauching a minor is a Class I misdemeanor.

28-806.
Public indecency; penalty.
(1) A person, eighteen years of age or over, commits public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:
(a) An act of sexual penetration; or
(b) An exposure of the genitals of the body done with intent to affront or alarm any person; or
(c) A lewd fondling or caressing of the body of another person of the same or opposite sex.
(2) Public indecency is a Class II misdemeanor.
(3) It shall not be a violation of this section for an individual to breast-feed a child in a public place.

28-807.
Terms, defined.
As used in sections28-807to28-829, unless the context otherwise requires:
(1) Adult shall mean any married person or any unmarried person of the age of eighteen years or older;
(2) Commercial film and photographic print processor shall mean any person who for compensation develops exposed photographic film into negatives, slides, or prints or who for compensation makes prints from negatives or slides. The term shall include, but not be limited to, any employee of such a person but shall not include employees of law enforcement agencies and prosecuting attorneys involved in the investigation and prosecution of criminal offenses or to persons involved in legitimate medical, scientific, or educational activities;
(3) Distribute shall mean to transfer possession, whether with or without consideration, by any means;
(4) Disseminate shall mean to manufacture, issue, publish, sell, lend, distribute, transmit, exhibit, or present materials or to offer in person or through an agent or by placing an advertisement for the same, whether with or without consideration, or agree to do the same;
(5) Knowingly shall mean having general knowledge of, reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry of the character and content of any material, taken as a whole, described in this section, which is reasonably susceptible to examination by the defendant;
(6) Harmful to minors shall mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it (a) predominantly appeals to the prurient, shameful, or morbid interest of minors, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (c) is lacking in serious literary, artistic, political, or scientific value for minors;
(7) Material or work shall mean any book, magazine, newspaper, comic book, pamphlet, or other printed or written material or any picture, drawing, photograph, figure, image, motion picture, whether or not positive or negative exhibited or screened, play, nightclub, live performance, television production, other pictorial representation or electric reproduction, recording transcription,

mechanical or otherwise, or other articles, equipment, machines, or materials;
(8) Minor shall mean any unmarried person under the age of eighteen years;
(9) Nudity shall mean the showing of the human, post-pubertal male or female genitals, pubic area, or buttocks with less than a full opaque covering, the depiction of covered male genitals in a discernibly turgid state, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple;
(10) Obscene shall mean (a) that an average person applying contemporary community standards would find that the work, material, conduct, or live performance taken as a whole predominantly appeals to the prurient interest or a shameful or morbid interest in nudity, sex, or excretion, (b) the work, material, conduct, or live performance depicts or describes in a patently offensive way sexual conduct specifically set out in sections28-807to28-829, and (c) the work, conduct, material, or live performance taken as a whole lacks serious literary, artistic, political, or scientific value;
(11) Place shall mean any building, structure, or place or any separate part or portion thereof or the ground itself;
(12) Person shall mean any individual, partnership, limited liability company, firm, association, corporation, trustee, lessee, agent, assignee, or other legal entity;
(13) Performance, whether with or without consideration, shall mean any play, motion picture, dance, or other exhibition performed before an audience;
(14) Promote shall mean to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or place an order for advertising or to knowingly offer in person or through an agent or agree to do the same;
(15) Sexual conduct shall mean acts of masturbation, homosexuality, sodomy, sexual intercourse, or prolonged physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks or, if such person is female, breast;
(16) Sexual excitement shall mean the condition of human male or female genitals when in a state of sexual stimulation or arousal; and
(17) Sadomasochistic abuse shall mean flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or a bizarre costume or the condition of being fettered, bound, or otherwise physically restrained when performed to predominantly appeal to the shameful or morbid interest.

28-808.
Obscene literature and material; sale to minor, unlawful; penalty.
(1) It shall be unlawful for a person knowingly to sell, deliver, distribute, display for sale, or provide to a minor or knowingly to possess with intent to sell, deliver, distribute, display for sale, or provide to a minor:
(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body or any replica, article, or device having the appearance of either male or female genitals which predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and which, taken as a whole, is harmful to minors; or
(b) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any matter enumerated in subdivision (1)(a) of this section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse of a predominantly prurient, shameful, or morbid nature and which, taken as a whole, is harmful to minors.
(2) Any person who violates this section shall be guilty of a Class I misdemeanor.

28-809.
Obscene motion picture, show, or presentation; admit minor; unlawful; penalty.
(1) It shall be unlawful for any person knowingly to exhibit to a minor or knowingly to provide to a minor an admission ticket or pass or knowingly to admit a minor to premises whereon there is exhibited a motion picture, show, or other presentation which, in whole or in part, predominantly pruriently, shamefully, or morbidly depicts nudity, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors.
(2) Any person who violates this section shall be guilty of a Class I misdemeanor.

28-810.
Prosecution; defense.
It shall be a defense to a prosecution under sections28-808and28-809that:
(1) Such person had reasonable cause to believe that the minor involved was eighteen years of age or more, and that such reasonable cause is based on but not limited to the presentation by the minor exhibited to such person of a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that such minor was eighteen years of age or more;
(2) The minor was accompanied by his parent or guardian and such person had reasonable cause to believe that the person accompanying the minor was the parent or guardian of that minor;
(3) Such person had reasonable cause to believe that the person was the parent or guardian of the minor; and
(4) Such person's activity falls within the defenses to a prosecution contained in section28-815.

28-811.

False representation; unlawful employment of minor; exceptions; penalty.
(1) It shall be unlawful for any minor to falsely represent to any person mentioned in section28-808or28-809, or to his or her agent, that such minor is eighteen years of age or older with the intent to procure any materials set forth in section28-808or with the intent to procure such minor's admission to any motion picture, show, or other presentation as set forth in section28-809.
(2) It shall be unlawful for any person to knowingly make a false representation to any person mentioned in section28-808or28-809, or to his or her agent, that he or she is the parent or guardian of any minor or that any minor is eighteen years of age with the intent to procure any material set forth in section28-808or with the intent to procure such minor's admission to any motion picture, show, or other presentation as set forth in section28-809.
(3) It shall be unlawful for any person to hire as an employee a minor whose duties it will be to assist in any manner the sale, delivery, distribution, or exhibition of material declared obscene by sections28-807to28-829, except that this section shall not apply if such minor's parents or legal guardian should consent to such employment by giving the employer a written affidavit prior to the minor's employment.
(4) Any person who violates this section shall be guilty of a Class II misdemeanor.

28-813.
Obscene literature or material; prepares; distributes; promotes; penalty.
(1) It shall be unlawful for a person knowingly to (a) print, copy, manufacture, prepare, produce, or reproduce obscene material for the purpose of sale or distribution, (b) publish, circulate, sell, rent, lend, transport in interstate commerce, distribute, or exhibit any obscene material, (c) have in his or her possession with intent to sell, rent, lend, transport, or distribute any obscene material, or (d) promote any obscene material or performance.
(2) It shall be unlawful for a person to place an order for any advertising promoting the sale or distribution of material represented or held out to be obscene, whether or not such material exists in fact or is obscene. In all cases in which a charge for a violation of this section is brought against a person who cannot be found in this state, the executive authority of this state may demand extradition of such person from the executive authority of the state in which such person may be found.
(3) A person commits an offense of promoting obscene material if knowing its content and character he or she (a) disseminates for monetary consideration any obscene material, (b) produces, presents, or directs obscene performances for monetary consideration, or (c) participates for monetary consideration in that part of a performance which makes it obscene.
(4) Any person who violates this section shall be guilty of a Class I misdemeanor.

28-813.01.
Sexually explicit conduct; visual depiction; unlawful; penalty; affirmative defense; forfeiture of property.
(1) It shall be unlawful for a person nineteen years of age or older to knowingly possess any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers. Violation of this subsection is a Class IIA felony.
(2) It shall be unlawful for a person under nineteen years of age to knowingly and intentionally possess any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants or portrayed observers. Violation of this subsection is a Class I misdemeanor. A second or subsequent conviction under this subsection is a Class IV felony.
(3) It shall be an affirmative defense to a charge made pursuant to subsection (2) of this section that:
(a)(i) The defendant was less than nineteen years of age; (ii) the visual depiction of sexually explicit conduct portrays a child who is fifteen years of age or older; (iii) the visual depiction was knowingly and voluntarily generated by the child depicted therein; (iv) the visual depiction was knowingly and voluntarily provided by the child depicted in the visual depiction; (v) the visual depiction contains only one child; (vi) the defendant has not provided or made available the visual depiction to another person except the child depicted who originally sent the visual depiction to the defendant; and (vii) the defendant did not coerce the child in the visual depiction to either create or send the visual depiction; or
(b)(i) The defendant was less than eighteen years of age; (ii) the difference in age between the defendant and the child portrayed is less than four years; (iii) the visual depiction was knowingly and voluntarily generated by the child depicted therein; (iv) the visual depiction was knowingly and voluntarily provided by the child depicted in the visual depiction; (v) the visual depiction contains only one child; (vi) the defendant has not provided or made available the visual depiction to another person except the child depicted who originally sent the visual depiction to the defendant; and (vii) the defendant did not coerce the child in the visual depiction to either create or send the visual depiction.
(4) Any person who violates subsection (1) or (2) of this section and has previously been convicted of a violation of this section or section28-308,28-309,28-310,28-311,28-313,28-314,28-315,28-319,28-319.01,28-320.01,28-833,28-1463.03, or28-1463.05or subsection (1) or (2) of section28-320shall be guilty of a Class IC felony for each offense.
(5) In addition to the penalties provided in this section, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to section28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of this section.
(6) The definitions in section28-1463.02shall apply to this section.

28-813.02.

Commercial film and photographic print processor; immune from liability; when.
Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, and who participates in an investigation or the making of any report pertaining to any film, photograph, videotape, negative, or slide depicting a child under the age of eighteen years engaged in an act of sexually explicit conduct, as defined in section28-1463.02, or participates in a judicial proceeding resulting from such participation shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

28-814.
Criminal prosecutions; trial by jury; waiver; instructions to jury; expert witness.
(1) Criminal prosecutions involving the ultimate issue of obscenity, as distinguished from the issue of probable cause, shall be tried by jury, unless the defendant shall waive a jury trial in writing or by statement in open court entered on the record.
(2) The judge shall instruct the jury that the guidelines in determining whether a work, material, conduct, or live exhibition is obscene are: (a) The average person applying contemporary community standards would find the work taken as a whole goes substantially beyond contemporary limits of candor in description or presentation of such matters and predominantly appeals to the prurient, shameful, or morbid interest; (b) the work depicts in a patently offensive way sexual conduct specifically referred to in sections28-807to28-829; (c) the work as a whole lacks serious literary, artistic, political, or scientific value; and (d) in applying these guidelines to the determination of whether or not the work, material, conduct, or live exhibition is obscene, each element of each guideline must be established beyond a reasonable doubt.
(3) In any proceeding, civil or criminal, under sections28-807to28-829, where there is an issue as to whether or not the matter is obscene, either party shall have the right to introduce, in addition to all other relevant evidence, the testimony of expert witnesses on such issue as to any artistic, literary, scientific, political, or other societal value in the determination of the issue of obscenity.

28-815.
Prosecution; defense.
It shall be a defense to a prosecution under section28-813that:
(1) Such person's activity consists of teaching in regularly established and recognized educational institutions, galleries or libraries, or the publication or use of standard textbooks, films, tapes or visual aids of any such institution, or the practice of licensed practitioners of medicine or of pharmacy in their regular business or profession, or the possession by established schools teaching art, or by public art galleries, or artists or models in the necessary line of their art, or to relevant references to, or accounts or portrayal of, nudity, sex, or excretion in religion, art, literature, history, science, medicine, public health, law, the judicial process, law enforcement, education, public libraries, or news reports and news pictures by any form of news media of general circulation;
(2) Such person has no financial interest in an activity, product, or event entitling such person to participate in the promotion, management, proceeds, or profits of the activity, product, or event, and such person's only connection with the activity, product, or event entitles such person to a reasonable salary or wages for services actually rendered; and
(3) The provisions of sections28-807to28-829with respect to the exhibition or the possession with the intent to exhibit of any obscene film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment if such projectionist, usher, or ticket taker has no financial interest in the place wherein he is so employed. Such person shall be required to give testimony regarding such employment in all judicial proceedings brought under sections28-807to28-829when granted immunity by the trial judge.

28-816.
Violations; declaratory judgment.
Any city, village, or county, through its chief law enforcement officer in which a person, firm or corporation violates or is about to violate sections28-807to28-829or has in his or its possession with intent to so violate, or is about to acquire possession with intent to so violate, any work, material, conduct or live performance which is obscene or an instrument of obscene use, or purports to be for such use or purpose, may maintain an action in the district court against such person, firm or corporation for a declaratory judgment under the Uniform Declaratory Judgments Act for the purpose of obtaining a judicial determination as to whether or not such work, material, conduct or live performance is obscene.

28-817.
Prosecution; temporary restraining order or injunction; when.
(1) The plaintiff, after the commencement of such action may, if he deems it necessary in order to prevent the continued use of such work, material, conduct or live performance, request a temporary restraining order or injunction against such person, firm or corporation to prevent the violation or further violation except as provided in this section.
(2) No other temporary restraining order or injunction shall issue in advance of final adjudication by the trial court in actions brought under the provisions of sections28-816to28-818when the question of whether the work, material, conduct or live performance is obscene is in issue. If an injunction is requested, any party to the action shall be entitled to a trial of the issues within ten calendar days after service of the summons has been completed, and a decision shall be rendered by the court within two judicial days of the conclusion of the trial.

28-818.

Order or judgment of injunction; contents.
If an order or judgment of injunction be entered, such order or judgment shall contain either a provision directing the person to surrender to the sheriff or police the work, material, conduct or live performance which has been adjudicated to be obscene for seizure and impoundment by the court or to destroy or remove the same from the state. No order or judgment directing such firm, person, corporation or other legal entity to destroy or to remove such work, material, conduct or live performance from the state under such supervision as the court may direct shall issue until after a final judgment has been made as the result of an appeal or in the absence of an appeal. The court shall require satisfactory proof of compliance with such order.

28-819.
Action; service of summons; effect.
Every person who sells, distributes, or acquires possession with intent to sell, exhibit, or distribute any of the work, material, conduct or live performance described in section28-808, after service upon him of summons in such action, shall be chargeable with knowledge of the contents thereof in any subsequent prosecution.

28-820.
Declaratory judgment; use of.
Any person who exhibits, sells or distributes, or is about to exhibit, sell or distribute or has in his or its possession with intent to sell or distribute, or is about to acquire possession with intent to exhibit, sell or distribute, any work, material, conduct or live performance shall, if such person has genuine doubt as to the question of whether such work, material, conduct or live performance is in fact within the terms and provisions of sections28-807to28-829, have the right to bring an action in the district court for declaratory judgment under the Uniform Declaratory Judgments Act against the appropriate chief law enforcement officer of the city, village or county in which the work, material, conduct or live performance is located or is intended to be disseminated, distributed, or exhibited, for a judicial determination as to whether or not such work, material, conduct or live performance is obscene. Any such action may be consolidated with a pending action brought under the provisions of sections28-816to28-818, and the defendant in any action brought under this section may seek a declaratory judgment or request a temporary restraining order or an injunction therein in accordance with the provisions of sections28-816to28-818.

28-821.
Conviction more than twice; continue business dealing in obscene work or conduct; effect.
Any person who is convicted more than twice under sections28-807to28-829and continues to use, occupy, establish or conduct a business selling, distributing, disseminating, or exhibiting any obscene work, material, conduct or live performance shall be deemed to be maintaining a nuisance and shall be enjoined as provided for in sections28-807to28-829.

28-822.
Nuisance; action to abate; punished as for contempt; when.
Whenever a nuisance exists as provided for in sections28-807to28-829, any city, village, or county, through its chief law enforcement officer, may bring an action in equity to abate such a nuisance and to perpetually enjoin the person maintaining the same from further maintenance thereof. If any person continues to use the building or place for such purpose he shall be punished as for contempt.

28-823.
Temporary injunction; where brought; hearing; restraining order; issuance; inventory; rights of owner of property.
The action provided for in section28-821shall be brought in the district court of the county in which the act of nuisance is being conducted. After filing of the petition, application for a temporary injunction may be made to the district court or judge thereof who shall grant a hearing within ten calendar days after the filing.
When such application for temporary injunction is made, the court or judge thereof may, on application of the complainant, issue a restraining order as otherwise provided for in sections25-1062to25-1080, restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is being conducted until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon. The officers serving such restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance and further violations of sections28-807to28-829. The owner of any real or personal property closed or restrained or to be closed or restrained may appear between the filing of the complaint and the hearing on the application for permanent injunction, and upon payment of all costs incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk of the district court in the full value of the property to be ascertained by the court, conditioned that such owner will immediately abate the nuisance and prevent the same from being established or kept until the decision of the court is rendered on the application for a permanent injunction, and the court, if satisfied with the good faith of the owner of the real property and of innocence on the part of the owner of the personal property of any knowledge of the use of such personal property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof, shall deliver such real or personal property, or both, to the respective owners thereof, and discharge or refrain from issuing at the time of the hearing on the application for the temporary injunction any order closing such real property or

restraining the removal or interference with such personal property. The release of any real or personal property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subjected. In no event shall any work, material, conduct or live performance not adjudicated to be obscene under sections28-807to28-829be enjoined.

28-824.
Trial; precedence; evidence; admissible; existence of nuisance; enjoin defendant.
The action provided for in sections28-807to28-829shall be set down for trial and shall have precedence over all other cases except crimes, election contests, or injunctions. In such action evidence of the general reputation of the place or an admission or finding of guilt of any person under the criminal laws of this state against obscenity at any such place shall be admissible for the purpose of proving the existence of such nuisance and shall be prima facie evidence of such nuisance and of knowledge of and acquiescence and participation therein on the part of the person charged with maintaining such nuisance. If the existence of the nuisance is established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendant or the same defendant acting directly or indirectly through other persons from further maintaining the nuisance at the place complained of or at any other location whether within or without the judicial district of the court hearing such proceedings for a period of three years.

28-825.
Nuisance; existence; order of abatement; closing order.
If the existence of a nuisance is admitted or established in an action as provided for in sections28-807to28-829, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance, and not already released under authority of the court as provided in section28-823, and shall direct the sale of such thereof as belonging to the defendants notified or appearing in the manner provided for the sale of personal property under execution. Such order shall also require the renewal for one year of any bond furnished by the owner of the real property as provided for in sections28-807to28-829or, if not so furnished, shall continue for one year any closing order issued at the time of the granting of the temporary injunction or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any illegal purpose unless otherwise released. The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided for in sections28-807to28-829. The release of the property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject. Owners of unsold personal property and contents so seized may appear and claim the same within ten days after such order of abatement is made and prove innocence to the satisfaction of the court of any knowledge of such use thereof and that with reasonable care and diligence they could not have known thereof. Every defendant in the action is presumed to have had knowledge of the general reputation of the place. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section and all consideration received is recoverable as damages to the county where the nuisance was located.

28-826.
Tenant or occupant of building; use to commit violations; conviction; right of possession in owner.
If a tenant or occupant of a building or tenement under lawful title used such place for the purposes of committing a violation of sections28-807to28-829, and if such tenant or occupant is convicted of such violation, such conviction shall make the lease or other title which he holds void at the option of the owner, and without any act of the owner, cause the right of possession to revert and vest in such owner, who may without further process of law make immediate entry upon the premises and retake possession.

28-827.
Material or work; adjudicated obscene; contraband; proceeds of sale to county; other copies; disposal.
Material or work introduced in evidence and judicially adjudicated to be obscene is contraband and there are no property rights therein. All monetary consideration received for such work, material, conduct or live performance is recoverable as damages to the county where sold or exhibited. The defendant, as part of the court order, shall be required to remove from the state all other identical copies owned or controlled by such defendant within five days after a court determination of obscenity thereof or the same shall be deemed forfeited to the state for destruction by the state.

28-828.
Proceeding, civil or criminal; application to court for copy of material; order; contempt of court, when.
In any proceeding, civil or criminal under sections28-807to28-829, the party charged with possession of any obscene material shall be required, upon application by petitioner and order of the court, to provide one copy of such material to petitioner to be used in the preparation and trial of such proceedings. Failure to comply with this section shall be punishable as contempt of court.

28-829.
Sections; uniform application; laws and regulations of political subdivisions; void.
In order to provide for the uniform application of sections28-807to28-829within this state, it is intended that the sole and only regulation of the commercial distribution of any work, material, conduct or live performance described as obscene shall be under sections28-807to28-829, and no municipality, county, or other governmental unit within this state shall make any law, ordinance or

regulation relating to obscenity, or licenses or taxes respecting the obscene work, material, conduct or live performance as regulated by the state under sections28-807to28-829. All such laws, ordinances, regulations, special or discriminatory taxes, or licenses, whether enacted or issued before or after sections28-807to28-829, shall be void, unenforceable, and of no effect.

28-830.
Human trafficking; forced labor or services; terms, defined.
For purposes of sections28-830and28-831, the following definitions apply:
(1) Actor means a person who solicits, procures, or supervises the services or labor of another person;
(2) Commercial sexual activity means any sex act on account of which anything of value is given, promised to, or received by any person;
(3) Debt bondage means inducing another person to provide:
(a) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or
(b) Labor or services in payment toward or satisfaction of a real or purported debt if:
(i) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or
(ii) The length of the labor or services is not limited and the nature of the labor or services is not defined;
(4) Financial harm means theft by extortion as described by section28-513;
(5) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:
(a) Inflicting or threatening to inflict serious personal injury, as defined by section28-318, on another person;
(b) Physically restraining or threatening to physically restrain the other person;
(c) Abusing or threatening to abuse the legal process against another person to cause arrest or deportation for violation of federal immigration law;
(d) Controlling or threatening to control another person's access to a controlled substance listed in Schedule I, II or III of section28-405;
(e) Exploiting another person's substantial functional impairment as defined in section28-368or substantial mental impairment as defined in section28-369;
(f) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of the other person; or
(g) Causing or threatening to cause financial harm to another person, including debt bondage;
(6) Labor or services means work or activity of economic or financial value;
(7) Labor trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or attempting to recruit, entice, harbor, transport, provide, or obtain by any means a person eighteen years of age or older intending or knowing that the person will be subjected to forced labor or services;
(8) Labor trafficking of a minor means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or attempting to recruit, entice, harbor, transport, provide, or obtain by any means a minor intending or knowing that the minor will be subjected to forced labor or services;
(9) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the other person to perform such type of service;
(10) Minor means a person younger than eighteen years of age;
(11) Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage without consent, as defined in section28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person eighteen years of age or older to engage without consent, as defined in section28-318, in commercial sexual activity, sexually explicit performance, or the production of pornography;
(12) Sex trafficking of a minor means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography;
(13) Sexually explicit performance means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests; and
(14) Trafficking victim means a person subjected to any act or acts prohibited by section28-831.

28-831.
Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties.
(1) Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IB felony.
(2) Any person who engages in labor trafficking or sex trafficking is guilty of a Class II felony.
(3) Any person, other than a trafficking victim, who knowingly benefits from or participates in a venture which has, as part of the

venture, an act that is in violation of this section is guilty of a Class IIA felony.
(4) It is not a defense in a prosecution under this section (a) that consent was given by the minor victim, (b) that the defendant believed that the minor victim gave consent, or (c) that the defendant believed that the minor victim was an adult.

28-833.
Enticement by electronic communication device; penalty.
(1) A person commits the offense of enticement by electronic communication device if he or she is nineteen years of age or over and knowingly and intentionally utilizes an electronic communication device to contact a child under sixteen years of age or a peace officer who is believed by such person to be a child under sixteen years of age and in so doing:
(a) Uses or transmits any indecent, lewd, lascivious, or obscene language, writing, or sound;
(b) Transmits or otherwise disseminates any visual depiction of sexually explicit conduct as defined in section28-1463.02; or
(c) Offers or solicits any indecent, lewd, or lascivious act.
(2) Enticement by electronic communication device is a Class IV felony.
(3) Enticement by electronic communication device is deemed to have been committed either at the place where the communication was initiated or where it was received.
(4) For purposes of this section, electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device.

28-901.
Obstructing government operations; penalty.
(1) A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.
(2) Obstructing government operations is a Class I misdemeanor.

28-902.
Physical injury related to criminal offense; report by health care provider; sexual assault; duties of health care provider; law enforcement agency; duties; violation; penalty.
(1) Except as provided in subsection (2) of this section, every health care provider shall immediately report to law enforcement every case in which the health care provider is consulted for medical care for physical injury which appears to have been received in connection with, or as a result of, the commission of a criminal offense. Such report shall include the name of the victim, a brief description of the victim's physical injury, and, if ascertainable, the victim's residential address and the location of the offense. Any other law or rule of evidence relative to confidential communications is suspended insofar as compliance with this section is concerned.
(2) When a health care provider is consulted for medical care for physical injury which reasonably appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault and the victim was eighteen years of age or older at the time of such actual or attempted sexual assault, the health care provider shall:
(a) Provide the victim with information detailing the reporting options available under subdivision (2)(b) of this section;
(b) Ask the victim either:
(i) To provide written consent to report such actual or attempted sexual assault as provided in subsection (1) of this section. If the victim provides such written consent, the health care provider shall make the report required by subsection (1) of this section and submit to law enforcement a sexual assault evidence collection kit if one has been obtained; or
(ii) To sign a written acknowledgment that such actual or attempted sexual assault will not be reported except as provided in subdivision (2)(c) or subsection (3) of this section, but that the health care provider will submit to law enforcement a sexual assault evidence collection kit, if one has been obtained, using an anonymous reporting protocol. A health care provider may use the anonymous reporting protocol developed by the Attorney General under section84-218or may use a different anonymous reporting protocol;
(c) Regardless of the victim's decision under subdivision (2)(b) of this section, if the victim is suffering from a serious bodily injury, or any bodily injury where a deadly weapon was used to inflict such injury, which appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault, the health care provider shall report such injury to law enforcement as provided in subsection (1) of this section; and
(d) Unless declined by the victim, refer him or her to an advocate.
(3) When a health care provider is consulted for medical care for physical injury which reasonably appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault, the health care provider shall, regardless of the victim's age or the victim's decision under subdivision (2)(b) of this section, provide law enforcement with a sexual assault evidence collection kit if one has been obtained.
(4) A law enforcement agency receiving a sexual assault evidence collection kit under this section shall preserve such kit for twenty years after the date of receipt or as otherwise ordered by a court.

(5) Any health care provider who knowingly fails to make any report required by subsection (1) of this section is guilty of a Class III misdemeanor. If multiple health care providers are involved in the consultation of a person in a given occurrence, this section does not require each health care provider to make a separate report, so long as one of such health care providers makes the report required by this section.
(6) For purposes of this section:
(a) Advocate has the same meaning as in section29-4302;
(b) Anonymous reporting protocol means a reporting protocol that allows the identity of the victim, his or her personal or identifying information, and the details of the sexual assault or attempted sexual assault to remain confidential and undisclosed by the health care provider, other than submission to law enforcement of any sexual assault evidence collection kit, unless and until the victim consents to the release of such information;
(c) Health care provider means any of the following individuals who are licensed, certified, or registered to perform specified health services consistent with state law: A physician, physician assistant, nurse, or advanced practice registered nurse;
(d) Law enforcement means a law enforcement agency in the county in which the consultation occurred; and
(e) Victim means the person seeking medical care.

28-903.
Refusing to aid a peace officer; penalty.
(1) A person commits the offense of refusing to aid a peace officer if, upon request by a person known to him to be a peace officer, he unreasonably refuses or fails to aid such peace officer in:
(a) Apprehending any person charged with or convicted of any offense against any of the laws of this state; or
(b) Securing such offender when apprehended; or
(c) Conveying such offender to the jail of the county.
(2) Refusing to aid a peace officer is a Class II misdemeanor.

28-904.
Resisting arrest; penalty; affirmative defense.
(1) A person commits the offense of resisting arrest if, while intentionally preventing or attempting to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another, he or she:
(a) Uses or threatens to use physical force or violence against the peace officer or another; or
(b) Uses any other means which creates a substantial risk of causing physical injury to the peace officer or another; or
(c) Employs means requiring substantial force to overcome resistance to effecting the arrest.
(2) It is an affirmative defense to prosecution under this section if the peace officer involved was out of uniform and did not identify himself or herself as a peace officer by showing his or her credentials to the person whose arrest is attempted.
(3) Resisting arrest is (a) a Class I misdemeanor for the first such offense and (b) a Class IIIA felony for any second or subsequent such offense.
(4) Resisting arrest through the use of a deadly or dangerous weapon is a Class IIIA felony.

28-905.
Operating a motor vehicle or a vessel to avoid arrest; penalty; revocation or impoundment of operator's license.
(1) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation commits the offense of operation of a motor vehicle to avoid arrest.
(2)(a) Except as otherwise provided in subsection (3) of this section, any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.
(b) The court may, as part of the judgment of conviction under subdivision (a) of this subsection, order that the operator's license of such person be revoked or impounded for a period of not more than one year and order the person not to drive any motor vehicle for any purpose in the State of Nebraska for a like period. The revocation or impoundment shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(3)(a) Any person who violates subsection (1) of this section shall be guilty of a Class IV felony if, in addition to the violation of subsection (1) of this section, one or more of the following also applies:
(i) The person committing the offense has previously been convicted under this section;
(ii) The flight to avoid arrest results directly and proximately in the death of or injury to any person if such death or injury is caused directly and proximately by the vehicle being driven by the person fleeing to avoid arrest; or
(iii) The flight to avoid arrest includes the willful reckless operation of the motor vehicle.
(b) The court shall, as part of the judgment of conviction under subdivision (a) of this subsection, order that the operator's license of such person be revoked or impounded for a period of two years and order the person not to drive any motor vehicle for any purpose in the State of Nebraska for a like period. The revocation or impoundment shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(4)(a) Any person who operates a vessel as defined in section37-1203to flee in such vessel in an effort to avoid arrest or citation for the violation of any statute punishable as a misdemeanor or any city or village ordinance shall be guilty of misdemeanor operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class I misdemeanor. Upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of one year.
(5)(a) Any person who operates a vessel as defined in section37-1203to flee in such vessel in an effort to avoid arrest for the violation of any statute punishable as a felony shall be guilty of felony operation of a vessel to avoid arrest.
(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class IV felony. Upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of two years.
(6) An order of the court under subsection (4) or (5) of this section prohibiting operation of a vessel shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

28-906.
Obstructing a peace officer; penalty.
(1) A person commits the offense of obstructing a peace officer, when, by using or threatening to use violence, force, physical interference, or obstacle, he or she intentionally obstructs, impairs, or hinders (a) the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority or (b) a police animal assisting a peace officer acting pursuant to the peace officer's official authority.
(2) For purposes of this section, police animal means a horse or dog owned or controlled by the State of Nebraska or any county, city, or village for the purpose of assisting a peace officer acting pursuant to his or her official authority.
(3) Obstructing a peace officer is a Class I misdemeanor.

28-907.
False reporting; penalty.
(1) A person commits the offense of false reporting if he or she:
(a) Furnishes material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter;
(b) Furnishes information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;
(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;
(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or
(e) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.
(2)(a) False reporting pursuant to subdivisions (1)(a) through (d) of this section is a Class I misdemeanor.
(b) False reporting pursuant to subdivision (1)(e) of this section is an infraction.

28-908.
Interfering with a fireman on official duty; penalty; fireman, defined.
(1) A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties, he willfully:
(a) Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or
(b) Disobeys the lawful orders given by any fireman while performing his duties; or
(c) Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or
(d) Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.
(2) As used in this section, fireman shall mean any person who is an officer, employee, or member of a fire department or fire-protection or firefighting agency of the federal government, the State of Nebraska, a city, county, city and county, district, or other public or municipal corporation or political subdivision of the state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in firefighting, fire supervision, fire suppression, fire prevention, or fire investigation.
(3) Interference with a fireman on official duty is a Class I misdemeanor.

28-909.
Falsifying records of a public utility; penalty.

(1) Any person who shall knowingly falsify or direct or authorize the falsifying of any record of a public utility operating in the State of Nebraska in any manner affecting directly or indirectly the value of its investment or the rate of return or earnings or expenditures of such public utility or who shall certify any reports of the investment, operating receipts, or expenditures of such public utilities to any regulatory body, whether state or municipal, under any statute, order, resolution, or ordinance lawfully passed, knowing such reports so certified to contain any item or element of rebate, secret charge, bonus, or gratuity paid or promised to any officer, stockholder, agent, or other person, directly or indirectly, or knowing such report to be untrue or incomplete in any particular, without disclosing this information in such report, shall be guilty of falsifying records of a public utility.
(2) Falsifying records of a public utility is a Class I misdemeanor.

28-910.
Filing false reports with regulatory bodies; penalty.
(1) Any firm or corporation operating a public utility in this state which shall file with any regulatory body, whether state or municipal, under any statute, order, resolution, or ordinance lawfully passed, any report or reports containing false statements, knowing the same to be false, affecting directly or indirectly, the value of its investment or the rate of return or earnings or expenditures of such public utility shall be guilty of filing false reports with regulatory bodies.
(2) Filing false reports with regulatory bodies is a Class II misdemeanor.

28-911.
Abuse of public records; penalty; public record, defined.
(1) A person commits abuse of public records, if:
(a) He knowingly makes a false entry in or falsely alters any public record; or
(b) Knowing he lacks the authority to do so, he intentionally destroys, mutilates, conceals, removes, or impairs the availability of any public record; or
(c) Knowing he lacks the authority to retain the record, he refuses to deliver up a public record in his possession upon proper request of any person lawfully entitled to receive such record; or
(d) He makes, presents, or uses any record, document, or thing, knowing it to be false, and with the intention that it be taken as a genuine part of the public record.
(2) As used in this section, the term public record includes all official books, papers, or records created, received, or used by or in any governmental office or agency.
(3) Abuse of public records is a Class II misdemeanor.

28-912.
Escape; official detention, defined; knowingly permitting an escape; penalty; defense to prosecution.
(1) A person commits escape if he or she unlawfully removes himself or herself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period. Official detention means arrest, detention in or transportation to any facility for custody of persons under charge or conviction of crime or contempt or for persons alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes. Official detention does not include supervision of probation or parole or constraint incidental to release on bail.
(2) A public servant concerned in detention commits an offense if he or she knowingly permits an escape. Any person who knowingly causes or facilitates an escape commits a Class IV felony.
(3) Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority shall not be a defense to prosecution under this section if the escape is from a prison or other custodial facility or from detention pursuant to commitment by official proceedings. In the case of other detentions, irregularity or lack of jurisdiction shall be a defense only if:
(a) The escape involved no substantial risk of harm to the person or property of anyone other than the detainee; and
(b) The detaining authority did not act in good faith under color of law.
(4) Except as provided in subsections (5) and (6) of this section, escape is a Class IV felony.
(5) Escape is a Class III felony when:
(a) The detainee was under arrest for or detained on a felony charge or following conviction for the commission of an offense; or
(b) A public servant concerned in detention of persons convicted of crime purposely facilitates or permits an escape from a detention facility or from transportation thereto.
(6) Escape is a Class IIA felony when the actor employs force, threat, deadly weapon, or other dangerous instrumentality to effect the escape.

28-912.01.
Juvenile; escapes; prohibited acts; penalty.
Any person who entices or attempts to entice a juvenile away from a facility or program when the juvenile has been legally placed with or committed to the Office of Juvenile Services or who knowingly harbors, transports, conceals, or aids in harboring, transporting, or concealing any juvenile who has escaped from the custody of the Office of Juvenile Services is guilty of a Class IV felony.

28-913.

Implements for escape; other contraband; penalty.
(1) A person commits an offense if he unlawfully introduces within a detention facility, or unlawfully provides an inmate with, any weapon, tool, or other thing which may be useful for escape. An inmate commits an offense if he unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape. Unlawfully means surreptitiously or contrary to law, regulation, or order of the detaining authority.
(2) Introducing escape implements is a Class I misdemeanor.

28-914.
Loitering about a penal institution; penalty.
(1) Any person who loiters about a penal institution in this state and engages in an unauthorized conversation with or passes any unauthorized message or messages to any inmate of such institution, or fails or refuses to leave the immediate vicinity of a penal institution when ordered to do so by a peace officer or correctional official, commits the offense of loitering about a penal institution.
(2) Loitering about a penal institution is a Class III misdemeanor.
(3) For purposes of this section, penal institution includes a jail, prison, penitentiary, house of correction, or other place of penal detention.

28-915.
Perjury; subornation of perjury; penalty.
(1) A person is guilty of perjury if, in any (a) official proceeding he or she makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he or she does not believe it to be true or (b) official proceeding in the State of Nebraska he or she makes a false statement in any unsworn declaration meeting the requirements of the Uniform Unsworn Foreign Declarations Act under penalty of perjury when the statement is material and he or she does not believe it to be true. Perjury is a Class III felony.
(2) A person is guilty of subornation of perjury if he or she persuades, procures, or suborns any other person to commit perjury. Subornation of perjury is a Class III felony.
(3) A falsification shall be material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It shall not be a defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation shall be a question of law.
(4) It shall not be a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed. A document purporting to meet the requirements of the Uniform Unsworn Foreign Declarations Act shall be deemed to have been made under penalty of perjury.
(5) No person shall be guilty of an offense under this section if he or she retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
(6) When the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.
(7) No person shall be convicted of an offense under this section when proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

28-915.01.
False statement under oath or affirmation; penalty; applicability of section.
(1) A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, or makes a false statement in an unsworn declaration that meets the requirements of the Uniform Unsworn Foreign Declarations Act, when he or she does not believe the statement to be true, is guilty of a Class I misdemeanor if the falsification:
(a) Occurs in an official proceeding; or
(b) Is intended to mislead a public servant in performing his or her official function.
(2) A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, or makes a false statement in an unsworn declaration that meets the requirements of the Uniform Unsworn Foreign Declarations Act, when he or she does not believe the statement to be true, is guilty of a Class II misdemeanor if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.
(3) Subsections (4) through (7) of section28-915shall apply to subsections (1) and (2) of this section.
(4) This section shall not apply to reports, statements, affidavits, or other documents made or filed pursuant to the Nebraska Political Accountability and Disclosure Act.

28-916.

Terms, defined.
As used in sections28-916to28-923, unless the context otherwise requires:
(1) Juror means any person who is a member of any petit jury or grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The word juror also includes any person who has been drawn or summoned to attend as a potential juror;
(2) Testimony means oral or written statements, documents, or any other evidence that may be offered by or through a witness in an official proceeding; and
(3) Official proceeding means a proceeding heard or which may be heard before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or deposition in connection with any such proceeding.

28-916.01.
Terms, defined.
As used in this section and sections28-915,28-915.01,28-919, and28-922, unless the context otherwise requires:
(1) Administrative proceeding shall mean any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals;
(2) Benefit shall mean gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he or she is interested, but not an advantage promised generally to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose;
(3) Government shall include any branch, subdivision, or agency of the government of the state or any locality within it;
(4) Harm shall mean loss, disadvantage, or injury, or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person or entity in whose welfare he or she is interested;
(5) Pecuniary benefit shall mean benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain;
(6) Public servant shall mean any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant, or otherwise, in performing a governmental function, but the term shall not include witnesses;
(7) Official proceeding shall mean a proceeding heard or which may be heard before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or deposition in connection with any such proceeding; and
(8) Statement shall mean any representation, but shall include a representation of opinion, belief, or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

28-917.
Bribery; penalty.
(1) A person commits bribery if:
(a) He offers, confers, or agrees to confer any benefit upon a public servant or peace officer with the intent to influence that public servant or peace officer to violate his public duty, or oath of office, thereby influencing the public servant's or peace officer's vote, opinion, judgment, exercise of discretion, or other action or inaction in his official capacity; or
(b) While a public servant or peace officer, he solicits, accepts, or agrees to accept any benefit upon an agreement or understanding that he will violate his public duty or oath of office by changing or amending his vote, opinion, judgment, exercise of discretion, or other action or inaction as a public servant or peace officer.
(2) It is no defense to prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.
(3) Bribery is a Class IV felony.

28-918.
Bribery of a witness; penalty; witness receiving bribe; penalty.
(1) A person commits bribery of a witness if he offers, confers, or agrees to confer any benefit upon a witness or a person he believes is about to be called as a witness in any official proceeding with intent to:
(a) Influence him to testify falsely or unlawfully withhold any testimony; or
(b) Induce him to avoid legal process summoning him to testify; or
(c) Induce him to absent himself from an official proceeding to which he has been legally summoned.
(2) Bribery of a witness is a Class IV felony.
(3) A person who is a witness or has been called as a witness in any official proceeding commits a Class IV felony if he accepts or agrees to accept any benefit from any other person for the purposes set forth in subsection (1) of this section.

28-919.
Tampering with witness or informant; jury tampering; penalty.
(1) A person commits the offense of tampering with a witness or informant if, believing that an official proceeding or investigation of a criminal or civil matter is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness or

informant to:
(a) Testify or inform falsely;
(b) Withhold any testimony, information, document, or thing;
(c) Elude legal process summoning him or her to testify or supply evidence; or
(d) Absent himself or herself from any proceeding or investigation to which he or she has been legally summoned.
(2) A person commits the offense of jury tampering if, with intent to influence a juror's vote, opinion, decision, or other action in a case, he or she attempts directly or indirectly to communicate with a juror other than as a part of the proceedings in the trial of the case.
(3) Tampering with witnesses or informants is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified:
(a) As a Class II misdemeanor or a lower classification or a violation of a city or village ordinance, the offense is a Class I misdemeanor; or
(b) As a Class II felony or a higher classification, the offense is a Class II felony.
(4) Jury tampering is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified as a Class II felony or a higher classification, the offense is a Class II felony.

28-920.
Bribery of a juror; penalty; juror receiving bribe; penalty.
(1) A person commits bribery of a juror if he offers, confers, or agrees to confer any benefit upon a juror with intent to influence the juror's vote, opinion, decision, or other action as a juror.
(2) Bribery of a juror is a Class IV felony.
(3) A juror commits a Class IV felony if he accepts or agrees to accept any benefit from another person for the purpose of influencing his vote, opinion, decision, or other action as a juror.

28-922.
Tampering with physical evidence; penalty; physical evidence, defined.
(1) A person commits the offense of tampering with physical evidence if, believing that an official proceeding is pending or about to be instituted and acting without legal right or authority, he or she:
(a) Destroys, mutilates, conceals, removes, or alters physical evidence with the intent to impair its verity or availability in the pending or prospective official proceeding; or
(b) Knowingly makes, presents, or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding.
(2) Physical evidence, as used in this section, shall mean any article, object, document, record, or other thing of physical substance.
(3) Tampering with physical evidence is a Class IV felony, except that if such offense involves a pending criminal proceeding which alleges a violation of another offense classified:
(a) As a Class II misdemeanor or a lower classification or a violation of a city or village ordinance, the offense is a Class I misdemeanor; or
(b) As a Class II felony or a higher classification, the offense is a Class II felony.

28-923.
Simulating legal process; penalty.
(1) A person commits the offense of simulating legal process if he sends, delivers, or mails or in any manner shall cause to be sent, delivered, or mailed, any paper or document simulating or intended to simulate a summons, complaint, writ, or other court process of any kind, to any person, firm, company, or corporation, for the purpose and intent of forcing payment of any alleged claim, debt, or legal obligation.
(2) Simulating legal process is a Class III misdemeanor.

28-924.
Official misconduct; penalty.
(1) A public servant commits official misconduct if he knowingly violates any statute or lawfully adopted rule or regulation relating to his official duties.
(2) Official misconduct is a Class II misdemeanor.

28-925.
Misuse of official information; penalty.
(1) Any public servant, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, commits misuse of official information if he:
(a) Acquires pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(b) Speculates or wagers on the basis of such information or official action; or
(c) Aids, advises, or encourages another to do any of the foregoing with intent to confer on any person a special pecuniary benefit.
(2) Misuse of official information is a Class III misdemeanor.

28-926.
Oppression under color of office; penalty.
(1) Any public servant or peace officer who, by color of or in the execution of his office, shall designedly, willfully, or corruptly injure, deceive, harm, or oppress any person, or shall attempt to injure, deceive, harm, or oppress any person, commits oppression under color of office, and shall be answerable to the party so injured, deceived, or harmed or oppressed in treble damages.
(2) Oppression under color of office is a Class II misdemeanor.

28-927.
Neglecting to serve a warrant; penalty; forfeiture of office.
(1) When any warrant legally issued by any magistrate in this state in any criminal case shall be delivered into the hands of any sheriff or other officer to be executed, whose duty it shall be to execute such warrant, it is hereby made the duty of such sheriff or other officer to serve the same immediately, and if such sheriff or other officer shall neglect or delay to serve any such warrant, delivered to him or her as aforesaid, when in his or her power to serve the same, either alone or by calling upon assistance according to law, he or she commits the offense of neglecting to serve a warrant.
(2) Neglecting to serve a warrant is a Class II misdemeanor if the offense charged for which the warrant was issued is a felony.
(3) Neglecting to serve a warrant is a Class III misdemeanor if the offense charged for which the warrant was issued is a misdemeanor.
(4) Any sheriff or other officer who is convicted under this section shall immediately forfeit his or her office.

28-928.
Mutilating a flag; penalty; flag, defined.
(1) A person commits the offense of mutilating a flag if such person intentionally casts contempt or ridicule upon a flag by mutilating, defacing, defiling, burning, or trampling upon such flag.
(2) Flag as used in this section shall mean any flag, ensign, banner, standard, colors, or replica or representation thereof which is an official or commonly recognized symbol of the United States or the State of Nebraska.
(3) Mutilation of a flag is a Class III misdemeanor.

28-929.
Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree; penalty.
(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree if:
(a) He or she intentionally or knowingly causes serious bodily injury:
(i) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;
(ii) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or
(iii) To a health care professional; and
(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.
(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree shall be a Class ID felony.

28-929.01.
Assault on an emergency care provider or a health care professional; terms, defined.
For purposes of sections28-929,28-929.02,28-930,28-931, and28-931.01:
(1) Emergency care provider means (a) an emergency medical responder; (b) an emergency medical technician; (c) an advanced emergency medical technician; (d) a community paramedic; (e) a critical care paramedic; or (f) a paramedic, as those persons are licensed and classified under the Emergency Medical Services Practice Act;
(2) Health care professional means a physician or other health care practitioner who is licensed, certified, or registered to perform specified health services consistent with state law who practices at a hospital or a health clinic;
(3) Health clinic has the definition found in section71-416; and
(4) Hospital has the definition found in section71-419.

28-929.02.
Assault on a health care professional; hospital and health clinic; sign required.
Every hospital and health clinic shall display at all times in a prominent place a printed sign with a minimum height of twenty inches

and a minimum width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows: WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE PUNISHABLE AS A FELONY.

28-930.
Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree; penalty.
(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree if:
(a) He or she:
(i) Intentionally or knowingly causes bodily injury with a dangerous instrument:
(A) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;
(B) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or
(C) To a health care professional; or
(ii) Recklessly causes bodily injury with a dangerous instrument:
(A) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;
(B) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or
(C) To a health care professional; and
(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.
(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree shall be a Class II felony.

28-931.
Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree; penalty.
(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree if:
(a) He or she intentionally, knowingly, or recklessly causes bodily injury:
(i) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;
(ii) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or
(iii) To a health care professional; and
(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.
(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree shall be a Class IIIA felony.

28-931.01.
Assault on an officer, an emergency responder, certain employees, or a health care professional using a motor vehicle; penalty.
(1) A person commits the offense of assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle if:
(a) By using a motor vehicle to run over or to strike an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional or by using a motor vehicle to collide with an officer's, an emergency responder's, a state correctional employee's, a Department of Health and Human Services employee's, or a health care professional's motor vehicle, he or she intentionally and knowingly causes bodily injury:
(i) To a peace officer, a probation officer, a firefighter, an emergency care provider, or an employee of the Department of Correctional Services;
(ii) To an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act; or
(iii) To a health care professional; and
(b) The offense is committed while such officer, firefighter, emergency care provider, or employee is engaged in the performance of his or her official duties or while the health care professional is on duty at a hospital or a health clinic.
(2) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle shall be a Class IIIA felony.

28-932.

Confined person; person in legal custody of Department of Correctional Services; dangerous sex offender; assault; penalty; sentence.
(1) Any person (a)(i) who is legally confined in a jail or an adult correctional or penal institution, (ii) who is otherwise in legal custody of the Department of Correctional Services, or (iii) who is committed as a dangerous sex offender under the Sex Offender Commitment Act and (b) who intentionally, knowingly, or recklessly causes bodily injury to another person shall be guilty of a Class IIIA felony, except that if a deadly or dangerous weapon is used to commit such assault, he or she shall be guilty of a Class IIA felony.
(2) Sentences imposed under subsection (1) of this section shall be consecutive to any sentence or sentences imposed for violations committed prior to the violation of subsection (1) of this section and shall not include any credit for time spent in custody prior to sentencing unless the time in custody is solely related to the offense for which the sentence is being imposed under this section.

28-933.
Confined person; person in legal custody of Department of Correctional Services; dangerous sex offender; offenses against another person; penalty; sentence.
(1) Any person (a)(i) who is legally confined in a jail or an adult correctional or penal institution, (ii) who is otherwise in legal custody of the Department of Correctional Services, or (iii) who is committed as a dangerous sex offender under the Sex Offender Commitment Act and (b) who commits (i) assault in the first, second, or third degree as defined in sections28-308to28-310, (ii) terroristic threats as defined in section28-311.01, (iii) kidnapping as defined in section28-313, or (iv) false imprisonment in the first or second degree as defined in sections28-314and28-315, against any person for the purpose of compelling or inducing the performance of any act by such person or any other person shall be guilty of a Class II felony.
(2) Sentences imposed under subsection (1) of this section shall be served consecutive to any sentence or sentences imposed for violations committed prior to the violation of subsection (1) of this section and shall not include any credit for time spent in custody prior to sentencing unless the time in custody is solely related to the offense for which the sentence is being imposed under this section.

28-934.
Assault with a bodily fluid against a public safety officer; penalty; order to collect evidence.
(1) Any person who knowingly and intentionally strikes any public safety officer with any bodily fluid is guilty of assault with a bodily fluid against a public safety officer.
(2) Except as provided in subsection (3) of this section, assault with a bodily fluid against a public safety officer is a Class I misdemeanor.
(3) Assault with a bodily fluid against a public safety officer is a Class IIIA felony if the person committing the offense strikes with a bodily fluid the eyes, mouth, or skin of a public safety officer and knew the source of the bodily fluid was infected with the human immunodeficiency virus, hepatitis B, or hepatitis C at the time the offense was committed.
(4) Upon a showing of probable cause by affidavit to a judge of this state that an offense as defined in subsection (1) of this section has been committed and that identifies the probable source of the bodily fluid or bodily fluids used to commit the offense, the judge shall grant an order or issue a search warrant authorizing the collection of any evidence, including any bodily fluid or medical records or the performance of any medical or scientific testing or analysis, that may assist with the determination of whether or not the person committing the offense or the person from whom the person committing the offense obtained the bodily fluid or bodily fluids is infected with the human immunodeficiency virus, hepatitis B, or hepatitis C.
(5) As used in this section:
(a) Bodily fluid means any naturally produced secretion or waste product generated by the human body and shall include, but not be limited to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal fluid, or feces; and
(b) Public safety officer includes any of the following persons who are engaged in the performance of their official duties at the time of the offense: A peace officer; a probation officer; a firefighter; an emergency care provider as defined in section28-929.01; a health care professional as defined in section28-929.01; an employee of a county, city, or village jail; an employee of the Department of Correctional Services; an employee of the secure youth confinement facility operated by the Department of Correctional Services, if the person committing the offense is committed to such facility; an employee of a youth rehabilitation and treatment center; or an employee of the Department of Health and Human Services if the person committing the offense is committed as a dangerous sex offender under the Sex Offender Commitment Act.

28-935.
Fraudulently filing a financing statement,
lien, or document; penalty.
(1) A person commits
the offense of fraudulently filing a financing statement, lien, or document
if the person directly, or through an intermediary, submits for filing or
recording in the public record, as defined in section28-911:
(a) Any document
purporting to create a nonconsensual common-law lien, as defined in section52-1901, knowing or having reason to know that the lien is a nonconsensual
common-law lien;
(b) A financing statement pursuant to article 9, Uniform Commercial
Code, knowing or having reason to know that the financing statement is not
based on a bona fide security agreement or was not authorized or authenticated
by the alleged debtor identified in the financing statement or an authorized
representative of the alleged debtor; or
(c) Any document filed in an attempt to
harass an entity, individual, or public official or obstruct a government
operation or judicial proceeding, knowing or having reason to know such document
contained false information.
(2) Fraudulently filing a financing statement, lien, or document
is a Class IV felony.
(3) Lack of belief in the jurisdiction or authority of the state
or of the government of the United States is no defense to prosecution under
this section.

28-936.
Electronic communication device; possession within facility; provided to inmate; penalty; seizure; disposition.
(1) A person commits an offense if he or she intentionally introduces within a facility, or intentionally provides an inmate of a facility with, any electronic communication device. An inmate commits an offense if he or she intentionally procures, makes, or otherwise provides himself or herself with, or has in his or her possession, any electronic communication device.
(2) This section does not apply to:
(a) An attorney or an attorney's agent visiting an inmate who is a client of such attorney;
(b) The Public Counsel or any employee of his or her office;
(c) A peace officer acting under his or her authority;
(d) An emergency responder or a firefighter responding to emergency incidents within a facility; or
(e) Any person acting with the permission of the Director of Correctional Services or in accordance with rules, regulations, or policies of the Department of Correctional Services.
(3) This section does not prohibit a member of the Legislature from bringing an electronic communication device into a facility. However, a member of the Legislature shall not intentionally provide an inmate of a facility with an electronic communication device.
(4) For purposes of this section:
(a) Facility has the same meaning as in section83-170; and
(b) Electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device. Electronic communication device does not include any device provided to an inmate by the Department of Correctional Services.
(5) A violation of this section is a Class I misdemeanor.
(6) An electronic communication device involved in a violation of this section shall be subject to seizure by the Department of Correctional Services or a peace officer, and disposition may be made in accordance with the method of disposition directed for contraband in sections29-818and29-820.

28-1004.
Terms, defined.
As used in this section and section28-1005, unless the context otherwise requires:
(1) Bearbaiting shall mean the pitting of any animal against a bear;
(2) Cockfighting shall mean the pitting of a fowl against another fowl;
(3) Dogfighting shall mean the pitting of a dog against another dog; and
(4) Pitting shall mean bringing animals together in combat.

28-1005.

Dogfighting, cockfighting, bearbaiting, or pitting an animal against another; prohibited acts; penalty.
(1) No person shall knowingly:
(a) Promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another;
(b) Receive money for the admission of another person to a place kept for such purpose;
(c) Own, use, train, sell, or possess an animal for such purpose; or
(d) Permit any act as described in this subsection to occur on any premises owned or controlled by him or her.
(2) Any person violating subsection (1) of this section shall be guilty of a Class IIIA felony and shall also be subject to section28-1019.
(3) No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in subsection (1) of this section. Any person who violates any provision of this subsection shall be guilty of a Class IIIA felony and shall also be subject to section28-1019.

28-1005.01.
Ownership or possession of animal
fighting paraphernalia; penalty.
(1) No person shall knowingly
or intentionally own or possess animal fighting paraphernalia with the intent
to commit a violation of section28-1005.
(2)(a) For purposes of this section, except as provided in subdivision
(b) of this subsection, animal fighting paraphernalia means equipment, products,
and materials of any kind that are used, intended for use, or designed for
use in the training, preparation, conditioning, or furtherance of the pitting
of an animal against another as defined in section28-1004. Animal fighting
paraphernalia includes, but is not limited to, the following:
(i) A breaking stick, which means a device designed for insertion behind
the molars of a dog for the purpose of breaking the dog's grip on another
animal or object;
(ii) A cat mill, which means a device that rotates around a central
support with one arm designed to secure a dog and one arm designed to secure
a cat, rabbit, or other small animal beyond the grasp of the dog;
(iii) A treadmill, which means an exercise device consisting of an endless
belt on which the animal walks or runs without changing place;
(iv) A fighting pit, which means a walled area designed to contain an
animal fight;
(v) A springpole, which means a biting surface attached to a stretchable
device, suspended at a height sufficient to prevent a dog from reaching the
biting surface while touching the ground;
(vi) A heel, which means any edged or pointed instrument designed to
be attached to the leg of a fowl;
(vii) A boxing glove or muff, which means a fitted protective covering
for the spurs of a fowl; and
(viii) Any other instrument commonly used in the furtherance of pitting
an animal against another.
(b) Animal fighting paraphernalia does not include equipment, products,
or materials of any kind used by a veterinarian licensed to practice veterinary
medicine and surgery in this state.
(3) Any person violating subsection (1) of this section is guilty of
a Class I misdemeanor and may
also be subject to section28-1019.

28-1006.
Investigation; arrest; seizure of property; reimbursement of expenses.
(1) It shall be the duty of the sheriff, a police officer, or the Nebraska State Patrol to make prompt investigation of and arrest for any violation of section28-1005or28-1005.01.
(2) Any equipment, device, or other property or things involved in any violation of section28-1005or28-1005.01shall be subject to seizure, and disposition may be made in accordance with the method of disposition directed for contraband in sections29-818and29-820.
(3) Any animal involved in any violation of section28-1005or28-1005.01shall be subject to seizure. Distribution or disposition shall be made as provided in section28-1012.01and in such manner as the court may direct. The court may give preference to adoption alternatives through humane societies or comparable institutions and to the protection of such animal's welfare. For a humane

society or comparable institution to be considered as an adoption alternative under this subsection, it must first be licensed by the Department of Agriculture as having passed the inspection requirements in the Commercial Dog and Cat Operator Inspection Act and paid the fee for inspection under the act. The court may prohibit an adopting or purchasing party from selling such animal for a period not to exceed one year.
(4) In addition to any other sentence given for a violation of section28-1005or28-1005.01, the sentencing court may order the defendant to reimburse a public or private agency for expenses incurred in conjunction with the care, impoundment, or disposal, including adoption, of an animal involved in the violation of section28-1005or28-1005.01. Whenever the court believes that such reimbursement may be a proper sentence or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the expenses incurred. The court may order that reimbursement be made immediately, in specified installments, or within a specified period of time, not to exceed five years after the date of judgment.

28-1007.
Sections, how
construed.
Sections28-1004to28-1006shall not
be construed to amend or in any manner change the authority of the Game and
Parks Commission under the Game Law, to prohibit any conduct authorized or
permitted in the Game Law, or to prohibit the training of animals for
any purpose not prohibited by law.

28-1008.
Terms, defined.
For purposes of sections28-1008to28-1017,28-1019, and28-1020:
(1) Abandon means to leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;
(2) Animal means any vertebrate member of the animal kingdom. Animal does not include an uncaptured wild creature or a livestock animal as defined in section54-902;
(3) Cruelly mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, kick, hit, strike in any manner, mutilate, burn, scald, or otherwise inflict harm upon any animal;
(4) Cruelly neglect means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;
(5) Humane killing means the destruction of an animal by a method which causes the animal a minimum of pain and suffering;
(6) Law enforcement officer means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes a special investigator appointed as a deputy state sheriff as authorized pursuant to section81-201while acting within the authority of the Director of Agriculture under the Commercial Dog and Cat Operator Inspection Act;
(7) Mutilation means intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices;
(8) Owner or custodian means any person owning, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person;
(9) Police animal means a horse or dog owned or controlled by the State of Nebraska or any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties;
(10) Repeated beating means intentional successive strikes to an animal by a person resulting in serious injury or illness or death to the animal;
(11) Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ; and
(12) Torture means intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices.

28-1009.
Abandonment; cruel neglect; harassment of a police animal; penalty.
(1) A person who intentionally, knowingly, or recklessly abandons or cruelly neglects an animal is guilty of a Class I misdemeanor unless the abandonment or cruel neglect results in serious injury or illness or death of the animal, in which case it is a Class IV felony.
(2)(a) Except as provided in subdivision (b) of this subsection, a person who cruelly mistreats an animal is guilty of a Class I misdemeanor for the first offense and a Class IIIA felony for any subsequent offense.
(b) A person who cruelly mistreats an animal is guilty of a Class IIIA felony if such cruel mistreatment involves the knowing and

intentional torture, repeated beating, or mutilation of the animal.
(3) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. Harassment of a police animal is a Class IV misdemeanor unless the harassment is the proximate cause of the death of the police animal, in which case it is a Class IIIA felony.
(4) A person convicted of a Class I misdemeanor under this section may also be subject to section28-1019. A person convicted of a felony under this section shall also be subject to section28-1019.

28-1009.01.
Violence on a service animal; interference with a service animal; penalty.
(1) A person commits the offense of violence on a service animal when he or she (a) intentionally injures, harasses, or threatens to injure or harass or (b) attempts to intentionally injure, harass, or threaten an animal that he or she knows or has reason to believe is a service animal for a blind or visually impaired person, a deaf or hard of hearing person, or a physically limited person.
(2) A person commits the offense of interference with a service animal when he or she (a) intentionally impedes, interferes, or threatens to impede or interfere or (b) attempts to intentionally impede, interfere, or threaten to impede or interfere with an animal that he or she knows or has reason to believe is a service animal for a blind or visually impaired person, a deaf or hard of hearing person, or a physically limited person.
(3) Evidence that the defendant initiated or continued conduct toward an animal as described in subsection (1) or (2) of this section after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf or hard of hearing, or physically limited person being served or assisted by the animal shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.
(4) For purposes of this section:
(a) Blind person means a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including, but not limited to, braille, mechanical reproduction, synthesized speech, or readers;
(b) Deaf person means a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling, or reading;
(c) Hard of hearing person means a person who is unable to hear air conduction thresholds at an average of forty decibels or greater in the person's better ear;
(d) Physically limited person means a person having limited ambulatory abilities, including, but not limited to, having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and
(e) Visually impaired person means a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees.
(5) Violence on a service animal or interference with a service animal is a Class III misdemeanor.

28-1010.
Indecency with
an animal; penalty.
A person commits indecency with an animal
when such person subjects an animal to sexual penetration as defined in section28-318. Indecency with an animal is a Class III misdemeanor. A person convicted under this section may also be subject
to section28-1019.

28-1011.
Violations; liability for expenses.
(1) In addition to any other sentence given for a violation of section28-1009or28-1010, the sentencing court may order the defendant to reimburse a public or private agency for any unreimbursed expenses incurred in conjunction with the care, impoundment, seizure, or disposal of an animal involved in the violation of such section. Whenever the court believes that such reimbursement may be a proper sentence or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the expenses incurred. The court may order that reimbursement be made immediately, in specified installments, or within a specified period of time, not to exceed five years after the date of judgment.
(2) Even if reimbursement for expenses is not ordered under subsection (1) of this section, the defendant shall be liable for all unreimbursed expenses incurred by a public or private agency in conjunction with the care, impoundment, seizure, or disposal of an animal. The expenses shall be a lien upon the animal.

28-1012.
Law enforcement officer; powers and duties; immunity; seizure; court powers.

(1) A law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.
(2) It shall be the duty of a law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated to make prompt investigation of such violation. A law enforcement officer may, in lieu of making an arrest, issue a citation to the owner or custodian as prescribed in sections29-422to29-429.
(3) Any equipment, device, or other property or things involved in a violation of section28-1009or28-1010shall be subject to seizure, and distribution or disposition may be made in such manner as the court may direct. Any animal involved in a violation of section28-1009or28-1010shall be subject to seizure. Distribution or disposition shall be made under section28-1012.01as the court may direct.
(4) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

28-1012.01.
Animal seized; court powers; county attorney; duties; hearing; notice; animal abandoned or cruelly neglected or mistreated; bond or other security; appeal; section, how construed.
(1) Any animal seized under a search warrant or validly seized without a warrant may be kept on the property of the owner or custodian by the law enforcement officer seizing the animal. When a criminal complaint has been filed in connection with a seized animal, the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the animal and to determine any rights therein, including questions respecting the title, possession, control, and disposition thereof as provided in this section.
(2) Within ten business days after the date an animal has been seized pursuant to section28-1006or28-1012, the county attorney of the county where the animal was seized shall file an application with the court having appropriate jurisdiction for a hearing to determine the disposition and the cost for the care of the animal. Notice of such hearing shall be given to the owner or custodian from whom such animal was seized and to any holder of a lien or security interest of record in such animal specifying the date, time, and place of such hearing. Such notice shall be served by personal or residential service or by certified mail. If such notice cannot be served by such methods, service may be made by publication in the county where such animal was seized. Such publication shall be made after application and order of the court. The hearing shall be held as soon as practicable and not more than ten business days after the date of application for the hearing unless otherwise determined and ordered by the court.
(3) If the court finds that probable cause exists that an animal has been abandoned or cruelly neglected or mistreated, the court may:
(a) Order immediate forfeiture of the animal to the agency that took custody of the animal and authorize appropriate disposition of the animal including adoption, donation to a suitable shelter, humane destruction, or any other manner of disposition approved by the court. The court may consider adoption alternatives through humane societies or comparable institutions and the protection of such animal's welfare. For a humane society or comparable institution to be considered as an adoption alternative under this subsection, it must first be licensed by the Department of Agriculture as having passed the inspection requirements in the Commercial Dog and Cat Operator Inspection Act and paid the fee for inspection under the act. The court may prohibit an adopting or purchasing party from selling such animal for a period not to exceed one year;
(b) Issue an order to the owner or custodian setting forth the conditions under which custody of the animal shall be returned to the owner or custodian from whom the animal was seized or to any other person claiming an interest in the animal. Such order may include any management actions deemed necessary and prudent by the court, including reducing the number of animals harbored or owned by the owner or custodian by humane destruction or forfeiture and securing necessary care, including veterinary care, sufficient for the maintenance of any remaining animals; or
(c) Order the owner or custodian from whom the animal was seized to post a bond or other security or to otherwise order payment in an amount that is sufficient to reimburse all reasonable expenses, as determined by the court, for the care of the animal including veterinary care incurred by the agency from the date of seizure and necessitated by the possession of the animal. Payments shall be for a succeeding thirty-day period with the first payment due on or before the tenth day following the hearing. Payments for each subsequent thirty-day period, if any, shall be due on or before the tenth day of such period. The bond or security shall be placed with, or payments ordered under this subdivision shall be paid to, the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The county attorney of the county where the animal was seized may apply to the court for a subsequent hearing under this section at any time. The hearing shall be held as soon as practicable and not more than ten business days after the date of application for the hearing unless otherwise determined and ordered by the court. When all expenses covered by the bond or security are exhausted and subsequent bond or security has not been posted, or if a person becomes delinquent in his or her payments for the expenses of the animal, the animal shall be forfeited to the agency.
(4) If custody of an animal is returned to the owner or custodian prior to seizure, any proceeds of a bond or security or any payment or portion of payment ordered under this section not used for the care of the animal during the time the animal was held by the agency shall be returned to the owner or custodian.
(5) Nothing in this section shall prevent the humane destruction of a seized animal at any time as determined necessary by a licensed veterinarian or as authorized by court order.
(6) An appeal may be filed within ten days after a hearing held under this section. Any person filing an appeal shall post a bond or security sufficient to pay reasonable costs of care of the animal for thirty days. Such bond or surety shall be required for each succeeding thirty-day period until the appeal is final.

(7) If the owner or custodian from whom the animal was seized is found not guilty in an associated criminal proceeding, all funds paid for the expenses of the animal remaining after the actual expenses incurred by the agency have been paid shall be returned to the owner or custodian.
(8) This section shall not preempt any ordinance of a city of the metropolitan or primary class.

28-1013.
Sections; exemptions.
Sections28-1008to28-1017and28-1019shall not apply to:
(1) Care or treatment of an animal or other conduct by a veterinarian or veterinary technician licensed under the Veterinary Medicine and Surgery Practice Act that occurs within the scope of his or her employment, that occurs while acting in his or her professional capacity, or that conforms to commonly accepted veterinary practices;
(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;
(3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2010;
(4) Commonly accepted practices of hunting, fishing, or trapping;
(5) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;
(6) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;
(7) Killing of house or garden pests; and
(8) Commonly accepted animal training practices.

28-1014.
Local regulation; authorized.
Any city, village, or county may adopt and promulgate rules, regulations, and ordinances which are not inconsistent with the provisions of sections28-1008to28-1017,28-1019, and28-1020for the protection of the public, public health, and animals within its jurisdiction.

28-1015.
Ownership by child; applicability of penalties.
When an animal is owned by a minor child, the parent of such minor child with whom the child resides or legal guardian with whom the child resides shall be subject to the penalties provided under sections28-1008to28-1017,28-1019, and28-1020if the animal is abandoned or cruelly neglected.

28-1016.
Game and Parks Commission; Game Law; sections, how construed.
Nothing in sections28-1008to28-1017,28-1019, and28-1020shall be construed as amending or changing the authority of the Game and Parks Commission as established in the Game Law or to prohibit any conduct authorized or permitted by such law.

28-1017.
Animal abandonment,
cruel neglect, or cruel mistreatment; report required by certain employees;
violation; penalty.
(1) For purposes of this section:
(a) Reasonably suspects means a basis for reporting knowledge
or a set of facts that would lead a person of ordinary care and prudence to
believe and conscientiously entertain a strong suspicion that criminal activity
is at hand or that a crime has been committed; and
(b) Employee means any employee of a governmental agency dealing with child
or adult protective services, animal control, or animal abuse.
(2) Any employee, while acting in his or her professional
capacity or within the scope of his or her employment, who observes or is
involved in an incident which leads the employee to reasonably suspect that
an animal has been abandoned, cruelly neglected, or cruelly mistreated shall
report such to the entity or entities that investigate such reports in that
jurisdiction.
(3) The report of
an employee shall be made within two working days of acquiring
the information concerning the animal by facsimile transmission of a written
report presented in the form described in subsection (6) of this section or

by telephone. When an immediate response is necessary to protect the health and safety of the animal or others, the report of an employee shall be made by telephone as soon as possible.
(4) Nothing in this section shall be construed to impose a duty to investigate observed or reasonably suspected animal abandonment, cruel neglect, or cruel mistreatment. Any person making a report under this section is immune from liability except for false statements of fact made with malicious intent.
(5) A report made by an employee pursuant to this section shall include:
(a) The reporter's name and title, business address, and telephone number;
(b) The name, if known, of the animal owner or custodian, whether a business or individual;
(c) A description of the animal or animals involved, person or persons involved, and location of the animal or animals and the premises; and
(d) The date, time, and a description of the observation or incident which led the reporter to reasonably suspect animal abandonment, cruel neglect, or cruel mistreatment and any other information the reporter believes may be relevant.
(6) A report made by an employee pursuant to this section may be made on preprinted forms prepared by the entity or entities that investigate reports of animal abandonment, cruel neglect, or cruel mistreatment in that jurisdiction. The form shall include space for the information required under subsection (5) of this section.
(7) When two or more employees jointly have observed or reasonably suspected animal abandonment, cruel neglect, or cruel mistreatment and there is agreement between or among them, a report may be made by one person by mutual agreement. Any such reporter who has knowledge that the person designated to report has failed to do so shall thereafter make the report.
(8) Any employee failing to report under this section shall be guilty of an infraction.

28-1018.
Sale of puppy or kitten; prohibited acts; penalty.
(1) A person, other than an animal control facility, animal rescue, or animal shelter, who sells a puppy or kitten under eight weeks of age without its mother is guilty of a Class V misdemeanor.
(2) For purposes of this section:
(a) Animal control facility means a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;
(b) Animal rescue means a person or group of persons who hold themselves out as an animal rescue, accept or solicit for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs or cats, or who use foster homes as defined in section54-626as the primary means of housing dogs or cats; and
(c) Animal shelter means a facility used to house or contain dogs or cats and owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

28-1019.

Conviction; order prohibiting ownership, possession, or residing with animal; duration; violation; penalty; seizure of animal.
(1)(a) If a person is convicted of a felony under section28-1005or28-1009, the sentencing court shall order such person not to own, possess, or reside with any animal for at least five years after the date of conviction, but such time restriction shall not exceed fifteen years. Any person violating such court order shall be guilty of a Class I misdemeanor.
(b) If a person is convicted of a Class I misdemeanor under section28-1005.01or28-1009or a Class III misdemeanor under section28-1010, the sentencing court may order such person not to own, possess, or reside with any animal after the date of conviction, but such time restriction, if any, shall not exceed five years. Any person violating such court order shall be guilty of a Class IV misdemeanor.
(c) Any animal involved in a violation of a court order under subdivision (a) or (b) of this subsection shall be subject to seizure by law enforcement. Distribution or disposition shall be made under section28-1012.01.
(2) This section shall not apply to any person convicted under section28-1005,28-1005.01, or28-1009if a licensed physician confirms in writing that ownership or possession of or residence with an animal is essential to the health of such person.

28-1020.
Animal abandonment, cruel neglect,
or cruel mistreatment; report required by animal health care professional;
immunity from liability.
(1) Any animal health care professional, while acting in
his or her professional capacity or within the scope of his or her employment,
who observes or is involved in an incident which leads the animal health care
professional to reasonably suspect that an animal has been abandoned, cruelly
neglected, or cruelly mistreated, shall report such treatment to an entity
that investigates such reports in the appropriate jurisdiction.
(2) Nothing
in this section shall be construed to impose a duty to investigate observed
or reasonably suspected abandonment, cruel neglect, or cruel mistreatment
of an animal. Any person making a report under this section is immune from
liability except for false statements of fact made with malicious intent.
(3) For purposes
of this section, an animal health care professional means a licensed veterinarian
as defined in section38-3310or a licensed veterinary technician as defined
in section38-3311.

28-1101.
Terms, defined.
As used in this article, unless the context otherwise requires:
(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes, but shall not be limited to, conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved, (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor, or (c) engaging in the procurement, sale, or offering for sale within this state of any chance, share, or interest in a lottery of another state or government whether or not such chance, share, or interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest except as provided in the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, the Nebraska Racetrack Gaming Act, or section9-701;
(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business upon the outcome of future contingent events;
(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;
(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, or conducts or participates in any bingo, lottery by the sale of pickle cards, lottery, raffle, gift enterprise, or other scheme not authorized or conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, the Nebraska Racetrack Gaming Act, or section9-701, but a person does not engage in gambling by:
(a) Entering into a lawful business transaction;
(b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;
(c) Conducting or participating in a prize contest; or
(d) Conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, game of chance, or gift enterprise

conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, the Nebraska Racetrack Gaming Act, or section9-701;
(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, instant-win tickets which also provide the possibility of participating in a subsequent drawing or event, or tickets or stubs redeemable for something of value, except as authorized in the furtherance of parimutuel wagering. Supplies, equipment, cards, tickets, stubs, and other items used in any bingo, lottery by the sale of pickle cards, other lottery, raffle, game of chance, or gift enterprise conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, the Nebraska Racetrack Gaming Act, or section9-701are not gambling devices within this definition;
(6) Something of value shall mean any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service or entertainment; and
(7) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition and (a) the value of such awards made to competitors participating in the contest does not depend upon the number of participants in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins.

28-1102.
Promoting gambling, first degree; penalty.
(1) A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling activity by:
(a) Engaging in bookmaking to the extent that he or she receives or accepts in any one day one or more bets totaling one thousand five hundred dollars or more; or
(b) Receiving, in connection with any unlawful gambling scheme or enterprise, one thousand five hundred dollars or more of money played in the scheme or enterprise in any one day.
(2) Promoting gambling in the first degree is, for the first offense, a Class I misdemeanor, for the second offense, a Class IV felony, and for the third and all subsequent offenses, a Class III felony. No person shall be charged with a second or subsequent offense under this section unless the prior offense or offenses occurred after August 24, 1979.

28-1103.
Promoting gambling, second degree; penalty.
(1) A person commits the offense of promoting gambling in the second degree if he or she knowingly advances or profits from any unlawful gambling activity by:
(a) Engaging in bookmaking to the extent that he or she receives or accepts in any one day one or more bets totaling less than one thousand five hundred dollars;
(b) Receiving, in connection with any unlawful gambling scheme or enterprise, less than one thousand five hundred dollars of money played in the scheme or enterprise in any one day; or
(c) Betting something of value in an amount of five hundred dollars or more with one or more persons in one day.
(2) Promoting gambling in the second degree is a Class II misdemeanor.

28-1104.
Promoting gambling, third degree; penalty.
(1) A person commits the offense of promoting gambling in the third degree if he or she knowingly participates in unlawful gambling as a player by betting less than five hundred dollars in any one day.
(2) Promoting gambling in the third degree is a Class IV misdemeanor.

28-1105.
Possession of gambling records; penalty.
(1) A person commits the offense of possession of gambling records if, other than as a player, he or she knowingly possesses any writing, paper, instrument, or article which is:
(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information; or
(b) Of a kind commonly used in the operation, promotion, or playing of a lottery or mutuel scheme or enterprise or other scheme not conducted pursuant to the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the

Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, the Nebraska Racetrack Gaming Act, or section9-701and such writing, paper, instrument, or article has been used for the purpose of recording, memorializing, or registering any bet, wager, or other gambling information not permitted by such acts or section.
(2) Possession of gambling records in the first degree is a Class II misdemeanor.

28-1105.01.
Gambling debt collection; penalty.
(1) A person commits the offense of gambling debt collection if he or she employs any force or intimidation or threatens force or intimidation in order to collect any debt which results from gambling as described in sections28-1101to28-1109and28-1117.
(2) Gambling debt collection is a Class III felony.

28-1107.
Possession of a gambling device; penalty; affirmative defense.
(1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.
(2) The owner or operator of a retail establishment who is not a manufacturer, distributor, or seller of mechanical amusement devices as defined under the Mechanical Amusement Device Tax Act, shall have an affirmative defense to possession of a gambling device described in subsection (1) of this section if the device bears an unexpired mechanical amusement device decal as required by such act. However, such affirmative defense may be overcome if the owner or operator had actual knowledge that operation of the device constituted unlawful gambling activity at any time such device was operated on the premises of the retail establishment.
(3) Notwithstanding any other provisions of this section, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, is hereby declared to be illegal.
(4) Possession of a gambling device is a Class II misdemeanor.

28-1108.
Prosecution; affirmative defense.
In any prosecution under this article, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity.

28-1109.
Proof of possession of gambling device; prima facie evidence.
Proof of possession of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character.

28-1110.
Gambling; prosecution; not in violation of jurisdiction where conducted; no defense.
It shall be no defense to a prosecution under any provision of this article relating to gambling that the gambling is conducted outside this state and is not in violation of the laws of the jurisdiction in which it is conducted.

28-1111.
Gambling device or record; money used as a bet or stake; other property; forfeited to state; hearing.
In addition to any penalty provided in section28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to section28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of section28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107.

28-1112.
Defendant, status as a player; affirmative defense, when.
In any prosecution for an offense defined in this article, when the defendant's status as a player constitutes an excusing condition, the fact that the defendant was a player shall constitute an affirmative defense.

28-1113.
Article, how construed.
Nothing in this article shall be construed to:
(1) Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings;

(2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section9-701; or
(3) Apply to or prohibit the operation of games of chance, whether using a gambling device or otherwise, by authorized gaming operators within licensed racetrack enclosures or the participation or playing of such games of chance, whether participated in or played using a gambling device or otherwise, by individuals twenty-one years of age or older within licensed racetrack enclosures as provided in the Nebraska Racetrack Gaming Act.

28-1117.
Proof of occurrence of sporting event; prima facie evidence.
In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.

28-1201.
Terms, defined; applicability.
For purposes of sections28-1201to28-1212.04, unless the context otherwise requires:
(1) Case means (a) a hard-sided or soft-sided box, container, or receptacle intended or designed for the primary purpose of storing or transporting a firearm or (b) the firearm manufacturer's original packaging;
(2) Concealed handgun means a handgun that is entirely obscured from view. If any part of the handgun is capable of being seen or observed by another person, it is not a concealed handgun;
(3) Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;
(4) Fugitive from justice means any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;
(5) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;
(6) Home school means a school which: (a) Elects pursuant to section79-1601not to meet accreditation or approval requirements; and (b) is located in a personal residence;
(7) Juvenile means any person under the age of eighteen years;
(8) Knife means:
(a) Any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury; or
(b) Any other dangerous instrument which is capable of inflicting cutting, stabbing, or tearing wounds and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury;
(9) Knuckles and brass or iron knuckles means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;
(10) Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;
(11)(a) Minor means a person who is under twenty-one years of age.
(b) Minor does not include a person who is eighteen years of age or older if the person is (i) a member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers' Training Corps or (ii) a peace officer or other duly authorized law enforcement officer;
(12)(a) Prohibited person means:
(i) A person prohibited from possessing a firearm or ammunition by state law, including, but not limited to, section28-1206; or
(ii) A person prohibited from possessing a firearm or ammunition by 18 U.S.C. 922(d) or (g), as such section existed on January 1, 2023.
(b) This definition does not apply to the use of the term prohibited person in section28-1206;
(13) Qualified law enforcement officer and qualified retired law enforcement officer have the same meanings as in 18 U.S.C. 926B and 926C, respectively, as such sections existed on January 1, 2023;
(14)(a) School means a public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section85-1603, a community college, a public or private college, a junior college, or a university.
(b) School does not include a home school;
(15) Short rifle means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and
(16) Short shotgun means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

28-1202.

Minor or prohibited person; carrying concealed weapon; penalty.
(1) A minor or a prohibited person shall not carry a weapon or weapons concealed on or about his or her person, such as a handgun, a knife, brass or iron knuckles, or any other deadly weapon.
(2) A violation of this section is a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.

28-1202.01.
Carrying concealed handgun; locations; restrictions; posting of prohibition; violation; penalty; affirmative defense; applicability.
(1) Except as otherwise provided in this section and section28-1204.04, a person, other than a minor or a prohibited person, may carry a concealed handgun anywhere in Nebraska, with or without a permit under the Concealed Handgun Permit Act.
(2) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.
(3) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any school; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; or any other place or premises where handguns are prohibited by state law.
(4)(a) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with sections28-1202.02to28-1202.04.
(b) A place of worship may authorize its security personnel to carry concealed handguns on its property if:
(i) Each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with sections28-1202.02to28-1202.04;
(ii) Written notice is given to the congregation; and
(iii) For leased property, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.
(5) If a person, persons, entity, or entities in control of the place or premises or an employer in control of the place or premises prohibits the carrying of concealed handguns into or onto the place or premises and such place or premises are open to the public, a person does not violate this section unless the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the person remove the concealed handgun from the place or premises.
(6) A person carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subsection (2) or (3) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.
(7) An employer may prohibit employees or other persons from carrying concealed handguns in vehicles owned by the employer.
(8) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.
(9)(a) Except as provided in subdivision (9)(b) of this section, it is an affirmative defense to a violation of subsection (3) of this section that the defendant was engaged in any lawful business, calling, or employment at the time the defendant was carrying a concealed handgun and the circumstances in which the defendant was placed at the time were such as to justify a prudent person in carrying a concealed handgun for the defense of his or her person, property, or family.
(b) The affirmative defense provided for in this subsection:
(i) Does not prevent a prosecution for a violation of section28-1204.04; and
(ii) Is not available if the defendant refuses to remove the concealed handgun from the place or premises after a person in control of the place or premises has made a request, directly or through an authorized representative or management personnel, that the defendant remove the concealed handgun from the place or premises.
(10) Subsections (2) and (3) of this section do not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.
(11) Action taken in compliance with section28-1204.04shall not be a violation of this section.

28-1202.02.
Carrying concealed handgun; consumption of alcohol or controlled substance; effect; applicability; violation; penalty.

(1) Except as provided in subsections (2), (3), and (4) of this section, a person not otherwise prohibited by state law from possessing or carrying a concealed handgun shall not carry a concealed handgun while such person:
(a) Is consuming alcohol; or
(b) Has remaining in such person's blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section28-401.
(2) A person does not violate this section if the controlled substance in such person's blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.
(3) A person does not violate this section if:
(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person; and
(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.
(4) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.
(5) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

28-1202.03.
Carrying concealed handgun; identification document, required; applicability; violation; penalty.
(1)(a) This section applies to a person who is not otherwise prohibited by state law from possessing or carrying a concealed handgun.
(b) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.
(2) Except as provided in subsection (3) of this section, any time a person is carrying a concealed handgun, such person shall also carry such person's identification document. The person shall display the identification document when asked to do so by a peace officer or by emergency services personnel.
(3) A person is not required to comply with this section if:
(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person;
(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.
(4) For purposes of this section:
(a) Emergency services personnel means a volunteer or paid firefighter or rescue squad member or a person licensed to provide emergency medical services pursuant to the Emergency Medical Services Practice Act or authorized to provide emergency medical services pursuant to the EMS Personnel Licensure Interstate Compact; and
(b) Identification document means a valid:
(i) Driver's or operator's license;
(ii) State identification card;
(iii) Military identification card;
(iv) Alien registration card;
(v) Passport; or
(vi) Tribal enrollment card; and
(c) Tribal enrollment card means an identification document:
(i) Issued by a tribe which is recognized by a state or the federal government; and
(ii) Which contains a photograph of the person identified and such person's date of birth.
(5) A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

28-1202.04.
Carrying concealed handgun; contact with peace officer or emergency services personnel; procedures for securing handgun; applicability; violation; penalty.
(1)(a) This section applies to a person who is not otherwise prohibited by state law from possessing or carrying a concealed handgun.
(b) This section does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.
(2) Except as provided in subsection (5) of this section, whenever a person who is carrying a concealed handgun is contacted by a peace officer or by emergency services personnel, the person shall immediately inform the peace officer or emergency services personnel that the person is carrying a concealed handgun.
(3) Except as provided in subsection (5) of this section, during contact with a person carrying a concealed handgun, a peace officer or emergency services personnel may secure the handgun or direct that it be secured during the duration of the contact if the peace officer or emergency services personnel determines that it is necessary for the safety of any person present, including the peace officer or emergency services personnel. The person shall submit to the order to secure the handgun.

(4)(a) When the peace officer has determined that the person is not a threat to the safety of any person present, including the peace officer, and the person has not committed any other violation that would result in his or her arrest, the peace officer shall return the handgun to the person before releasing the person from the scene and breaking contact.
(b) When emergency services personnel have determined that the person is not a threat to the safety of any person present, including emergency services personnel, and if the person is physically and mentally capable of possessing the handgun, the emergency services personnel shall return the handgun to the person before releasing the person from the scene and breaking contact. If the person is transported for treatment to another location, the handgun shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the handgun.
(5) A person is not required to comply with subsections (2) and (3) of this section if:
(a) Such person is storing or transporting a handgun in a motor vehicle for any lawful purpose or transporting a handgun directly to or from a motor vehicle to or from any place where such handgun may be lawfully possessed or carried by such person; and
(b) Such handgun is unloaded, kept separate from ammunition, and enclosed in a case.
(6) For purposes of this section:
(a) Contact with a peace officer means any time a peace officer personally stops, detains, questions, or addresses a person for an official purpose or in the course of his or her official duties, and contact with emergency services personnel means any time emergency services personnel provide treatment to a person in the course of their official duties; and
(b) Emergency services personnel has the same meaning as in section28-1202.03.
(7) A violation of:
(a) Subsection (2) of this section is a Class III misdemeanor for a first offense, a Class I misdemeanor for a second offense, and a Class IV felony for a third or subsequent offense; and
(b) Subsection (3) of this section is a Class I misdemeanor.

28-1203.
Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception.
(1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.
(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or members of the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

28-1204.
Unlawful possession
of a handgun; exceptions; penalty.
(1) Any person under the age of eighteen years who possesses
a handgun commits the offense of unlawful possession
of a handgun.
(2) This section does not apply to the issuance of handguns to members of the armed forces of the
United States, active or reserve, National Guard of this state, or Reserve
Officers Training Corps, when on duty or training, or to the temporary loan
of handguns for instruction under the immediate
supervision of a parent or guardian or adult instructor.
(3) Unlawful possession of a handgun is
a Class I misdemeanor.

28-1204.01.
Unlawful
transfer of a firearm to a juvenile; exceptions; penalty; county attorney;
duty.
(1) Any person who knowingly and intentionally
does or attempts to sell, provide, loan, deliver, or in any other way transfer
the possession of a firearm to a juvenile commits the offense of unlawful
transfer of a firearm to a juvenile. The county attorney shall have a copy
of the petition served upon the owner of the firearm, if known, in person
or by registered or certified mail at his or her last-known address.
(2) This section does not apply to the transfer
of a firearm, other
than a
handgun, to a juvenile:
(a) From a person related to such juvenile within the second
degree of consanguinity or affinity if the transfer of physical possession
of such firearm does not occur until such time as express permission has been

obtained from the juvenile's parent or guardian;
(b) For a legitimate and lawful sporting purpose; or
(c) Who is under direct adult supervision in an appropriate
educational program.
(3) This section applies to
the transfer of a
handgun except as specifically provided in subsection (2) of section28-1204.
(4) Unlawful transfer of a firearm to a juvenile is a Class III felony.

28-1204.02.
Confiscation of firearm; disposition.
Any firearm in the possession of a person in violation of section28-1204or28-1204.01shall be confiscated by a peace officer or other authorized law enforcement officer. Such firearm shall be held by the agency employing such officer until it no longer is required as evidence.

28-1204.03.
Firearms and
violence; legislative findings.
The Legislature
finds that:
(1) Increased violence at schools has become a national,
state, and local problem;
(2) Increased violence and the threat of violence has a grave
and detrimental impact on the educational process in Nebraska schools;
(3) Increased violence has caused fear and concern among not
only the schools and students but the public at large;
(4) Firearms have contributed greatly to the increase of fear
and concern among our citizens;
(5) Schools have a duty to protect their students and provide
an environment which promotes and provides an education in a nonthreatening
manner;
(6) An additional danger of firearms at schools
is the risk of accidental discharge and harm to students and staff;
(7) Firearms are an immediate and inherently dangerous threat
to the safety and well-being of an educational setting; and
(8) The ability to confiscate and remove firearms quickly
from school grounds is a legitimate and necessary tool to protect students
and the educational process.

28-1204.04.
Unlawful possession of a firearm at a school; penalty; exceptions; confiscation of certain firearms; disposition.
(1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony.
(2) Subsection (1) of this section does not apply to:
(a) The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers' Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training;
(b) The possession of firearms by peace officers or other duly authorized law enforcement officers;
(c) The carrying of firearms by qualified law enforcement officers or qualified retired law enforcement officers carrying pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023;
(d) Possession of a firearm by a person who is employed or contracted by a school to provide school security or school event control services pursuant to a written policy adopted by such school that complies with subdivision (3)(a) of this section. This subdivision does not apply to a public elementary or secondary school in a Class III, IV, or V school district as defined in section79-102;
(e) Firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor;
(f) Firearms which may lawfully be possessed by a member of a college or university firearm team, to include rifle, pistol, and shotgun disciplines, within the scope of such person's duties as a member of the team;
(g) Firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person's employment;

(h) Firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are enclosed in a case or (ii) are in a locked firearm rack that is on a motor vehicle;
(i) Firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard; or
(j) A handgun carried as a concealed handgun by a person other than a minor or prohibited person in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area.
(3)(a) A school board or other governing body of a school or school district may authorize the carrying of firearms by authorized security personnel in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event by adopting a written policy governing such conduct. Such written policy shall, at a minimum, include requirements for personal qualifications, training, appropriate firearms and ammunition, and appropriate use of force. This subdivision does not apply to a public elementary or secondary school in a Class III, IV, or V school district as defined in section79-102.
(b) The State Board of Education shall, in consultation with the Nebraska State Patrol, develop a model policy relating to the authorization of the carrying of firearms by authorized security personnel as described in subdivision (3)(a) of this section. The policy shall include, but need not be limited to, the appropriate number of training hours required of such security personnel.
(4) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.
(5) Any firearm confiscated by or given to a peace officer pursuant to subsection (4) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.
(6)(a) Whenever a firearm is confiscated and held pursuant to this section or section28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct.
(b) At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either:
(i) The owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated; or
(ii) The owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of section28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school.
(c) No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

28-1204.05.
Unlawful possession of a firearm by a prohibited juvenile offender; penalty; exceptions; reinstatement of right to possess firearm; procedure; court; considerations; order; how construed.
(1) Except as provided in subsections (3) and (4) of this section, a person under the age of twenty-five years who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if he or she has previously been adjudicated an offender in juvenile court for an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violence.
(2) Possession of a firearm by a prohibited juvenile offender is a Class IV felony for a first offense and a Class IIIA felony for a second or subsequent offense.
(3) Subsection (1) of this section does not apply to the possession of firearms by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training.
(4)(a) Prior to reaching the age of twenty-five years, a person subject to the prohibition of subsection (1) of this section may file a petition for exemption from such prohibition and thereby have his or her right to possess a firearm reinstated. A petitioner who is younger than nineteen years of age shall petition the juvenile court in which he or she was adjudicated for the underlying offense. A petitioner who is nineteen years of age or older shall petition the district court in the county in which he or she resides.
(b) In determining whether to grant a petition filed under subdivision (4)(a) of this section, the court shall consider:
(i) The behavior of the person after the underlying adjudication;

(ii) The likelihood that the person will engage in further criminal activity; and
(iii) Any other information the court considers relevant.
(c) The court may grant a petition filed under subdivision (4)(a) of this section and issue an order exempting the person from the prohibition of subsection (1) of this section when in the opinion of the court the order will be in the best interests of the person and consistent with the public welfare.
(5) The fact that a person subject to the prohibition under subsection (1) of this section has reached the age of twenty-five or that a court has granted a petition under subdivision (4)(a) of this section shall not be construed to mean that such adjudication has been set aside. Nothing in this section shall be construed to authorize the setting aside of such an adjudication or conviction except as otherwise provided by law.
(6) For purposes of this section, misdemeanor crime of domestic violence has the same meaning as in section28-1206.

28-1205.
Use of a deadly weapon to commit a felony; possession of a deadly weapon during the commission of a felony; carrying a firearm or destructive device during the commission of a dangerous misdemeanor; penalty; separate and distinct offense; proof of possession.
(1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of use of a deadly weapon to commit a felony.
(b) Use of a deadly weapon, other than a firearm, to commit a felony is a Class II felony.
(c) Use of a deadly weapon, which is a firearm, to commit a felony is a Class IC felony.
(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.
(b) Possession of a deadly weapon, other than a firearm, during the commission of a felony is a Class III felony.
(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a Class II felony.
(3)(a) Any person who carries a firearm or a destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor.
(b) A violation of this subsection is a:
(i) Class I misdemeanor for a first or second offense; and
(ii) A Class IV felony for any third or subsequent offense.
(4) A violation of this section shall be treated as a separate and distinct offense from the underlying crimes being committed, and a sentence imposed under this section shall be consecutive to any other sentence imposed.
(5) Possession of a deadly weapon may be proved through evidence demonstrating either actual or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.
(6) For purposes of this section:
(a) Dangerous misdemeanor means a misdemeanor violation of any of the following offenses:
(i) Stalking under section28-311.03;
(ii) Knowing violation of a harassment protection order under section28-311.09;
(iii) Knowing violation of a sexual assault protection order under section28-311.11;
(iv) Domestic assault under section28-323;
(v) Assault of an unborn child in the third degree under section28-399;
(vi) Theft by shoplifting under section28-511.01;
(vii) Unauthorized use of a propelled vehicle under section28-516;
(viii) Criminal mischief under section28-519if such violation arises from an incident involving the commission of a misdemeanor crime of domestic violence;
(ix) Impersonating a police officer under section28-610;
(x) Resisting arrest under section28-904;
(xi) Operating a motor vehicle or vessel to avoid arrest under section28-905;
(xii) Obstructing a peace officer under section28-906;
(xiii) Knowing violation of a domestic abuse protection order under section42-924; or
(xiv) Any attempt under section28-201to commit an offense described in subdivisions (6)(a)(i) through (xiii) of this section;
(b) Destructive device has the same meaning as in section28-1213;
(c) Misdemeanor crime of domestic violence has the same meaning as in section28-1206; and
(d) Use of a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

28-1206.
Possession of a deadly weapon by a prohibited person; penalty.

(1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she:
(a) Possesses a firearm, a knife, or brass or iron knuckles and he or she:
(i) Has previously been convicted of a felony;
(ii) Is a fugitive from justice;
(iii) Is the subject of a current and validly issued domestic violence protection order, harassment protection order, or sexual assault protection order and is knowingly violating such order; or
(iv) Is on probation pursuant to a deferred judgment for a felony under section29-2292or29-4803; or
(b) Possesses a firearm or brass or iron knuckles and he or she has been convicted within the past seven years of a misdemeanor crime of domestic violence.
(2) The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.
(3)(a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.
(b) Possession of a deadly weapon which is a firearm by a prohibited person is a Class ID felony for a first offense and a Class IB felony for a second or subsequent offense.
(4) Subdivision (1)(a)(i) of this section shall not prohibit:
(a) Possession of archery equipment for lawful purposes; or
(b) If in possession of a recreational license, possession of a knife for purposes of butchering, dressing, or otherwise processing or harvesting game, fish, or furs.
(5)(a) For purposes of this section, misdemeanor crime of domestic violence means a crime that:
(i) Is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;
(ii) Has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and
(iii) Is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in section28-323.
(b) For purposes of this section, misdemeanor crime of domestic violence also includes the following offenses, if committed by a person against his or her spouse, his or her former spouse, a person with whom he or she is or was involved in a dating relationship as defined in section28-323, or a person with whom he or she has a child in common whether or not they have been married or lived together at any time:
(i) Assault in the third degree under section28-310;
(ii) Stalking under subsection (1) of section28-311.04;
(iii) False imprisonment in the second degree under section28-315;
(iv) First offense domestic assault in the third degree under subsection (1) of section28-323; or
(v) Any attempt or conspiracy to commit any of such offenses.
(c) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless:
(i) The person was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and
(ii) In the case of a prosecution for a misdemeanor crime of domestic violence for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either:
(A) The case was tried to a jury; or
(B) The person knowingly and intelligently waived the right to have the case tried to a jury.
(6) In addition, for purposes of this section:
(a) Archery equipment means:
(i) A longbow, recurve bow, compound bow, or nonelectric crossbow that is drawn or cocked with human power and released by human power; and
(ii) Target or hunting arrows, including arrows with broad, fixed, or removable heads or that contain multiple sharp cutting edges;
(b) Domestic violence protection order means a protection order issued pursuant to section42-924;
(c) Harassment protection order means a protection order issued pursuant to section28-311.09or that meets or exceeds the criteria set forth in section28-311.10regarding protection orders issued by a court in any other state or a territory, possession, or tribe;
(d) Recreational license means a state-issued license, certificate, registration, permit, tag, sticker, or other similar document or identifier evidencing permission to hunt, fish, or trap for furs in the State of Nebraska; and
(e) Sexual assault protection order means a protection order issued pursuant to section28-311.11or that meets or exceeds the criteria set forth in section28-311.12regarding protection orders issued by a court in any other state or a territory, possession, or tribe.

28-1207.
Possession of a
defaced firearm; penalty.
(1) Any person who knowingly
possesses, receives, sells, or leases, other than by delivery to law enforcement
officials, any firearm from which the manufacturer's identification mark or
serial number has been removed, defaced, altered, or destroyed, commits the

offense of possession of a defaced firearm.
(2) Possession of a defaced firearm is a Class III felony.

28-1208.
Defacing a firearm;
penalty.
(1) Any person who intentionally removes,
defaces, covers, alters, or destroys the manufacturer's identification mark
or serial number or other distinguishing numbers on any firearm commits the
offense of defacing a firearm.
(2) Defacing a firearm is a Class III felony.

28-1209.
Failure to register tranquilizer guns; penalty.
(1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns.
(2) Failure to register tranquilizer guns is a Class III misdemeanor.

28-1210.
Failure to notify the sheriff of the sale of tranquilizer guns; penalty; record.
(1) Any person, partnership, limited liability company, or corporation selling any gun or other device as described in section28-1209which fails to immediately notify the sheriff of the county of the sale and giving the name and address of the purchaser thereof and the make and number of the gun or device commits the offense of failure to notify the sheriff of the sale of tranquilizer guns.
(2) The sheriff shall keep a record of such sale with the information furnished pursuant to this section.
(3) Failure to notify the sheriff of the sale of tranquilizer guns is a Class III misdemeanor.

28-1212.
Presence of firearm in motor vehicle; prima facie evidence.
The presence in a motor vehicle other than a public vehicle of any firearm or instrument referred to in section28-1203,28-1206,28-1207, or28-1212.03shall be prima facie evidence that it is in the possession of and is carried by all persons occupying such motor vehicle at the time such firearm or instrument is found, except that this section shall not be applicable if such firearm or instrument is found upon the person of one of the occupants therein.

28-1212.01.
Unlawful
discharge of firearm; terms, defined.
For purposes
of sections28-1212.02and28-1212.04:
(1) Aircraft means any
contrivance intended for and capable of transporting persons through the airspace;
(2) Inhabited means currently
being used for dwelling purposes; and
(3) Occupied means that
a person is physically present in a building, motor vehicle, or aircraft.

28-1212.02.
Unlawful
discharge of firearm; penalty.
Any person who unlawfully and intentionally
discharges a firearm at an inhabited dwelling house, occupied building, occupied
motor vehicle, occupied aircraft, inhabited motor home as defined in section71-4603, or inhabited camper unit as defined in section60-1801shall be guilty
of a Class ID felony.

28-1212.03.
Stolen firearm; prohibited acts; violation; penalty.
(1) Any person who possesses, receives, retains, or disposes of a stolen firearm knowing that it has been or believing that it has been

stolen shall be guilty of a Class IIA felony unless the firearm is possessed, received, retained, or disposed of with intent to restore it to the owner.
(2) Any person who possesses, receives, retains, or disposes of a stolen firearm when such person should have known, or had reasonable cause to believe, that such firearm has been stolen shall be guilty of a Class IIA felony unless the firearm is possessed, received, retained, or disposed of with intent to restore it to the owner.

28-1212.04.
Discharge of
firearm in certain cities and counties; prohibited acts; penalty.
Any person, within the territorial boundaries of any city of the first class or county containing a city of the metropolitan class or primary class, who unlawfully, knowingly, and intentionally or recklessly discharges a firearm, while in any motor vehicle or in the proximity of any motor vehicle that such person has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home as defined in section71-4603, or inhabited camper unit as defined in section60-1801, is guilty of a Class IC felony.

28-1213.
Explosives, destructive
devices, other terms; defined.
For purposes of sections28-1213to28-1239, unless the context otherwise requires:
(1) Person means any individual, corporation, company, association, firm, partnership, limited liability company, society, or joint-stock company;
(2) Business enterprise means any corporation, partnership, limited liability company, company, or joint-stock company;
(3) Explosive materials means explosives, blasting agents, and detonators;
(4) Explosives means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, including, but not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, ignited cord, igniters, display fireworks as defined in section28-1241, and firecrackers or devices containing more than one hundred thirty milligrams of explosive composition, but does not include consumer fireworks as defined in such section, gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether, benzol, fixed ammunition and primers for small arms, safety fuses, or matches;
(5) Blasting agent means any material or mixture intended for blasting which meets the requirements of 49 C.F.R. part 173, subpart C, Definitions, Classification and Packaging for Class I, as such subpart existed on January 1, 2010;
(6) Detonator means any device containing an initiating or primary explosive that is used for initiating detonation. Excluding ignition or delay charges, a detonator shall not contain more than ten grams of explosive material per unit. Detonator includes an electric detonator of instantaneous or delay type, a detonator for use with safety fuses, a detonating cord delay connector, and a nonelectric detonator of instantaneous or delay type which consists of detonating cord, shock tube, or any other replacement for electric leg wires;
(7)(a) Destructive devices means:
(i) Any explosive, incendiary, chemical or biological poison, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, (F) booby trap, (G) Molotov cocktail, (H) bottle bomb, (I) vessel or container intentionally caused to rupture or mechanically explode by expanding pressure from any gas, acid, dry ice, or other chemical mixture, or (J) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property;

or
(ii) Any combination of parts either designed or intended
for use in converting any device into a destructive device as defined in subdivision
(7)(a)(i) of this section from which a destructive device may be readily assembled.
(b) The term destructive device does not include (i) any device
which is neither designed nor redesigned for use as a weapon to be used against
person or property, (ii) any device, although originally designed for use
as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing,
safety, or similar device, (iii) surplus ordnance sold, loaned, or given by
the Secretary of the Army pursuant to 10 U.S.C. 4684(2), 4685, or 4686, as
such sections existed on March 7, 2006, (iv) any other device which the Nebraska
State Patrol finds is not likely to be used as a weapon or is an antique,
or (v) any other device possessed under circumstances negating an intent that
the device be used as a weapon against any person or property;
(8) Federal permittee means any lawful user of explosive materials
who has obtained a federal user permit under 18 U.S.C. chapter 40, as such
chapter existed on January 1,
2010;
(9) Federal licensee means any importer, manufacturer, or
dealer in explosive materials who has obtained a federal importers', manufacturers',
or dealers' license under 18 U.S.C. chapter 40, as such chapter existed on January 1, 2010; and
(10) Smokeless propellants means solid propellants commonly
called smokeless powders in the trade and used in small arms ammunition.

28-1214.
Explosives control; applicability of sections.
(1) Sections28-1213to28-1239shall apply to persons engaged in the manufacture, ownership, possession, storage, use, transportation, purchase, sale, or gift of explosive materials, except as may be otherwise indicated herein.
(2) Sections28-1213to28-1239shall not apply to explosive materials while being transported in conformity with federal law or regulations, nor, except as may be otherwise provided in such sections, to the ownership, possession, storage, use, transportation, purchase, or sale of explosive materials by the armed forces of the United States, the National Guard, other reserve components of the armed forces of the United States, and the duly constituted police and firefighting forces of the United States and of the state and its political subdivisions in the lawful discharge of their official duties.

28-1215.
Unlawful possession of explosive materials, first degree; exception; penalty.
(1) Except as provided in subsection (2) of this section, any person who is ineligible to obtain a permit from the Nebraska State Patrol and who possesses or stores explosive materials commits the offense of unlawful possession of explosive materials in the first degree.
(2) Subsection (1) of this section shall not be applicable to any person transporting explosive materials in accordance with section28-1235or to any person who has obtained a permit from the Nebraska State Patrol to store or use such explosive materials or, in the case of a business enterprise, a permit to purchase such explosive materials.
(3) Unlawful possession of explosive materials in the first degree is a Class IV felony.

28-1216.
Unlawful possession of explosive materials, second degree; penalty.
(1) Except as provided in subsection (2) of this section, any person who is eligible to obtain a permit from the Nebraska State Patrol or has a valid educational, industrial, commercial, agricultural, or other legitimate need for a permit and who possesses or stores explosive materials without such a permit commits the offense of unlawful possession of explosive materials in the second degree.
(2) The exclusions provided in subsection (2) of section28-1215shall be applicable to this section.
(3) Unlawful possession of explosive materials in the second degree is a Class I misdemeanor.

28-1217.
Unlawful sale of explosives; penalty.
(1) Any person who knowingly and intentionally sells, transfers, issues, or gives any explosive materials to any person who does not display a valid permit issued by the Nebraska State Patrol authorizing the storage or use of such explosive materials or, in the case of a business enterprise, a permit to purchase such explosive materials commits the offense of unlawful sale of explosives.
(2) Unlawful sale of explosives is a Class IV felony.

28-1218.

Use of explosives without a permit; penalty.
(1) Any person who uses any explosive materials for any purpose whatsoever, unless such person has obtained a permit from the Nebraska State Patrol to use such explosive materials or uses such explosive materials under the supervision of a permitholder, commits the offense of use of explosives without a permit.
(2) Except as provided in subsection (3) of this section, use of explosives without a permit is a Class I misdemeanor.
(3) Upon a showing that the accused was eligible under existing rules and regulations to receive a permit or had a valid educational, industrial, commercial, agricultural, or other legitimate need for a permit, use of explosives without a permit is a Class II misdemeanor.
(4) Any person under the direct and proximate supervision of a person possessing a permit to use explosive materials may also use explosive materials under such safety provisions as the Nebraska State Patrol may adopt and promulgate. Federal licensees and permittees shall obtain permits from the Nebraska State Patrol to use explosive materials.

28-1219.
Obtaining a permit through false representation; penalty.
(1) Any person who knowingly withholds information or makes any false, fictitious, or misrepresented statement or furnishes or exhibits any false, fictitious, or misrepresented identification for the purpose of obtaining a permit or relief from disability under the provisions of sections28-1213to28-1239or knowingly makes any false entry in a record which such person is required to keep pursuant to such sections or the regulations promulgated pursuant to such sections, commits the offense of obtaining a permit through false representations.
(2) Obtaining a permit through false representations is a Class IV felony.

28-1220.
Possession of a destructive device; penalty; permit or license for explosive materials; no defense.
(1) Any person who has in his possession a destructive device, as defined in subdivision (7) of section28-1213, commits the offense of possession of a destructive device.
(2) A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section.
(3) Possession of a destructive device is a Class IV felony.

28-1221.
Threatening the use of explosives; placing a false bomb; penalty.
(1) A person who conveys any threat or maliciously conveys to any other person false information knowing the same to be false, concerning an attempt or alleged attempt being made or to be made to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of any explosive material or destructive device commits the offense of threatening the use of explosives.
(2) A person who places or causes to be placed any device or object that by its design, construction, content, or character appears to be or appears to contain a bomb, destructive device, or explosive, but is in fact an inoperative facsimile or imitation of a bomb, destructive device, or explosive, and that such person knows, intends, or reasonably believes is likely to cause public alarm or inconvenience, commits the offense of placing a false bomb.
(3) Threatening the use of explosives or placing a false bomb is a Class IV felony.

28-1222.
Using explosives to commit a felony; penalty.
(1) Any person who uses an explosive material or destructive device to commit any felony which may be prosecuted in this state or who possesses an explosive during the commission of any felony which may be prosecuted in this state commits the offense of using explosives to commit a felony.
(2) Using explosives to commit a felony is a Class IIA felony.
(3) In the case of a second or subsequent conviction under this section, using explosives to commit a felony is a Class II felony.

28-1223.
Using explosives to damage or destroy property; penalty.
(1) Any person who, by means of an explosive material or destructive device, maliciously attempts to damage or destroy or does damage or destroy any building, structure, vehicle, or other real or personal property commits the offense of using explosives to damage or destroy property.
(2) Except as provided under subsection (3) or (4) of this section, using explosives to damage or destroy property is a Class III felony.
(3) If a personal injury results, using explosives to damage or destroy property is a Class II felony.
(4) If death results, using explosives to damage or destroy property shall be punished as for conviction of murder in the first degree.

28-1224.

Using explosives to kill or injure any person; penalty.
(1) Any person who uses explosive materials or destructive devices to intentionally kill, injure, or intimidate any individual commits the offense of using explosives to kill or injure any person.
(2) Except as provided in subsection (3) or (4) of this section, using explosives to kill or injure any person is a Class IIA felony.
(3) If personal injury results, using explosives to kill or injure any person is a Class II felony.
(4) If death results, using explosives to kill or injure any person shall be punished as for conviction of murder in the first degree.

28-1225.
Storing explosives in violation of safety regulations; penalty.
(1) Any person who stores any explosive materials or uses in legitimate blasting operations any explosive materials in a manner not in conformity with safety regulations adopted and promulgated by the Nebraska State Patrol or the Secretary of the Treasury of the United States or who stores any explosive materials at a place not designated in a permit to store such explosive materials issued to such person by the Nebraska State Patrol commits the offense of storing explosives in violation of safety regulations.
(2) Storing explosives in violation of safety regulations is a Class III misdemeanor.

28-1226.
Failure to report theft of explosives; penalty.
(1) Any person who has knowledge of the theft or loss of explosive materials from his or her stock who fails to report such theft or loss within twenty-four hours of discovery to the Nebraska State Patrol commits the offense of failure to report theft of explosives.
(2) Failure to report theft of explosives is a Class III misdemeanor.

28-1227.
Other violations; penalty.
With the exception of sections28-1213to28-1226, any person who violates any other provision of sections28-1213to28-1239or rules promulgated pursuant to such sections commits a Class III misdemeanor.

28-1228.
Presence of explosive material or destructive device in vehicle; prima facie evidence; exception.
The presence in a vehicle other than a public conveyance of any explosive material or destructive device shall be prima facie evidence that it is in the possession of all persons occupying such vehicle at the time such explosive material or destructive device is found, except that: (1) If such explosive material or destructive device is found upon the person of one of the occupants therein; or (2) if such explosive material or destructive device is found in a vehicle operated for hire by a driver in the due, lawful, and proper pursuit of his trade, then such presumption shall not apply to the driver. The presumption shall not apply to the occupants of a vehicle being operated in compliance with the requirements of section28-1225, if explosive material but no destructive device is found therein.

28-1229.
Explosives control; Nebraska State Patrol; permits; issuance; conditions.
(1) The Nebraska State Patrol shall have the authority to issue permits for:
(a) The storage of explosive materials;
(b) The use of explosive materials; and
(c) The purchase of explosive materials by business enterprises.
(2) The Nebraska State Patrol shall not issue a permit to store or use explosive materials to any person who:
(a) Is under twenty-one years of age;
(b) Has been convicted in any court of a felony;
(c) Is charged with a felony;
(d) Is a fugitive from justice;
(e) Is an unlawful user of any depressant, stimulant, or narcotic drug;
(f) Has been admitted as a patient or inmate in a public or private institution for the treatment of a mental or emotional disease or disorder within five years preceding the date of application;
(g) Has no reasonable educational, industrial, commercial, agricultural, recreational, or other legitimate need for a permit to store or use explosive materials;
(h) Has been convicted in any court of a misdemeanor crime of domestic violence. This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim;
(i) Is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child of such partner; or
(j) Is an alien illegally in the United States.
(3) Upon filing of a proper application and payment of the prescribed fee, and subject to the provisions of sections28-1213to28-1239and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to store

explosive materials if:
(a) The applicant, including, in the case of a corporation, partnership, limited liability company, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, limited liability company, or association, is not a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;
(b) The applicant has not willfully violated any of the provisions of sections28-1213to28-1239or of 18 U.S.C. chapter 40; and
(c) The applicant has a place of storage for explosive materials which meets such standards of public safety, based on the class, type, and quantity of explosive materials to be stored, and security against theft as prescribed in rules and regulations adopted and promulgated by the Nebraska State Patrol pursuant to sections28-1213to28-1239and by the Secretary of the Treasury of the United States pursuant to 18 U.S.C. chapter 40.
(4) A permit for the storage of explosive materials shall specify the class, type, and quantity of explosive materials which are authorized to be stored. It shall also specify the type of security required. A permit for the storage of explosive materials shall be valid for a period of two years unless a shorter period is specified in the permit.
(5) Upon filing of a proper application and payment of the prescribed fee, and subject to the provisions of sections28-1213to28-1239and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to use explosive materials if:
(a) The applicant is an individual to whom the Nebraska State Patrol is not prohibited to issue a permit under subsection (2) of this section;
(b) The applicant has not willfully violated any of the provisions of sections28-1213to28-1239or of 18 U.S.C. chapter 40;
(c) The applicant has demonstrated and certified in writing that he or she is familiar with all published laws of this state and published local ordinances relating to the use of explosive materials applicable at the place or places he or she intends to use such explosive materials;
(d) The applicant has demonstrated that he or she has adequate knowledge, training, and experience in the use of explosive materials of the class and type for which he or she seeks a users permit and has passed a qualifying examination, as prescribed by the Nebraska State Patrol, concerning the use of such explosive materials; and
(e) The applicant has been fingerprinted and the fingerprints submitted to the Nebraska State Patrol for a criminal history record check. If no disqualifying record is located at the state level, the fingerprints shall be forwarded by the patrol to the Identification Division of the Federal Bureau of Investigation for a national criminal history record check.
(6) A permit for the use of explosive materials shall specify the class and type of explosive materials the permitholder is qualified to use. It shall be applicable to the permitholder and to any individual acting under his or her direct personal supervision. A permit may be issued for a single use of explosive materials or, when the applicant is engaged or employed in a business requiring the frequent use of explosive materials, for a period of not more than two years.
(7) Upon filing of a proper application and payment of the prescribed fees and subject to sections28-1213to28-1239and other applicable laws, the Nebraska State Patrol shall issue to a business enterprise a permit to purchase explosive materials if:
(a) The business enterprise has a place of business in this state;
(b) No individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the business enterprise is a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;
(c) An authorized officer of the business enterprise certifies that all explosive materials will be used on the date of purchase of such materials unless such business enterprise is in possession of a valid storage permit; and
(d) The business enterprise employs at least one employee having a valid use permit issued under this section.
(8) A permit for a business enterprise to purchase explosive materials shall specify the class and type of explosive materials which are authorized to be purchased. The class and type of explosive materials covered by such permit shall be the same as those specified in the use permit or permits issued to an employee or employees of the business enterprise. The permit may be issued for a period of up to two years but shall become void if the business enterprise ceases to employ an individual having a valid use permit issued under this section for the class and type of explosive materials covered by the purchase permit of the business enterprise.
(9) If the applicant is an individual, an application for a permit issued under this section shall include the applicant's social security number.

28-1230.
Explosives control; permit; denial; notice; appeal.
Whenever the Nebraska State Patrol denies an application for a permit or the renewal thereof, the Nebraska State Patrol shall, within twenty days of such denial, give notice thereof and the reasons therefor in writing to the applicant, personally or by mail, to the address given in the application. The notice of denial shall also advise the applicant of his or her right to appeal and set forth the steps necessary to undertake an appeal and the time limits pertaining thereto. Such denial may be appealed to the Nebraska State Patrol which shall follow the procedures for contested cases required by the Administrative Procedure Act.

28-1231.
Explosives control; permit; revocation; grounds.
(1) The Nebraska State Patrol may revoke any permit on any ground authorized in subsection (2) of section28-1229for the denial of a permit or for any violation of the terms of such permit, for a violation of any provision of this article or of the rules and regulations

of the Nebraska State Patrol, or for noncompliance with any order issued by the Nebraska State Patrol within the time specified in such order.
(2) Revocation of a permit for any ground authorized may be ordered only after giving written notice and an opportunity to be heard to the holder thereof. Revocation proceedings shall be in accordance with the procedure required for contested cases set forth in the Administrative Procedure Act. Such notice may be given to the holder personally or by mail and shall specify the ground or grounds on which it is proposed to revoke the permit. When a permit is revoked, the Nebraska State Patrol may direct the disposition of the explosives held by such permittee. Upon revocation of a permit by the Nebraska State Patrol, the holder thereof shall surrender his or her permit to the Nebraska State Patrol at once or be subject to penalties as provided for elsewhere in sections28-1213to28-1239.

28-1232.
Explosive materials; permit; application; form; fees.
An application for a storage, use, or business enterprise purchase permit for explosive materials shall be in such form and contain such information as the Nebraska State Patrol shall by rule and regulation prescribe. Each applicant for a permit shall pay a fee of fifty dollars in the case of a storage permit, ten dollars in the case of a use permit, and ten dollars in the case of a business enterprise purchase permit.

28-1233.
Explosive materials; permitholder; records; notice; requirements; penalty.
(1) Every holder of any permit required under sections28-1213to28-1239shall maintain an accurate inventory of all explosives in his or her possession and maintain records of transfers to other persons of explosive materials. Such records shall include a statement of intended use by the transferee and the name, date of birth, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom the explosives are transferred. If the explosive materials are transferred to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date of birth, place of birth, and place of residence of the natural person acting as the agent of the corporation or other business entity in arranging the transfer. In the case of a federal licensee or permittee who is also a permitholder under the terms of sections28-1213to28-1239, the maintenance of one set of records for the fulfilling of the record-keeping requirements of 18 U.S.C. chapter 40 shall be deemed compliance with the record-keeping requirements of sections28-1213to28-1239.
(2) Every holder of any storage or business enterprise permit required under sections28-1213to28-1239shall maintain a log describing the time, place, amount, and type of explosive used in any blasting operations performed by him or her or at his or her direction.
(3) Every holder of any storage, purchase, or use permit required under sections28-1213to28-1239shall notify the fire protection district in which any explosive over one pound in weight is to be used or stored twenty-four hours prior to such use or storage, and the holder shall keep a written record in the log describing the time the notice was given, office in the district to which the notice was given, and name of the person in the district notified. The fire protection district may waive the twenty-four-hour notice when the public safety requires such waiver to prevent loss of life or property if such notice is given prior to use or storage. The fire protection district may accept a single notification of ongoing use within a set timeframe not to exceed sixty days. Any holder of a storage, purchase, or use permit who fails to notify the fire protection district pursuant to this subsection is guilty of a Class II misdemeanor.

28-1234.
Permitholders; inspection of records and permits.
(1) Permitholders shall make available for inspection at all reasonable times their records kept pursuant to sections28-1213to28-1239and the rules and regulations adopted and promulgated pursuant to such sections. The Nebraska State Patrol may enter during business hours the premises, including places of storage, of any permitholder for the purpose of inspecting and examining (a) any records or documents required to be kept by such permitholder under sections28-1213to28-1239or the rules and regulations adopted and promulgated pursuant to such sections and (b) any explosive materials kept or stored by such permitholder at such premises.
(2) Holders of use permits and business enterprise purchase permits shall retain such permits and make them available to the Nebraska State Patrol on request. Storage permits shall be posted and kept available for inspection at all places of storage of explosive materials.

28-1235.
Transportation of explosive materials; permit required.
No person shall transport any explosive materials into this state or within the boundaries of this state unless such person holds a permit as required by sections28-1213to28-1239or a permit or license issued pursuant to 18 U.S.C. chapter 40. Common carriers by air, highway, railway, or water transporting explosive materials into this state or within the boundaries of this state and contract or private carriers by motor vehicle transporting explosive materials into this state or within the boundaries of this state in the lawful, ordinary course of business and engaged in such business pursuant to certificate or permit by whatever name issued to them by any federal or state officer, agency, bureau, commission, or department shall be excepted from this section except as the Nebraska State Patrol by rule and regulation may otherwise provide. All transportation of explosive materials subject to this section shall be in

conformity with such safety rules and regulations as the Nebraska State Patrol may adopt and promulgate.

28-1235.01.
Resident; bring explosive material into state; when allowed.
Any resident of the State of Nebraska who holds a valid explosive permit issued by the Nebraska State Patrol and who uses explosive material in the conduct of a business or occupation may lawfully purchase explosive materials from a licensed seller located or residing in a state contiguous to the State of Nebraska and bring such explosive material into Nebraska.

28-1236.
Nebraska State Patrol; rules and regulations.
The Nebraska State Patrol may adopt and promulgate rules and regulations supplemental to sections28-1213to28-1239necessary or desirable to assure the public safety as well as to provide reasonable and adequate protection of the lives, health, and safety of persons employed in the manufacture, storage, transportation, handling, and use of explosives. The Nebraska State Patrol may adopt and promulgate such rules and regulations necessary and proper for the administration of sections28-1213to28-1239and, together with all other peace officers of the state and its political subdivisions, shall be charged with the enforcement of such sections.

28-1237.
Special law or local ordinance; minimum required standard.
The provisions of sections28-1213to28-1239and the rules adopted pursuant thereto shall be the minimum standard required and shall supersede any special law or local ordinance inconsistent therewith, and no local ordinance inconsistent therewith shall be adopted, but nothing herein contained shall prevent the enactment by local law or ordinance of additional requirements and restrictions.

28-1238.
Violations; seizure and disposition of explosives.
Any explosive materials or destructive devices involved in any violation of sections28-1213to28-1239or any rule or regulation adopted and promulgated pursuant to such sections or in any violation of any other criminal law of this state shall be subject to seizure, and disposition may be made in accordance with the method of disposition directed for contraband in section29-820, whenever the seized matter results in a judicial civil or criminal action by or against any person or as the Nebraska State Patrol directs in the absence of such judicial action.

28-1239.
Explosives control; exceptions to sections; enumerated.
In addition to the exceptions provided in sections28-1213to28-1239, such sections shall not apply to:
(1) The use of explosive materials in medicines and medicinal agents in forms prescribed by the official United States Pharmacopoeia or the National Formulary;
(2) The sale, transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any state or political subdivision thereof;
(3) Small arms ammunition and components thereof;
(4) The storage or possession of or dealing in black powder used for recreation purposes by a sportsperson;
(5) The storage or possession of or dealing in smokeless propellants, percussion caps, primers, and other components used by a sportsperson in the reloading of small arms ammunition;
(6) Bona fide war trophies capable of exploding and innocently found explosive materials possessed under circumstances negating an intent to use the same unlawfully, but the owner thereof shall surrender such items forthwith to any nationally certified hazardous device technician or military explosive ordnance expert upon demand by a law enforcement officer or agency or fire department; and
(7) The storage in minimum amounts necessary for lawful educational purposes of explosive materials to be used in the natural science laboratories of any state-accredited school system.

28-1239.01.
Fireworks
display; permit required; fee; sale of display fireworks; regulation.
(1) No person shall conduct a public exhibition or display of display
fireworks without first procuring a display permit from the State Fire Marshal. Such application for a display permit shall be accompanied
by a fee of ten dollars to be deposited in the State Fire Marshal Cash Fund.
(2) No display fireworks shall be sold or delivered by a licensed distributor
to any person who is not in possession of an approved display permit. Sales
of display fireworks to persons without an approved display permit shall be
subject to sections28-1213to28-1239.

28-1240.
Unlawful transportation of anhydrous ammonia; penalty; unlawful use of certain containers; penalty.
(1) Any person, partnership, limited liability company, firm, or corporation (a) who loads, unloads, transports, or causes to be transported over the public highways of this state anhydrous ammonia in a tank or container with a water gallon capacity of three thousand gallons or less which will not withstand two-hundred-fifty-pounds-per-square-inch gauge pressure or in a tank or container with a water gallon capacity of more than three thousand gallons which will not withstand two-hundred-sixty-five-pounds-per-square-inch gauge pressure and does not meet all the other requirements of the United States Department of Transportation Specifications MC 330 or MC 331, as amended and effective September 1, 1965, or (b) who operates any anhydrous ammonia railroad tank cars over the railroads of this state which fail to comply with all of the applicable requirements of the United States Department of Transportation in effect on December 25, 1969, commits the offense of unlawful transportation of anhydrous ammonia.
(2) Compliance with this section must be shown by an identification plate permanently affixed to a conspicuous place on each tank or container. After July 17, 1986, whenever any tank or container is altered subsequent to its original manufacture, the identification plate of such tank or container shall be changed to indicate proof that the tank or container is able to meet standards prescribed in subsection (1) of this section after the tank or container has been altered. Any tank or container which is so altered without making the appropriate changes on its identification plate shall be considered not in compliance with this section.
(3) Unlawful transportation of anhydrous ammonia is a Class II misdemeanor.
(4) Each day of a violation of this section shall constitute a separate offense, and any person, partnership, limited liability company, firm, or corporation operating, loading, or unloading a tank or container not in compliance with this section shall be considered as a separate violator of this section.
(5) It shall be unlawful for any person to use or cause to be used any tank or container with a water gallon capacity of under three thousand gallons which is or has been used to contain anhydrous ammonia for containing propane or liquefied natural gas. Such unlawful use of a tank or container shall be a Class III misdemeanor.
(6) Subsection (5) of this section shall not be applicable when the owner of the tank or container can show that the tank or container has been properly prepared for alternative use. Standards for such preparation shall be adopted and promulgated by the State Fire Marshal pursuant to this section.

28-1241.
Fireworks; definitions.
As used in sections28-1239.01and28-1241to28-1252, unless the context otherwise requires:
(1) 1.3G explosives, also known as display fireworks or Class B fireworks or by United Nations shipping classification number UN0335, means any items classified as 1.3G explosives by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as such regulations existed on January 1, 2021;
(2) 1.4G explosives, also known as consumer fireworks or Class C fireworks or by United Nations shipping classification number UN0336, means any items classified as 1.4G explosives by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as such regulations existed on January 1, 2021;
(3) Distributor means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or as a retailer or both;
(4) Jobber means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail;
(5) Retailer means any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers;
(6) Sale includes barter, exchange, or gift or offer therefor and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee;
(7) Fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the United States Department of Transportation in Title 49 of the Code of Federal Regulations;
(8)(a) Consumer fireworks means any device that (i) meets the requirements set forth in 16 C.F.R. parts 1500 and 1507, as such regulations existed on January 1, 2021, and (ii) is tested and approved by a nationally recognized testing facility or by the State Fire Marshal.
(b) 1.4G explosives shall be considered consumer fireworks.
(c) Consumer fireworks does not include:
(i) Wire sparklers; or
(ii) Fireworks that have been tested by the State Fire Marshal as a response to complaints and have been deemed to be unsafe; and
(9) Display fireworks means those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration, or detonation. Display fireworks includes, but is not limited to, firecrackers containing more than one hundred thirty milligrams of explosive composition, aerial shells containing more than forty grams of explosive composition, and other display pieces which exceed the limits for classification as consumer fireworks. 1.3G explosives shall be considered display fireworks. Display fireworks shall be considered an explosive as defined in

section28-1213and shall be subject to sections28-1213to28-1239, except that display fireworks may be purchased, received, and discharged by the holder of an approved display permit issued pursuant to section28-1239.01.

28-1242.
Unlawful throwing of fireworks; penalty.
(1) A person commits the offense of unlawful throwing of fireworks if he or she throws any firework, or any object which explodes upon contact with another object: (a) From or into a motor vehicle; (b) onto any street, highway, or sidewalk; (c) at or near any person; (d) into any building; or (e) into or at any group of persons.
(2) Unlawful throwing of fireworks is a Class III misdemeanor.

28-1243.
Fireworks item deemed unsafe; quarantined; testing; test results; effect.
(1) If the State Fire Marshal deems any fireworks item to be unsafe pursuant to subdivision (8)(c)(ii) of section28-1241, such fireworks item shall be quarantined from other fireworks. Any licensed distributor, jobber, or retailer may request, at the distributor's, jobber's, or retailer's expense, that such fireworks item be tested by an independent, nationally recognized testing facility to determine if such fireworks item meets the requirements set forth by the United States Consumer Product Safety Commission for 1.4G explosives. A copy of the results of all testing done pursuant to this section shall be provided to the State Fire Marshal.
(2) If such fireworks item is in compliance with such requirements and otherwise permitted under section28-1241, such fireworks item that was determined to be unsafe pursuant to subdivision (8)(c)(ii) of section28-1241shall be deemed a consumer firework and be permitted for retail sale or distribution.
(3) If such fireworks item is in compliance with such requirements but is otherwise not deemed consumer fireworks, such fireworks item shall not be sold at retail or distributed to retailers for sale in this state, but a distributor, jobber, or retailer may sell such fireworks item to another distributor or retailer in a state that permits the sale of such fireworks item.
(4) If such fireworks item is not in compliance with such requirements, then the distributor, jobber, or retailer shall destroy such fireworks item under the supervision of the State Fire Marshal. If such fireworks item is not destroyed under the supervision of the State Fire Marshal, notarized documentation shall be provided to the State Fire Marshal detailing and confirming the fireworks item's destruction.

28-1244.
Fireworks; unlawful
acts.
Except as provided in section28-1245, it
shall be unlawful for any person to possess, sell, offer for sale, bring into
this state, or discharge any fireworks other than consumer fireworks.

28-1245.
Fireworks; when prohibitions not applicable.
Section28-1244shall not apply to:
(1) Any display fireworks purchased from a licensed distributor; or
(2) Any display fireworks purchased by the holder of a display permit issued pursuant to section28-1239.01; or
(3) Any fireworks brought into this state for storage by a licensed distributor and held for sale outside of this state; or
(4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal to any holder of a distributor's license; or
(5) Toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a grain of explosive material.

28-1246.
Fireworks; sale;
license required; fees.
(1) It shall be unlawful for any
person to sell, hold for sale, or offer for sale as a distributor, jobber,
or retailer any fireworks in this state unless such person has first obtained
a license as a distributor, jobber, or retailer. Application for each such
license shall be made to the State Fire Marshal on forms prescribed by him
or her. Each application shall be accompanied by the required
fee, which shall be five hundred dollars for a distributor's license, two
hundred dollars for a jobber's license, and twenty-five dollars for a retailer's
license. Each application for a retailer's license shall be received by the
State Fire Marshal at least ten business days prior to the sales period, as
set forth in section28-1249, in which the retailer wishes to sell consumer

fireworks. A retailer's license shall be good only for the specific sales period listed on the application and within the calendar year in which issued. The retailer's license shall at all times be displayed at the place of business of the holder thereof.
(2) The funds received pursuant to this section shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund.

28-1248.
Fireworks; importation into state; duties of licensees; retention of packing list for inspection.
(1) It shall be unlawful for any person not licensed as a distributor or as a jobber under sections28-1241to28-1252to bring any fireworks into this state.
(2) It shall be unlawful for any retailer or jobber in this state to sell any fireworks in this state which have not been purchased from a distributor licensed under sections28-1241to28-1252.
(3) Any person licensed under sections28-1239.01and28-1241to28-1252shall keep, available for inspection by the State Fire Marshal or his or her agents, a copy of each packing list for fireworks purchased as long as any fireworks included on such packing list are held in his or her possession. The packing list shall show the license number of the distributor or jobber from which the purchase was made.

28-1249.
Sale of consumer fireworks; limitations.
It shall be unlawful to sell any consumer fireworks at retail within this state, outside the limits of any incorporated city or village. Consumer fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1 of each year.

28-1250.
Fireworks; prohibited acts; violations; penalties; license suspension, cancellation, or revocation; appeal.
(1) Any person who violates any of the provisions of sections28-1244to28-1249commits a Class III misdemeanor. If such person is a licensed distributor or jobber, the State Fire Marshal may suspend, cancel, or revoke the license for up to three years. The suspension, cancellation, or revocation shall become effective upon the failure to timely appeal the decision under the Administrative Procedure Act.
(2) It shall be unlawful for any person, association, partnership, limited liability company, or corporation to have in his, her, or its possession any fireworks in violation of any of the provisions of sections28-1244to28-1249. If any person shall have in his, her, or its possession any fireworks in violation of such sections, a warrant may be issued for the seizure of such fireworks and when the warrant is executed by the seizure of such fireworks, such fireworks shall be safely kept by the magistrate to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the fireworks shall be returned to the person in whose possession they were found. Nothing in such sections shall apply to the transportation of fireworks by regulated carriers.

28-1251.
Unlawful testing or inspection of fire alarms; penalty; certification of applicants; examination; fee.
(1) It shall be unlawful for any person, association, partnership, limited liability company, or corporation to conduct fire alarm tests and fire alarm inspections without prior written certification by the State Fire Marshal as to the qualifications of such persons conducting such tests and inspections.
(2) The State Fire Marshal shall formulate reasonable guidelines to determine qualifications for fire alarm inspectors and shall administer an examination pursuant to such guidelines prior to certification of applicants.
(3) The State Fire Marshal may charge a fee of one hundred dollars to cover costs of administering such examinations.
(4) Unlawful testing or inspection of fire alarms is a Class III misdemeanor.

28-1252.
Fireworks; State Fire Marshal; rules and regulations; enforcement of sections.
The State Fire Marshal shall adopt and promulgate reasonable rules and regulations for the enforcement of sections28-1239.01and28-1241to28-1252and, together with all peace officers of the

state and its political
subdivisions, shall be charged with the enforcement of sections28-1239.01and28-1243to28-1252.

28-1253.
Liquefied petroleum gas; prohibited acts; violation; penalty; enforcement.
(1) The distribution, sale, or use of refrigerants containing liquefied petroleum gas for use in mobile air conditioning systems is prohibited.
(2) For purposes of this section:
(a) Liquefied petroleum gas means material composed predominantly of any of the following hydrocarbons or mixtures of such hydrocarbons: Propane, propylene, butanes (normal butane or isobutane), and butylenes;
(b) Mobile air conditioning system means mechanical vapor compression equipment which is used to cool the driver or passenger compartment of any motor vehicle; and
(c) Motor vehicle has the same meaning as in section60-638.
(3) Any person violating this section is guilty of a Class IV misdemeanor.
(4) The State Fire Marshal may adopt and promulgate rules and regulations for enforcement of this section and, together with peace officers of the state and its political subdivisions, is charged with enforcement of this section.

28-1254.
Motor vehicle operation with person
under age of sixteen years; prohibited acts; violation; penalty.
(1) It shall
be unlawful for any person to operate or be in the actual physical control
of a motor vehicle with a person under the age of sixteen years as a passenger:
(a) While the
person operating or in the actual physical control of the motor vehicle is
under the influence of alcoholic liquor or any drug;
(b) When the person operating
or in the actual physical control of the motor vehicle has a concentration
of eight-hundredths of one gram or more by weight of alcohol per one hundred
milliliters of his or her blood;
(c) When the person operating or in the
actual physical control of the motor vehicle has a concentration of eight-hundredths
of one gram or more by weight of alcohol per two hundred ten liters of his
or her breath; or
(d) If the person operating or in the actual physical control of
the motor vehicle refuses to submit to a chemical test or tests when directed
to do so by a peace officer pursuant to section60-6,197.
(2) A violation
of this section shall be a Class I misdemeanor.
(3) The crime punishable
under this section shall be treated as a separate and distinct offense from
any other offense arising out of acts alleged to have been committed while
the person was in violation of this section.

28-1255.
Flying lantern-type devices; prohibited acts; penalty.
(1) Flying lantern-type devices are prohibited from sale, possession, and use in this state.
(2) For purposes of this section, flying lantern-type devices means devices that require a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lantern-type devices shall not include hot-air balloons used for transporting persons.
(3) A violation of this section is a Class V misdemeanor.

28-1301.
Human skeletal remains or burial goods; prohibited acts; penalty.
(1) The definitions found in section12-1204shall apply to this section.
(2) Except as provided in subsection (3) of this section, a person commits the offense of removing, abandoning, or concealing human skeletal remains or burial goods if he or she:
(a) Knowingly digs up, disinters, removes, or carries away from its place of deposit or burial any such remains or goods, attempts to do the same, or aids, incites, assists, encourages, or procures the same to be done;
(b) Knowingly throws away or abandons any such remains or goods in any place other than a regular place for burial and under a

proper death certificate issued under section38-811or71-605; or
(c) Receives, conceals, purchases, sells, transports, trades, or disposes of any such remains or goods if the person knows or has reason to know that such remains or goods have been dug up, disinterred, or removed from their place of deposit or burial or have not been reported in a proper death certificate issued under section38-811or71-605, attempts to do the same, or aids, incites, assists, encourages, or procures the same to be done.
(3) This section shall not apply to: (a) A body authorized to be surrendered for purposes of dissection as provided by law; (b) the body of any person directed to be delivered by competent authority for purposes of dissection; (c) the officers of any lawfully constituted cemetery acting under the direction of the board of trustees in removing any human skeletal remains or burial goods from one place of burial in the cemetery to another place in the same cemetery when disinterment and reinterment permits are secured and return made pursuant to section71-605; (d) any person removing the human skeletal remains or burial goods of a relative or intimate friend from one place of burial in any lawfully constituted cemetery to another when consent for such removal has been obtained from the lawfully constituted authority thereof and permits for disinterment and reinterment secured and return made pursuant to section71-605; (e) any professional archaeologist engaged in an otherwise lawful and scholarly excavation of a nonburial site who unintentionally encounters human skeletal remains or associated burial goods if the archaeologist complies with the notification requirements of the Unmarked Human Burial Sites and Skeletal Remains Protection Act; or (f) any archaeological excavation by the Nebraska State Historical Society or its designee in the course of execution of the duties of the society if any human skeletal remains or associated burial goods discovered during such excavation are disposed of pursuant to section12-1208.
(4) Violation of this section shall be a Class IV felony.

28-1302.
Concealing the death of another person; penalty.
Any person who conceals the death of another person and thereby prevents a determination of the cause or circumstances of death commits a Class I misdemeanor.

28-1303.
Stagnant water; raising or producing, unlawful; penalty; abatement.
Whoever shall build, erect, continue or keep up any dam or other obstruction in any river or stream of water in this state and thereby raise an artificial pond, or produce stagnant waters, which shall be manifestly injurious to the public health and safety, shall be guilty of a Class III misdemeanor and the court shall, moreover, order every such nuisance to be abated or removed.

28-1304.
Putting carcass or filthy substance into well, spring, brook, or stream; penalty.
Whoever shall put any dead animal, carcass or part thereof, or other filthy substance, into any well, or into any spring, brook or branch of running water, of which use is made for domestic purposes, shall be guilty of a Class IV misdemeanor.

28-1304.01.
Dead animals; liquefied remains; prohibited acts; violation; penalty.
The liquefied remains of any dead animal shall not be injected below the surface of the ground nor be spread above the surface of the ground in any manner. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor.

28-1305.
Exposing offensive matter; penalty.
Whoever shall put the carcass of any dead animal, the offals from any slaughter house, butcher's establishment, packing house, or fish house, any spoiled meats, spoiled fish, or putrid animal substance, or the contents of any privy vault upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, or whoever, being the owner or owners or occupant or occupants thereof, shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this state, or any of them, or shall neglect or refuse to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above-described premises owned or occupied by him, her, or them, or after notice thereof in writing from the street commissioner, supervisor, or any trustee or health officer of any city or precinct in which such nuisance shall exist, shall be guilty of a Class V misdemeanor. If the nuisance is not abated within twenty-four hours thereafter, it shall be deemed a second offense against the provisions of this section, and every like neglect of each twenty-four hours thereafter shall be considered an additional offense.

28-1306.
Unclean stock cars, railroads bringing into state; penalty.
It shall be unlawful for any railroad company operating its road in this state to bring or cause to be brought into this state from an adjoining state any empty car used for transporting hogs or sheep, or any empty combination car used for carrying grain and stock that has any filth of any kind whatever in the same; but such railroad company shall, before it allows such car or cars to pass into the state, cause the same to be thoroughly cleaned. Any person or persons or corporation violating any provision of this section shall be guilty of a Class V misdemeanor.

28-1307.
Diseased meat; sale; penalty.
It shall be unlawful for any person to sell or offer for sale the flesh of a diseased animal, whether such animal shall have died of disease or shall have been butchered when in a diseased condition. Any person violating the provisions of this section shall be guilty of a Class IV felony.

28-1308.
Watering stock at private tank; unlawful; penalty; exceptions.
(1) It is hereby declared unlawful for any person to water livestock at any watering trough or tanks belonging to any private owner without the consent of such owner, but this section shall not apply to livestock in transportation on railroads nor to livestock delivered into any stockyards nor to livestock in holding pens awaiting slaughter.
(2) Violation of this section is a Class V misdemeanor.

28-1309.
Refusing to yield a party line; penalty.
(1) A person commits the offense of refusing to yield a party line if he willfully refuses to relinquish a telephone party line, consisting of a subscriber line telephone circuit with two or more main telephone stations connected therewith, each having a distinctive ring or telephone number, after he has been requested to do so to permit another to place a call, in an emergency in which property or human life is in jeopardy and the prompt summoning of aid is essential, unless such party line is already being used for another such emergency call, or willfully interferes with such an emergency message, or requests the use of such a party line by falsely stating that the same is needed for any such purpose, knowing the statement to be false.
(2) Refusal to yield a party line is a Class III misdemeanor.

28-1310.
Intimidation by telephone call or electronic communication; penalty.
(1) A person commits the offense of intimidation by telephone call or electronic communication if, with intent to intimidate, threaten, or harass an individual, the person telephones such individual or transmits an electronic communication directly to such individual, whether or not conversation or an electronic response ensues, and the person:
(a) Uses obscene language or suggests any obscene act;
(b) Threatens to inflict physical or mental injury to such individual or any other person or physical injury to the property of such individual or any other person; or
(c) Attempts to extort property, money, or other thing of value from such individual or any other person.
(2) The offense shall be deemed to have been committed either at the place where the call or electronic communication was initiated or where it was received.
(3) Intimidation by telephone call or electronic communication is a Class III misdemeanor.
(4) For purposes of this section, electronic communication means any writing, sound, visual image, or data of any nature that is received or transmitted by an electronic communication device as defined in section28-833.

28-1311.
Interfering with a public service company; penalty.
(1) A person commits the offense of interfering with a public service company if he willfully and purposely interrupts or interferes with the transmission of telegraph or telephone messages or the transmission of light, heat and power in this state.
(2) Interference with public service companies is a Class II misdemeanor.

28-1312.
Interfering with the police radio system; police radio set, defined; penalty; exceptions; equipment used in violation of sections; disposition.
(1) Police radio set shall mean any radio set or apparatus capable of either receiving or transmitting radio frequency signals within the wavelength or channel now or which may hereafter be allocated by the Federal Communications Commission for the police radio service.
(2) A person commits the offense of interfering with the police radio system if he has in his possession or in any motor vehicle or equips or installs in or on any motor vehicle, any police radio set which:
(a) In any way intentionally interferes with the transmission or reception of radio messages by any law enforcement agency and hinders any such agency in fulfillment of its duties; or
(b) Intercepts such radio signals to evade or assist others in evading arrest; or
(c) Results in the use of such communication for monetary or personal gain.
(3) The provisions of subsection (2) of this section shall not apply to:
(a) Peace officers and members of a law enforcement agency which regularly maintains a police radio system authorized and licensed by the Federal Communications Commission;

(b) Any person who has permission in writing from the head of a law enforcement agency to possess and use any radio set or apparatus capable of receiving messages or signals within the wavelength or channel assigned to the agency granting the permission; or
(c) Legal newspapers as defined in section25-523, or radio, television or cable antenna television stations licensed pursuant to law, monitoring messages of signals for news purposes only without rebroadcasting or republishing verbatim.
(4) Interfering with the police radio system is a Class I misdemeanor.
(5) It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment possessed or used in violation of this section, and upon conviction of the person possessing or using such equipment, the court shall order such equipment destroyed or forfeited to the State of Nebraska.

28-1313.
Unlawful use of a white cane or guide dog; penalty.
(1) A person commits unlawfully using a white cane or guide dog if he is not blind as defined by law and carries, displays, or otherwise makes use of a white cane or guide dog.
(2) Such use of a white cane or the use of a guide dog by a person shall be officially recognized as an indication that the bearer is blind.
(3) Unlawful use of a white cane or guide dog is a Class III misdemeanor.

28-1314.
Failing to observe a blind person; penalty.
(1) A person commits the offense of failing to observe a blind person if as an operator of any vehicle or other conveyance, he fails to:
(a) Give special consideration to the bearer of a white cane or user of a guide dog; and
(b) Stop and remain when approaching such bearer until such time as the bearer has safely reached a position well outside the course normally used by the operator of the vehicle or other conveyance.
(2) Failure to observe a blind person is a Class III misdemeanor.

28-1315.
Locks and keys; terms, defined.
As used in section28-1316, unless the context otherwise requires:
(1) Change key shall mean a key planned and cut to operate a specific lock;
(2) Try-out key shall mean a key which may or may not be one of a set of similar keys, each key made to operate a series or group of a total series of locks, the key or keys being constructed to take advantage of unplanned construction similarities in the series or group of locks;
(3) Wiggle key or manipulation key shall mean a material device which may be variably positioned or manipulated in a lock's keyway until such action develops a condition within the lock which enables the lock to be operated. Wiggle keys or manipulation keys may or may not resemble normally used keys;
(4) Master key shall mean a key planned and cut to operate all locks in a series or group of locks, each lock having its own key other than the master key for that individual lock only, and each lock constructed as a part of the series or group for operation with the master key. For the purpose of section28-1316, submaster keys, grand master keys, great grand master keys, emergency keys, and overriding keys are to be considered as master keys;
(5) Keyed-alike locks shall mean a series or group of locks designed and constructed to be operated with the same change key;
(6) Locksmith shall mean a person dealing in the mechanical action and the correct operation of all types of locks and cylinder devices, whose trade or occupation is primarily repairing, opening or closing such locks or devices by mechanical means other than the key designed for that particular mechanism without altering, marring, or destroying the original condition or effectiveness of such mechanism; and
(7) Key master or key cutter shall mean a person other than a locksmith, whose primary and only function is the cutting and duplicating of keys.

28-1316.
Unlawful use of locks and keys; penalty;
exceptions.
(1) A person commits the offense of unlawful
use of locks and keys if he or
she:
(a) Sells, offers to sell, or gives to any person other than a law enforcement
agency, dealer licensed under the Motor
Vehicle Industry Regulation Act, motor vehicle manufacturer, or
person regularly carrying on the profession of a locksmith any try-out key,
manipulation key, wiggle key, or any other device designed to be used in place

of the normal change key of any motor vehicle; or
(b) Has in his or her possession
any try-out key, wiggle key, manipulation key, or any other device designed
to be used in place of the normal change key of any motor vehicle unless he or she is a locksmith, locksmith
manufacturer, dealer licensed under the Motor
Vehicle Industry Regulation Act, motor vehicle manufacturer, or
law enforcement agency; or
(c) Duplicates a master key for anyone unless written permission has
been granted by the person who has legal control of the master key. All master
keys shall be stamped with the words DO NOT DUPLICATE. All duplications of
master keys shall also be stamped with the words DO NOT DUPLICATE.
(2) Nothing in subsection (1) of this section shall be construed to
make it unlawful if:
(a) The owner of two or more vehicles possesses a change key that can
be used on two or more vehicles that he or
she owns; or
(b) Such owner changes the locks on such vehicle so that they are keyed
alike; or
(c) Any person makes or duplicates the original change keys for such
an owner; or
(d) Anyone stamps any other type of key with the words DO NOT DUPLICATE.
(3) Unlawful use of locks and keys is a Class III misdemeanor.

28-1317.
Unlawful picketing; penalty.
(1) A person commits the offense of unlawful picketing if, either singly or by conspiring with others, he or she interferes, or attempts to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, in any lawful occupation, self-employment, or business carried on in this state, by:
(a) Using threatening language toward such person or any member of his or her immediate family, or in his, her, or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to quit his or her employment, or to refrain from seeking or freely entering into employment; or
(b) Following or intercepting such person from or to his or her work, from or to his or her home or lodging, or about the city, against the will of such person, for such purpose; or
(c) Menacing, threatening, coercing, intimidating, or frightening in any manner such person for such purpose; or
(d) Committing an assault upon such person for such purpose; or
(e) Picketing or patrolling the place of residence of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.
(2) Unlawful picketing is a Class III misdemeanor. Each violation shall constitute a separate offense.

28-1318.
Mass picketing, defined; penalty; display of sign required.
(1) Mass picketing shall mean any form of picketing in which pickets constitute an obstacle to the free ingress and egress to and from the premises being picketed or any other premises, or upon the public roads, streets, or highways, either by obstructing by their persons or by the placing of vehicles or other physical obstructions.
(2) A person commits the offense of mass picketing if singly or in concert with others, he or she engages in or aids and abets any form of picketing activity that constitutes mass picketing as defined in subsection (1) of this section.
(3) Mass picketing is a Class III misdemeanor. Each violation shall constitute a separate offense.
(4) Any person who shall legally picket by any means or methods other than those forbidden in this section or in section28-1317shall visibly display on his or her person a sign showing the name of the protesting organization he or she represents. The composition of the sign shall be uppercase lettering of not less than two and one-half inches in height.

28-1319.
Interfering with picketing; penalty.
(1) A person commits the offense of interfering with picketing if, acting separately or with others, he interferes with any picketing not described as mass picketing in section28-1318, except that this provision shall not apply to duly qualified peace officers or to court action.
(2) Interfering with picketing is a Class III misdemeanor. Each violation shall constitute a separate offense.

28-1320.
Intimidating pickets; penalty.

(1) A person commits the offense of intimidating pickets if he intimidates or attempts to intimidate any striker by threat of the loss of any right or condition of employment, that directly or indirectly would affect the lawful conduct of said striker in any way.
(2) Intimidation of pickets is a Class III misdemeanor. Each violation shall constitute a separate offense.

28-1320.01.
Unlawful picketing of a funeral; legislative findings.
(1) The Legislature finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the death of relatives are violated when funerals are targeted for picketing or protest activities.
(2) The Legislature also recognizes that individuals have a constitutional right to free speech and that in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefor, the Legislature declares that the purposes of sections28-1320.01to28-1320.03are to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches, and other places of worship during a funeral while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of funeral participants.

28-1320.02.
Unlawful picketing of a funeral;
terms, defined.
For purposes of sections28-1320.01to28-1320.03,
the following definitions apply:
(1) Funeral means the ceremonies and memorial services held in connection
with the burial or cremation of the dead but does not include funeral processions
on public streets or highways; and
(2) Picketing of a funeral means protest activities engaged in by a
person or persons located within five hundred feet of a cemetery,
mortuary, church, or other place of worship during a funeral.

28-1320.03.
Unlawful picketing of a funeral; penalty.
(1) A person commits the offense of unlawful picketing of a funeral if he or she engages in picketing from one hour prior to through two hours following the commencement of a funeral.
(2) Unlawful picketing of a funeral is a Class III misdemeanor.

28-1321.
Maintaining a nuisance; penalty; abatement or removal.
(1) A person commits the offense of maintaining a nuisance if he erects, keeps up or continues and maintains any nuisance to the injury of any part of the citizens of this state.
(2) The erecting, continuing, using, or maintaining of any building, structure, or other place for the exercise of any trade, employment, manufacture, or other business which, by occasioning noxious exhalations, noisome or offensive smells, becomes injurious and dangerous to the health, comfort, or property of individuals or the public; the obstructing or impeding, without legal authority, of the passage of any navigable river, harbor, or collection of water; or the corrupting or rendering unwholesome or impure of any watercourse, stream, or water; or unlawfully diverting any such watercourse from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, building, structures or otherwise of any of the public highways or streets or alleys of any city or village, shall be deemed nuisances.
(3) A person guilty of erecting, continuing, using, maintaining or causing any such nuisance shall be guilty of a violation of this section, and in every such case the offense shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby.
(4) Maintenance of nuisances is a Class III misdemeanor.
(5) The court, in case of conviction of such offense, shall order every such nuisance to be abated or removed.

28-1322.
Disturbing the peace; penalty.
(1) Any person who shall intentionally disturb the peace and quiet of any person, family, or neighborhood commits the offense of disturbing the peace.
(2) Disturbing the peace is a Class III misdemeanor.

28-1323.
Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, or film; unlawful; exemption.
Unless exempt under section28-1325, it is unlawful for any person, firm, partnership, limited liability company, corporation, or association knowingly to (1) transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film,

or other article on which sounds are recorded onto any other phonograph record, disc, wire, tape, film, or other article or (2) sell, distribute, circulate, offer for sale, distribution or circulation, possess for the purpose of sale, distribution, or circulation, or cause to be sold, distributed, or circulated, offered for sale, distribution, or circulation, or possessed for sale, distribution, or circulation any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape, master wire, master film, or other article from which the sounds are derived.

28-1324.
Sell, distribute, circulate, offer for sale, or possess phonograph record, disc, wire, tape, film, or sounds transferred; unlawful; exception.
It is unlawful for any person, firm, partnership, limited liability company, corporation, or association to sell, distribute, circulate, offer for sale, distribution, or circulation, or possess for the purpose of sale, distribution, or circulation any phonograph record, disc, wire, tape, film, or other article on which sounds have been transferred unless such phonograph record, disc, wire, tape, film, or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

28-1325.
Transfer of sounds; sections; when not applicable.
Sections28-1323to28-1326do not apply to any person who transfers or causes to be transferred any sounds (1) intended for or in connection with radio or television broadcast transmission or related uses, (2) for archival purposes, (3) solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer, or (4) intended for use by an educational institution, school, or other person for instructional or educational uses.

28-1326.
Transfer of sounds; violations; penalty.
Any person violating the provisions of section28-1323or28-1324shall be guilty of a Class II misdemeanor.

28-1329.
Receptacle, other term, defined.
As used in sections28-1329to28-1334, unless the context otherwise requires:
(1) Receptacle shall mean not only bottles, siphons, tins, kegs, one-eighth barrels, quarter barrels, half barrels, barrels, boxes, ice cream cabinets, cans and tubs, but all other receptacles used for holding any of the commodities in the sections mentioned; and
(2) Requirement for a written transfer, bill of sale, authority, or consent shall mean that it shall be signed by the person named in the certificate issued by the Secretary of State as provided in such sections, or by a transferee claiming under a written transfer signed by such person, or by an agent whose authority is in writing signed by such person or such transferee.

28-1330.
Nonintoxicating beverages, milk, and milk products; brand or mark on container; filing with Secretary of State; publication; certificate; fee.
Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, cider, ginger ale and other unintoxicating beverages, milk, buttermilk, cream, ice cream or butter in any kind of receptacle having the name of such person or other mark or device printed, stamped, engraved, etched, blown, impressed, riveted or otherwise produced or permanently fixed upon the same, may file in the office of the Secretary of State for record a description of the name, mark, or device so used and cause such description to be printed once each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot within the State of Nebraska is located. It shall be the duty of the Secretary of State to issue to the person so filing for record a description of such name, mark, or device in his office, a duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate in all prosecutions under sections28-1329to28-1334shall be prima facie evidence of the adoption of such name, mark, or device, and of the right of the person named therein to adopt and use the same.

28-1331.
Unauthorized use of receptacle; penalty; separate offense.
(1) A person commits unauthorized use of receptacle if he fills any receptacle bearing a name, mark, or device recorded as provided in section28-1330with soda water, mineral or aerated waters, cider, ginger ale and other unintoxicating beverages, milk, buttermilk, cream, ice cream or butter, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark, or device on any such receptacle, or to buy, sell, give, take, dispose of in any way, traffic in or destroy any receptacle bearing any such name, mark, or device unless it is the person named in the certificate issued by the Secretary of State, as provided in section28-1330, or has the written consent of the person named in such certificate.
(2) Unauthorized use of receptacles is a Class III misdemeanor. Each such receptacle so unlawfully dealt with, as herein set out, shall be deemed to be a separate offense.

28-1332.

Unauthorized possession of receptacle; penalty.
(1) A person commits unauthorized possession of receptacle if having in possession or under control any receptacle bearing any name, mark, or device recorded as provided in section28-1330, and holding a written transfer or bill of sale therefor from the person named in the certificate issued by the Secretary of State as provided in such section, or other authority in writing from such person, he fails or refuses to deliver such receptacle to the person named in such certificate or to the authorized agent of such person when demanded.
(2) Unauthorized possession of receptacle is a Class III misdemeanor.

28-1333.
Receptacles; unauthorized use or possession; search warrant; prosecution of possessor.
Whenever any person who has filed for record any such name, mark, or device, or who has acquired from such person in writing the ownership of such name, mark, or device or the right to the exclusive use thereof, or any one representing such person, shall make oath before any county judge that he has reason to believe and does believe that any receptacle bearing such name, mark, or device is being unlawfully used or filled or had in possession by any other person, such judge shall thereupon issue a search warrant to discover and obtain such receptacle, and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession and if it shall be found that such person is guilty of violating any provision in sections28-1329to28-1334, he shall be punished as prescribed in section28-1331or28-1332and the possession of the property taken upon such warrant shall be awarded to the owner thereof. The remedy given by this section shall not be held to be exclusive, and offenders against any provision of said sections may also be prosecuted as in case of other misdemeanors.

28-1334.
Sale, construed.
The requiring or taking of any deposit for any purpose upon such receptacle shall not be deemed nor held to be a sale, either optional or otherwise, in any proceeding under sections28-1329to28-1334.

28-1335.
Discharging any
firearm or weapon from any public highway, road, or bridge; penalty; exception.
A person commits a Class III misdemeanor if such person discharges
any firearm or weapon using any form of compressed gas as a propellant from
any public highway, road, or bridge in this state, unless otherwise allowed
by statute. Upon conviction,
the mandatory minimum fine shall be one hundred dollars.

28-1341.
Act, how cited.
Sections28-1341to28-1348shall be known and may be cited as the Computer Crimes Act.

28-1342.
Legislative findings and declarations.
The Legislature finds and declares that our society is increasingly dependent on computers, that important personal, financial, medical, and historical data is stored in computers, and that valuable data stored can be lost due to criminal action.
The Legislature further finds that specific criminal statutes are necessary to cover the actions of persons who intentionally destroy data or commit fraud using computers.

28-1343.
Terms, defined.
For purposes of the Computer Crimes Act:
(1) Access shall mean to instruct, communicate with, store data in, retrieve data from, or otherwise use the resources of a computer, computer system, or computer network;
(2) Computer shall mean a high-speed data processing device or system which performs logical, arithmetic, data storage and retrieval, communication, memory, or control functions by the manipulation of signals, including, but not limited to, electronic or magnetic impulses, and shall include any input, output, data storage, processing, or communication facilities directly related to or operating in conjunction with any such device or system;
(3) Computer network shall mean the interconnection of a communications system with a computer through a remote terminal or with two or more interconnected computers or computer systems;
(4) Computer program shall mean an instruction or statement or a series of instructions or statements in a form acceptable to a computer which directs the functioning of a computer system in a manner designed to provide appropriate products from the computer;

(5) Computer security system shall mean a computer program or device that:
(a) Is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system; and
(b) Displays a conspicuous warning to a user that the user is entering a secure system or requires a person seeking access to knowingly respond by use of an authorized code to the program or device in order to gain access;
(6) Computer software shall mean a computer program of procedures or associated documentation concerned with the operation of a computer;
(7) Computer system shall mean related computers and peripheral equipment, whether connected or unconnected;
(8) Data shall mean a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network;
(9) Destructive computer program shall mean a computer program that performs a destructive function or produces a destructive product;
(10) Destructive function shall mean a function that (a) degrades the performance of a computer, its associated peripheral equipment, or a computer program, (b) disables a computer, its associated peripheral equipment, or a computer program, or (c) alters a computer program or data;
(11) Destructive product shall mean a product that: (a) Produces unauthorized data, including data that make computer memory space unavailable; (b) results in the unauthorized alteration of data or a computer program; or (c) produces a destructive computer program, including, but not limited to, a self-replicating program;
(12) Loss shall mean the greatest of the following:
(a) The retail market value of the property or services involved;
(b) The reasonable repair or replacement cost whichever is less; or
(c) The reasonable value of the damage created by the unavailability or lack of utility of the property or services involved until repair or replacement can be effected;
(13) Property shall include, but not be limited to, electronically processed or electronically produced data and information in computer software whether in human or computer readable form; and
(14) Services shall include, but not be limited to, computer time, data processing, and storage functions.

28-1343.01.
Unauthorized computer access; penalty.
(1) A person commits the offense of unauthorized computer access if the person intentionally and without authority penetrates a computer security system.
(2) A person who violates subsection (1) of this section in a manner that creates a grave risk of causing the death of a person shall be guilty of a Class IV felony.
(3) A person who violates subsection (1) of this section in a manner that creates a risk to public health and safety shall be guilty of a Class I misdemeanor.
(4) A person who violates subsection (1) of this section in a manner that compromises the security of data shall be guilty of a Class II misdemeanor.

28-1344.
Unlawful acts; depriving or obtaining property or services; penalties.
(1) Any person who intentionally accesses or causes to be accessed, directly or indirectly, any computer, computer system, computer software, or computer network without authorization or who, having accessed any computer, computer system, computer software, or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of an offense if he or she intentionally: (a) Deprives another of property or services; or (b) obtains property or services of another.
(2) The offense constitutes a Class III felony when the value of the property or services involved is five thousand dollars or more.
(3) The offense constitutes a Class IV felony when the value of the property or services involved is one thousand five hundred dollars or more, but less than five thousand dollars.
(4) The offense constitutes a Class I misdemeanor when the value of the property or services involved is five hundred dollars or more, but less than one thousand five hundred dollars.
(5) The offense constitutes a Class II misdemeanor when the value of the property or services involved is less than five hundred dollars.

28-1345.
Unlawful acts; harming or disrupting operations; penalties.
(1) Any person who accesses or causes to be accessed any computer, computer system, computer software, or computer network without authorization or who, having accessed any computer, computer system, computer software, or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of an offense if he or she intentionally: (a) Alters, damages, deletes, or destroys any computer, computer system, computer software, computer network, computer program, data, or other property; (b) disrupts the operation of any computer, computer system, computer software, or computer network; or (c) distributes a destructive computer program with intent to damage or destroy any computer, computer

system, computer network, or computer software.
(2) The offense constitutes a Class III felony when the value of the loss caused is five thousand dollars or more.
(3) The offense constitutes a Class IV felony when the value of the loss caused is one thousand five hundred dollars or more, but less than five thousand dollars.
(4) The offense constitutes a Class I misdemeanor when the value of the loss caused is five hundred dollars or more, but less than one thousand five hundred dollars.
(5) The offense constitutes a Class II misdemeanor when the value of the loss caused is less than five hundred dollars.

28-1346.
Unlawful acts; obtaining confidential public information; penalties.
Any person who intentionally accesses or causes to be accessed any computer, computer system, computer software, or computer network without authorization, or who, having accessed a computer, computer system, computer software, or computer network with authorization, knowingly and intentionally exceeds the limits of such authorization, and thereby obtains information filed by the public with the state or any political subdivision which is by statute required to be kept confidential shall be guilty of a Class II misdemeanor. For any second or subsequent offense under this section, such person shall be guilty of a Class I misdemeanor.

28-1347.
Unlawful acts; access without authorization; exceeding authorization; penalties.
Any person who intentionally accesses any computer, computer system, computer software, computer network, computer program, or data without authorization and with knowledge that such access was not authorized or who, having accessed any computer, computer system, computer software, computer network, computer program, or data with authorization, knowingly and intentionally exceeds the limits of such authorization shall be guilty of a Class V misdemeanor. For any second or subsequent offense under this section, such person shall be guilty of a Class II misdemeanor.

28-1348.
Act, how construed.
The Computer Crimes Act shall not be construed to preclude the applicability of any other provision of the Nebraska Criminal Code which may apply to any transaction described in the Computer Crimes Act.

28-1349.
Legislative findings.
The Legislature finds that elemental mercury is a persistent and toxic pollutant that accumulates in the environment. The Legislature further finds that each year elemental mercury contained in liquid mercury thermometers can enter the environment and result in human exposure to elemental mercury through accidental spills, breakage, and releases. It is the intent of the Legislature to ban the sale and distribution of liquid mercury thermometers containing elemental mercury to prevent further accidental exposure.

28-1350.
Liquid mercury thermometer; prohibited acts.
No liquid mercury thermometer containing elemental mercury shall be sold, given away, or otherwise distributed in this state.

28-1351.
Unlawful membership recruitment into an organization or association; penalty.
(1) A person commits the offense of unlawful membership recruitment into an organization or association when he or she knowingly and intentionally coerces, intimidates, threatens, or inflicts bodily harm upon another person in order to entice that other person to join or prevent that other person from leaving any organization, group, enterprise, or association whose members, individually or collectively, engage in or have engaged in any of the following criminal acts for the benefit of, at the direction of, or on behalf of the organization, group, enterprise, or association or any of its members:
(a) Robbery under section28-324;
(b) Arson in the first, second, or third degree under section28-502,28-503, or28-504, respectively;
(c) Burglary under section28-507;
(d) Murder in the first degree, murder in the second degree, or manslaughter under section28-303,28-304, or28-305, respectively;
(e) Violations of the Uniform Controlled Substances Act that involve possession with intent to deliver, distribution, delivery, or manufacture of a controlled substance;
(f) Unlawful use, possession, or discharge of a firearm or other deadly weapon under sections28-1201to28-1212.04;
(g) Assault in the first degree or assault in the second degree under section28-308or28-309, respectively;
(h) Assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first, second, or third degree under section28-929,28-930, or28-931, respectively, or assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle under section28-931.01;
(i) Theft by unlawful taking or disposition under section28-511;

(j) Theft by receiving stolen property under section28-517;
(k) Theft by deception under section28-512;
(l) Theft by extortion under section28-513;
(m) Kidnapping under section28-313;
(n) Any forgery offense under sections28-602to28-605;
(o) Criminal impersonation under section28-638;
(p) Tampering with a publicly exhibited contest under section28-614;
(q) Unauthorized use of a financial transaction device or criminal possession of a financial transaction device under section28-620or28-621, respectively;
(r) Pandering under section28-802;
(s) Bribery, bribery of a witness, or bribery of a juror under section28-917,28-918, or28-920, respectively;
(t) Tampering with a witness or an informant or jury tampering under section28-919;
(u) Unauthorized application of graffiti under section28-524;
(v) Dogfighting, cockfighting, bearbaiting, or pitting an animal against another under section28-1005; or
(w) Promoting gambling in the first degree under section28-1102.
(2) Unlawful membership recruitment into an organization or association is a Class IV felony.

28-1352.
Act, how cited.
Sections28-1352to28-1356shall be known and may be cited as the Public Protection Act.

28-1353.
Act; how construed.
(1) The provisions of the Public Protection Act shall be liberally construed to effectuate its remedial purposes.
(2) Nothing in the act shall supersede any provision of federal, state, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in the act.

28-1354.
Terms, defined.
For purposes of the Public Protection Act:
(1) Enterprise means any individual, sole proprietorship, partnership, corporation, trust, association, or any legal entity, union, or group of individuals associated in fact although not a legal entity, and shall include illicit as well as licit enterprises as well as other entities;
(2) Pattern of racketeering activity means a cumulative loss for one or more victims or gains for the enterprise of not less than one thousand five hundred dollars resulting from at least two acts of racketeering activity, one of which occurred after August 30, 2009, and the last of which occurred within ten years, excluding any period of imprisonment, after the commission of a prior act of racketeering activity;
(3) Until January 1, 2017, person means any individual or entity, as defined in section21-2014, holding or capable of holding a legal, equitable, or beneficial interest in property. Beginning January 1, 2017, person means any individual or entity, as defined in section21-214, holding or capable of holding a legal, equitable, or beneficial interest in property;
(4) Prosecutor includes the Attorney General of the State of Nebraska, the deputy attorney general, assistant attorneys general, a county attorney, a deputy county attorney, or any person so designated by the Attorney General, a county attorney, or a court of the state to carry out the powers conferred by the act;
(5) Racketeering activity includes the commission of, criminal attempt to commit, conspiracy to commit, aiding and abetting in the commission of, aiding in the consummation of, acting as an accessory to the commission of, or the solicitation, coercion, or intimidation of another to commit or aid in the commission of any of the following:
(a) Offenses against the person which include: Murder in the first degree under section28-303; murder in the second degree under section28-304; manslaughter under section28-305; assault in the first degree under section28-308; assault in the second degree under section28-309; assault in the third degree under section28-310; terroristic threats under section28-311.01; kidnapping under section28-313; false imprisonment in the first degree under section28-314; false imprisonment in the second degree under section28-315; sexual assault in the first degree under section28-319; and robbery under section28-324;
(b) Offenses relating to controlled substances which include: To unlawfully manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance under subsection (1) of section28-416; possession of marijuana weighing more than one pound under subsection (12) of section28-416; possession of money used or intended to be used to facilitate a violation of subsection (1) of section28-416prohibited under subsection (17) of section28-416; any violation of section28-418; to unlawfully manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled

substance under section28-445; possession of anhydrous ammonia with the intent to manufacture methamphetamine under section28-451; and possession of ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to manufacture methamphetamine under section28-452;
(c) Offenses against property which include: Arson in the first degree under section28-502; arson in the second degree under section28-503; arson in the third degree under section28-504; burglary under section28-507; theft by unlawful taking or disposition under section28-511; theft by shoplifting under section28-511.01; theft by deception under section28-512; theft by extortion under section28-513; theft of services under section28-515; theft by receiving stolen property under section28-517; criminal mischief under section28-519; and unlawfully depriving or obtaining property or services using a computer under section28-1344;
(d) Offenses involving fraud which include: Burning to defraud an insurer under section28-505; forgery in the first degree under section28-602; forgery in the second degree under section28-603; criminal possession of a forged instrument under section28-604; criminal possession of written instrument forgery devices under section28-605; criminal impersonation under section28-638; identity theft under section28-639; identity fraud under section28-640; false statement or book entry under section28-612; tampering with a publicly exhibited contest under section28-614; issuing a false financial statement for purposes of obtaining a financial transaction device under section28-619; unauthorized use of a financial transaction device under section28-620; criminal possession of a financial transaction device under section28-621; unlawful circulation of a financial transaction device in the first degree under section28-622; unlawful circulation of a financial transaction device in the second degree under section28-623; criminal possession of a blank financial transaction device under section28-624; criminal sale of a blank financial transaction device under section28-625; criminal possession of a financial transaction forgery device under section28-626; unlawful manufacture of a financial transaction device under section28-627; laundering of sales forms under section28-628; unlawful acquisition of sales form processing services under section28-629; unlawful factoring of a financial transaction device under section28-630; and fraudulent insurance acts under section28-631;
(e) Offenses involving governmental operations which include: Abuse of public records under section28-911; perjury or subornation of perjury under section28-915; bribery under section28-917; bribery of a witness under section28-918; tampering with a witness or informant or jury tampering under section28-919; bribery of a juror under section28-920; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the first degree under section28-929; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the second degree under section28-930; assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree under section28-931; and assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle under section28-931.01;
(f) Offenses involving gambling which include: Promoting gambling in the first degree under section28-1102; possession of gambling records under section28-1105; gambling debt collection under section28-1105.01; and possession of a gambling device under section28-1107;
(g) Offenses relating to firearms, weapons, and explosives which include: Carrying a concealed weapon under section28-1202; transportation or possession of machine guns, short rifles, or short shotguns under section28-1203; unlawful possession of a handgun under section28-1204; unlawful transfer of a firearm to a juvenile under section28-1204.01; possession of a firearm by a prohibited juvenile offender under section28-1204.05; using a deadly weapon to commit a felony, possession of a deadly weapon during the commission of a felony, or carrying a firearm or destructive device during the commission of a dangerous misdemeanor under section28-1205; possession of a deadly weapon by a prohibited person under section28-1206; possession of a defaced firearm under section28-1207; defacing a firearm under section28-1208; unlawful discharge of a firearm under section28-1212.02; possession, receipt, retention, or disposition of a stolen firearm under section28-1212.03; unlawful possession of explosive materials in the first degree under section28-1215; unlawful possession of explosive materials in the second degree under section28-1216; unlawful sale of explosives under section28-1217; use of explosives without a permit under section28-1218; obtaining an explosives permit through false representations under section28-1219; possession of a destructive device under section28-1220; threatening the use of explosives or placing a false bomb under section28-1221; using explosives to commit a felony under section28-1222; using explosives to damage or destroy property under section28-1223; and using explosives to kill or injure any person under section28-1224;
(h) Any violation of the Securities Act of Nebraska pursuant to section8-1117;
(i) Any violation of the Nebraska Revenue Act of 1967 pursuant to section77-2713;
(j) Offenses relating to public health and morals which include: Prostitution under section28-801; pandering under section28-802; keeping a place of prostitution under section28-804; labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor under section28-831; a violation of section28-1005; and any act relating to the visual depiction of sexually explicit conduct prohibited in the Child Pornography Prevention Act; and
(k) A violation of the Computer Crimes Act;
(6) State means the State of Nebraska or any political subdivision or any department, agency, or instrumentality thereof; and
(7) Unlawful debt means a debt of at least one thousand five hundred dollars:
(a) Incurred or contracted in gambling activity which was in violation of federal law or the law of the state or which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury; or
(b) Which was incurred in connection with the business of gambling in violation of federal law or the law of the state or the business

of lending money or a thing of value at a rate usurious under state law if the usurious rate is at least twice the enforceable rate.

28-1355.
Pattern of racketeering activity
or collection of an unlawful debt; prohibited acts.
(1) It shall be unlawful for any person
who has received any proceeds that such person knew were derived, directly
or indirectly, from a pattern of racketeering activity or through collection
of an unlawful debt to use or invest, whether directly or indirectly, any
part of such proceeds, or the proceeds derived from the investment or use
thereof, in the acquisition of any right, interest, or equity in real property
or in the establishment or operation of any enterprise. A purchase of securities
on the open market for purposes of investment, and without the intention of
controlling or participating in the control of the issuer or of assisting
another to do so, shall not be unlawful under this subsection if the securities
of the issuer held by the purchaser, the members of his or her immediate family,
and his or her or their accomplices in any pattern of racketeering activity
or the collection of an unlawful debt after such purchase do not amount in
the aggregate to one percent of the outstanding securities of any one class
and do not confer, either in law or in fact, the power to elect one or more
directors of the issuer.
(2) It shall
be unlawful for any person through a pattern of racketeering activity or through
collection of an unlawful debt to acquire or maintain, directly or indirectly,
any interest in or control of any enterprise or real property.
(3) It shall be unlawful
for any person employed by or associated with any enterprise to conduct or
participate in, directly or indirectly, the conduct of such enterprise's affairs
through a pattern of racketeering activity or collection of unlawful debt.
(4) It shall
be unlawful for any person to conspire or attempt to violate any of the provisions
of subsection (1), (2), or (3) of this section.

28-1356.
Violation; penalty.
(1) A person who violates section28-1355shall be guilty of a Class III felony; however, such person shall be guilty of a Class IB felony if the violation is based upon racketeering activity which is punishable as a Class I, IA, or IB felony.
(2) In lieu of the fine authorized by section28-105, any person convicted of engaging in conduct in violation of section28-1355, through which pecuniary value was derived, or by which personal injury or property damage or other loss was caused, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred. Any fine collected under this subsection shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

28-1357.
Sale of novelty lighter without child
safety feature; penalty.
(1) For purposes of this section:
(a) Novelty
lighter means a mechanical or electrical device that is typically used for
lighting cigarettes, cigars, or pipes, that has only one button or function,
and that (i) is designed to resemble a cartoon character, a toy, a gun, a
watch, a musical instrument, a vehicle, an animal, a food or beverage container,
or a similar item, (ii) plays musical notes, or (iii) has flashing lights;
and
(b) Novelty lighter does not include:
(i) A lighter manufactured
prior to January 1, 1980;
(ii) A lighter incapable of being fueled or lacking a device necessary
to produce combustion or a flame; or
(iii) A standard disposable or refillable

lighter that is printed or decorated with a logo, label, decal, artwork, or heat shrinkable sleeve.
(2) It shall be unlawful to sell at retail, offer for retail sale, or distribute for retail sale or promotion in this state a novelty lighter manufactured on or after July 18, 2014, without a child safety feature.
(3) Any person who violates this section shall be guilty of a Class IV misdemeanor.
(4) This section does not apply to the transportation of novelty lighters through the state or the storage of novelty lighters in a warehouse or distribution center in this state that is closed to the public for purposes of retail sales.

28-1401.
Navigable streams; cutoff, chute, backwater, or bayou connected with; access by boat.
To further implement the provisions of Article XV, section 5, of the Constitution of Nebraska, the Legislature herewith provides that the people of the state shall have access by boat to any cutoff, chute, backwater, or bayou connected with any navigable stream located in the State of Nebraska, but that nothing in this section shall serve to allow trespass upon the lands of any person.

28-1406.
Terms, defined.
As used in sections28-1406to28-1416, unless the context otherwise requires:
(1) Unlawful force shall mean force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status; not amounting to a privilege to use the force;
(2) Assent shall mean consent, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily harm;
(3) Deadly force shall mean force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, shall not constitute deadly force;
(4) Actor shall mean any person who uses force in such a manner as to attempt to invoke the privileges and immunities afforded him by sections28-1406to28-1416, except any duly authorized law enforcement officer of the State of Nebraska or its political subdivisions;
(5) Dwelling shall mean any building or structure, though movable or temporary, or a portion thereof, which is for the time being the actor's home or place of lodging; and
(6) Public officer shall mean any elected or appointed officer or employee of the State of Nebraska or its political subdivisions, except any duly authorized law enforcement officer of the State of Nebraska or its political subdivisions.

28-1407.
Justification; choice of evils.
(1) Conduct which the actor believes to be necessary to avoid a harm or evil to himself or to another is justifiable if:
(a) The harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged;
(b) Neither sections28-1406to28-1416nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and
(c) A legislative purpose to exclude the justification claimed does not otherwise plainly appear.
(2) When the actor was reckless or negligent in bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct, the justification afforded by this section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

28-1408.
Public duty; execution.
(1) Except as provided in subsection (2) of this section, conduct is justifiable when it is required or authorized by:
(a) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties;
(b) The law governing the execution of legal process;
(c) The judgment or order of a competent court or tribunal;
(d) The law governing the armed services or the lawful conduct of war; or

(e) Any other provision of law imposing a public duty.
(2) Sections28-1409to28-1416shall apply to:
(a) The use of force upon or toward the person of another for any of the purposes dealt with in such sections; and
(b) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.
(3) The justification afforded by subsection (1) of this section shall apply:
(a) When the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and
(b) When the actor believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

28-1409.
Use of force in self-protection.
(1) Subject to the provisions of this section and of section28-1414, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.
(2) The use of such force is not justifiable under this section to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful.
(3) The use of such force is not justifiable under this section to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:
(a) The actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;
(b) The actor has been unlawfully dispossessed of the property and is making a reentry or recapture justified by section28-1411; or
(c) The actor believes that such force is necessary to protect himself against death or serious bodily harm.
(4) The use of deadly force shall not be justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or sexual intercourse compelled by force or threat, nor is it justifiable if:
(a) The actor, with the purpose of causing death or serious bodily harm, provoked the use of force against himself in the same encounter; or
(b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:
(i) The actor shall not be obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be; and
(ii) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape shall not be obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.
(5) Except as required by subsections (3) and (4) of this section, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do, or abstaining from any lawful action.
(6) The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can do so, unless the person confined has been arrested on a charge of crime.

28-1410.
Use of force for protection of other persons.
(1) Subject to the provisions of this section and of section28-1414, the use of force upon or toward the person of another is justifiable to protect a third person when:
(a) The actor would be justified under section28-1409in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;
(b) Under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and
(c) The actor believes that his intervention is necessary for the protection of such other person.
(2) Notwithstanding subsection (1) of this section:
(a) When the actor would be obliged under section28-1409to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-protection, he shall not be obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person;
(b) When the person whom the actor seeks to protect would be obliged under section28-1409to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the actor is obliged to try to

cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way; and
(c) Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the other's dwelling or place of work to any greater extent than in his own.

28-1411.
Use of force for protection of property.
(1) Subject to the provisions of this section and of section28-1414, the use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary:
(a) To prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible, movable property;Provided,that such land or movable property is, or is believed by the actor to be, in his possession or in the possession of another person for whose protection he acts; or
(b) To effect an entry or reentry upon land or to retake tangible movable property;Provided,that the actor believes that he or the person by whose authority he acts or a person from whom he or such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession;and provided further,that:
(i) The force is used immediately or on fresh pursuit after such dispossession; or
(ii) The actor believes that the person against whom he uses force has no claim of right to the possession of the property and, in the case of land, the circumstances, as the actor believes them to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained.
(2) For the purposes of subsection (1) of this section:
(a) A person who has parted with the custody of property to another who refuses to restore it to him is no longer in possession, unless such property is movable and was and still is located on land in his possession;
(b) A person who has been dispossessed of land does not regain possession thereof merely by setting foot thereon; and
(c) A person who has a license to use or occupy real property is deemed to be in possession thereof except against the licenser acting under claim of right.
(3) The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor believes that:
(a) Such request would be useless;
(b) It would be dangerous to himself or another person to make the request; or
(c) Substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.
(4) The use of force to prevent or terminate a trespass is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily harm.
(5) The use of force to prevent an entry or reentry upon land or the recapture of movable property is not justifiable under this section, although the actor believes that such reentry or recapture is unlawful, if:
(a) The reentry or recapture is made by or on behalf of a person who was actually dispossessed of the property; and
(b) It is otherwise justifiable under subdivision (1)(b) of this section.
(6) The use of deadly force is not justifiable under this section unless the actor believes that:
(a) The person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or
(b) The person against whom the force is used is attempting to commit or consummate arson, burglary, robbery or other felonious theft or property destruction and either:
(i) Has employed or threatened deadly force against or in the presence of the actor; or
(ii) The use of force other than deadly force to prevent the commission or the consummation of the crime would expose the actor or another in his presence to substantial danger of serious bodily harm.
(7) The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.
(8) The justification afforded by this section extends to the use of a device for the purpose of protecting property only if:
(a) Such device is not designed to cause or known to create a substantial risk of causing death or serious bodily harm;
(b) Such use of the particular device to protect such property from entry or trespass is reasonable under the circumstances, as the actor believes them to be; and
(c) Such device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.
(9) The use of force to pass a person whom the actor believes to be purposely or knowingly and unjustifiably obstructing the actor from going to a place to which he may lawfully go is justifiable if:
(a) The actor believes that the person against whom he uses force has no claim of right to obstruct the actor;
(b) The actor is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the person obstructing him, or in the possession or custody of another person by whose authority the obstructor acts, unless the circumstances, as the actor believes them to be, are of such urgency that it would not be reasonable to postpone the entry or movement on such land until a court order is obtained; and

(c) The force used is not greater than would be justifiable if the person obstructing the actor were using force against him to prevent his passage.

28-1412.
Use of force in law enforcement.
(1) Subject to the provisions of this section and of section28-1414, the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor believes that such force is immediately necessary to effect a lawful arrest.
(2) The use of force is not justifiable under this section unless:
(a) The actor makes known the purpose of the arrest or believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and
(b) When the arrest is made under a warrant, the warrant is valid or believed by the actor to be valid.
(3) The use of deadly force is not justifiable under this section unless:
(a) The arrest is for a felony;
(b) Such person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer;
(c) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and
(d) The actor believes that:
(i) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
(ii) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.
(4) The use of force to prevent the escape of an arrested person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be immediately necessary to prevent the escape of a person from a jail, prison, or other institution for the detention of persons charged with or convicted of a crime.
(5) A private person who is summoned by a peace officer to assist in effecting an unlawful arrest is justified in using any force which he would be justified in using if the arrest were lawful;Provided,that he does not believe the arrest is unlawful.
(6) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:
(a) He believes the arrest is lawful; and
(b) The arrest would be lawful if the facts were as he believes them to be.
(7) The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily harm upon himself, committing or consummating the commission of a crime involving or threatening bodily harm, damage to or loss of property or a breach of the peace, except that:
(a) Any limitations imposed by the other provisions of sections28-1406to28-1416on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used; and
(b) The use of deadly force is not in any event justifiable under this subsection unless:
(i) The actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily harm to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or
(ii) The actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.
(8) The justification afforded by subsection (7) of this section extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can do so, unless the person confined has been arrested on a charge of crime.

28-1413.
Use of force by person with special responsibility for care, discipline, or safety of others.
The use of force upon or toward the person of another is justifiable if:
(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian, or other responsible person and:
(a) Such force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his or her misconduct; and
(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme pain or mental distress, or gross degradation;
(2) The actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person and:
(a) Such force is used for the purpose of safeguarding or promoting the welfare of the incompetent person, including the prevention of his or her misconduct, or, when such incompetent person is in a hospital or other institution for his or her care and custody, for the maintenance of reasonable discipline in such institution; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme or unnecessary pain, mental distress, or humiliation;
(3) The actor is a doctor or other therapist or a person assisting him or her at his or her direction and:
(a) Such force is used for the purpose of administering a recognized form of treatment which the actor believes to be adapted to promoting the physical or mental health of the patient; and
(b) Such treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his or her parent or guardian or other person legally competent to consent in his or her behalf or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent;
(4) The actor is a warden or other authorized official of a correctional institution and:
(a) He or she believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his or her belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his or her error is the result of ignorance or mistake as to the provisions of sections28-1406to28-1416, any other provision of the criminal law, or the law governing the administration of the institution;
(b) The nature or degree of force used is not forbidden by section28-1408or28-1409; and
(c) If deadly force is used, its use is otherwise justifiable under sections28-1406to28-1416;
(5) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his or her direction and:
(a) He or she believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order unless such belief in the lawfulness of the order is erroneous and such error is the result of ignorance or mistake as to the law defining such authority; and
(b) If deadly force is used, its use is otherwise justifiable under sections28-1406to28-1416; and
(6) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train, or other carrier or in a place where others are assembled, and:
(a) He or she believes that the force used is necessary for such purpose; and
(b) Such force used is not designed to cause or known to create a substantial risk of causing death, bodily harm, or extreme mental distress.

28-1414.
Mistake of law; reckless or negligent use of force.
(1) The justification afforded by sections28-1409to28-1412is unavailable when:
(a) The actor's belief in the unlawfulness of the force or conduct against which he employs protective force or his belief in the lawfulness of an arrest which he endeavors to effect by force is erroneous; and
(b) His error is the result of ignorance or mistake as to the provisions of sections28-1406to28-1416, any other provision of the criminal law, or the law governing the legality of an arrest or search.
(2) When the actor believes that the use of force upon or toward the person of another is necessary for any of the purposes for which such belief would establish a justification under sections28-1408to28-1413but the actor is reckless or negligent in having such belief or in acquiring or failing to acquire any knowledge or belief which is material to the justifiability of his use of force, the justification afforded by those sections is unavailable in a prosecution for an offense for which recklessness or negligence, as the case may be, suffices to establish culpability.
(3) When the actor is justified under sections28-1408to28-1413in using force upon or toward the person of another but he recklessly or negligently injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for such recklessness or negligence towards innocent persons.

28-1415.
Justification in property crimes.
Conduct involving the appropriation, seizure or destruction of, damage to, intrusion on or interference with property is justifiable under circumstances which would establish a defense of privilege in a civil action based thereon, unless:
(1) Sections28-1406to28-1416or the law defining the offense deals with the specific situation involved; or
(2) A legislative purpose to exclude the justification claimed otherwise plainly appears.

28-1416.
Justification an
affirmative defense; available
in certain civil actions.
(1) In any
prosecution based on conduct which is justifiable under sections28-1406to28-1416, justification is an affirmative defense.
(2) The justification
defenses provided for under sections28-1406to28-1416shall be available
in any civil action for assault and battery or intentional wrongful death
and, where applicable, shall be a bar to recovery.

28-1418.
Tobacco; electronic nicotine delivery systems; alternative nicotine products; use by person under age of twenty-one years; penalty.
Whoever, being a person under the age of twenty-one years, shall smoke cigarettes or cigars, use electronic nicotine delivery systems or alternative nicotine products, or use tobacco in any form whatever, in this state, shall be guilty of a Class V misdemeanor. Any person charged with a violation of this section may be free from prosecution if he or she furnishes evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products, or tobacco.

28-1418.01.
Terms, defined.
For purposes of sections28-1418to28-1429.07:
(1) Alternative nicotine product means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any electronic nicotine delivery system, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act;
(2) Cigarette means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco, (b) tobacco, in any form, that is functional in the product which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette, or (c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subdivision (2)(a) of this section;
(3) Delivery sale means to sell, give, or furnish products (a) by mail or delivery service, (b) through the Internet or a computer network, (c) by telephone, or (d) through any other electronic method;
(4)(a) Electronic nicotine delivery system means any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device.
(b) Electronic nicotine delivery system includes, but is not limited to, the following:
(i) Any substance containing nicotine, tobacco, or tobacco derivatives, whether sold separately or sold in combination with a product or device that is intended to deliver to a person nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form;
(ii) Any product or device marketed, manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or similar products, names, descriptors, or devices; and
(iii) Any component, part, or accessory of such a product or device that is used during operation of the product or device when sold in combination with any substance containing nicotine, tobacco, or tobacco derivatives.
(c) Electronic nicotine delivery system does not include the following:
(i) An alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or
(ii) Any component, part, or accessory of such a product or device that is used during operation of the product or device when not sold in combination with any substance containing nicotine, tobacco, or tobacco derivatives;
(5) Self-service display means a retail display that contains a tobacco product, a tobacco-derived product, an electronic nicotine delivery system, or an alternative nicotine product and is located in an area openly accessible to a retailer's customers and from which such customers can readily access the product without the assistance of a salesperson. Self-service display does not include a display case that holds tobacco products, tobacco-derived products, electronic nicotine delivery systems, or alternative nicotine products behind locked doors; and
(6) Tobacco specialty store means a retail store that (a) derives at least seventy-five percent of its revenue from tobacco products, tobacco-derived products, electronic nicotine delivery systems, or alternative nicotine products and (b) does not permit persons under the age of twenty-one years to enter the premises unless accompanied by a parent or legal guardian.

28-1419.
Tobacco; electronic nicotine delivery systems; alternative nicotine products; certain sales; penalty; compliance determination; assistance authorized; conditions.
(1) Whoever shall sell, give, or furnish, in any way, any tobacco in any form whatever, or any cigars, cigarettes, cigarette paper, electronic nicotine delivery systems, or alternative nicotine products, to any person under twenty-one years of age, is guilty of a Class III misdemeanor for each offense.
(2)(a) In order to further the public policy of deterring licensees or other persons from violating subsection (1) of this section, a person who is at least fifteen years of age but under twenty-one years of age may assist a peace officer in determining compliance with such subsection if:
(i) The parent or legal guardian of the person has given written consent for the person to participate in such compliance check if such person is under nineteen years of age;

(ii) The person is an employee, a volunteer, or an intern with a state or local law enforcement agency;
(iii) The person is acting within the scope of his or her assigned duties as part of a law enforcement investigation;
(iv) The person does not use or consume a tobacco product as part of such duties; and
(v) The person is not actively assigned to a diversion program, is not a party to a pending criminal proceeding or a proceeding pending under the Nebraska Juvenile Code, and is not on probation.
(b) Any person under the age of twenty-one years acting in accordance with and under the authority of this subsection shall not be in violation of section28-1427.

28-1420.
License requisite for sale; violation; penalty.
(1) A person, partnership, limited liability company, or corporation shall not sell, keep for sale, or give away in course of trade, any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material to anyone without first obtaining a license as provided in sections28-1421and28-1422.
(2) A wholesaler shall not sell or deliver any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material to any person, partnership, limited liability company, or corporation who, at the time of such sale or delivery, is not the recipient of a valid tobacco license for the current year to retail the same as provided in sections28-1421and28-1422.
(3) A person, partnership, limited liability company, or corporation shall not purchase or receive, for purposes of resale, any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material if such person, partnership, limited liability company, or corporation is not the recipient of a valid tobacco license under sections28-1421and28-1422to retail such tobacco products at the time the same are purchased or received.
(4) A wholesaler or retailer shall not purchase or receive, for purposes of resale, any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material if the manufacturer of such products does not hold any license or certification required by the Tobacco Products Tax Act at the time such products are purchased or received.
(5) A tobacco product manufacturer shall not sell or deliver any cigars, tobacco, electronic nicotine delivery systems, cigarettes, or cigarette material to any wholesaler or retailer who, at the time of such sale or delivery, is not the recipient of a valid tobacco license under sections28-1421and28-1422for the current year to sell such products at wholesale or retail.
(6) A person found guilty of violating this section is guilty of a Class III misdemeanor for each offense.

28-1421.
License; where obtained; prohibited sales.
Licenses for the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material to persons twenty-one years of age or over shall be issued to individuals, partnerships, limited liability companies, and corporations by the clerk or finance director of any city or village and by the county clerk of any county upon application duly made as provided in section28-1422. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited and is not licensed by the provisions of this section. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

28-1422.
License for sale of tobacco; application; contents.
(1) Every person, partnership, limited liability company, or corporation desiring a license under sections28-1420to28-1429shall file with the clerk or finance department of the city, town, or village where his, her, their, or its place of business is located, if within the limits of a city, town, or village, or with the clerk of the county where such place of business is located, if outside the limits of any city, town, or village, a written application stating:
(a) The name of the person, partnership, limited liability company, or corporation for whom such license is desired;
(b) An email address for contacting such person, partnership, limited liability company, or corporation; and
(c) The exact location of the place of business.
(2) Each applicant shall also deposit with such application the amount of the license fee provided in section28-1423.
(3) If the applicant is an individual, the application shall include the applicant's social security number.
(4) Any clerk or finance department that grants such a license shall notify the Tax Commissioner of such granting and transmit all applicable application materials received to the Tax Commissioner.

28-1423.
License; term; fees; false swearing; penalty.
The term for which such license shall run shall be from the date of filing such application and paying such license fee to and including December 31 of the calendar year in which application for such license is made, and the license fee for any person, partnership, limited liability company, or corporation selling at retail shall be twenty-five dollars in cities of the metropolitan class, fifteen dollars in cities of the primary and first classes, and ten dollars in cities of all other classes and in towns and villages and in locations outside of the limits of cities, towns, and villages. Any person, partnership, limited liability company, or corporation selling annually in the aggregate more than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in any form, at wholesale, shall pay a license fee of one hundred dollars, and if such combined annual sales amount to less than one hundred fifty thousand cigars, packages of cigarettes, electronic nicotine delivery systems, and

packages of tobacco, the annual license fee shall be fifteen dollars. No wholesaler's license shall be issued in any year on a less basis than one hundred dollars per annum unless the applicant for the same shall file with such application a statement duly sworn to by himself or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, electronic nicotine delivery systems, and packages of tobacco in every form have not exceeded in the aggregate one hundred fifty thousand annually, and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of perjury and upon conviction thereof shall be punished as provided by section28-915and such wholesaler's license shall be revoked until the full license fee is paid. If application for license is made after July 1 of any calendar year, the fee shall be one-half of the fee provided in this section.

28-1424.
License; rights of licensee.
The license provided for in sections28-1421and28-1422shall, when issued, authorize the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material by the licensee and employees, to persons twenty-one years of age or over, at the place of business described in such license for the term therein authorized, unless the license is forfeited as provided in section28-1425.

28-1425.
Licensees; sale of tobacco, electronic nicotine delivery systems, or alternative nicotine products to persons under the age of twenty-one years; penalty.
Any licensee who shall sell, give, or furnish in any way to any person under the age of twenty-one years, or who shall willingly allow to be taken from his or her place of business by any person under the age of twenty-one years, any cigars, tobacco, cigarettes, cigarette material, electronic nicotine delivery systems, or alternative nicotine products is guilty of a Class III misdemeanor. Any officer, director, or manager having charge or control, either separately or jointly with others, of the business of any corporation which violates sections28-1419,28-1420to28-1429, and28-1429.03to28-1429.07, if he or she has knowledge of such violation, shall be subject to the penalties provided in this section. In addition to the penalties provided in this section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, her, their, or its license, at the discretion of the court before whom the complaint for violation of such sections may be heard. If such license is revoked and forfeited, all rights under such license shall at once cease and terminate and a new license shall not be issued until the expiration of the period provided for in section28-1429.

28-1426.
Licenses for sale of tobacco; fees inure to school fund.
All money collected as license fees under the provisions of sections28-1420to28-1429, shall be paid over by the clerk or finance director receiving it to the treasurer of the school fund for the particular city, town, village or county, as the case may be.

28-1427.
Person misrepresenting age to obtain tobacco, electronic nicotine delivery systems, or alternative nicotine products; penalty.
Except as provided in subsection (2) of section28-1419, any person under the age of twenty-one years who obtains cigars, tobacco, cigarettes, cigarette material, electronic nicotine delivery systems, or alternative nicotine products from a licensee by representing that he or she is of the age of twenty-one years or over is guilty of a Class V misdemeanor.

28-1428.
Transfer of tobacco license.
In case of the sale of a business where the owner has a license hereunder, the licensing authority may authorize such license to be transferred to the purchaser. In case of a change of location by any licensee hereunder, the licensing authority may transfer such license to the new location.

28-1429.
Revocation of tobacco license; reissue.
(1) If a license issued under sections28-1420to28-1429is revoked and forfeited as provided in section28-1425for a violation of section28-1429.04or28-1429.05, no new license shall be issued to such licensee until the expiration of five years after the date of such revocation and forfeiture.
(2) If a license issued under sections28-1420to28-1429is revoked and forfeited as provided in section28-1425for any other violation of sections28-1418to28-1429.03,28-1429.06, and28-1429.07, no new license shall be issued to such licensee until the expiration of one year after the date of such revocation and forfeiture except as otherwise provided in section28-1423.

28-1429.01.
Vending machines; legislative findings.
The Legislature finds that the incumbent health risks associated with using tobacco products have been scientifically proven. The Legislature further finds that the growing number of young people who start using tobacco products is staggering, and even more

abhorrent are the ages at which such use begins. The Legislature has established an age restriction on the use of tobacco products. To ensure that the use of tobacco products among young people is discouraged to the maximum extent possible, it is the intent of the Legislature to ban the use of vending machines and similar devices to dispense tobacco products in facilities, buildings, or areas which are open to the general public within Nebraska.

28-1429.02.
Vending machines; restrictions on use; violation; penalty; local ordinances; authorized.
(1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes, other tobacco products, electronic nicotine delivery systems, or alternative nicotine products from a vending machine or similar device. Any person violating this section is guilty of a Class III misdemeanor. In addition, upon conviction for a second offense, the court shall order a six-month suspension of the offender's license to sell tobacco and electronic nicotine delivery systems, if any, and, upon conviction for a third or subsequent offense, the court shall order the permanent revocation of the offender's license to sell tobacco and electronic nicotine delivery systems, if any.
(2) Cigarettes, other tobacco products, electronic nicotine delivery systems, or alternative nicotine products may be dispensed from a vending machine or similar device when such machine or device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises when such machine or device is located in the same room in which the alcoholic liquor is dispensed.
(3) Nothing in this section shall be construed to restrict or prohibit a governing body of a city or village from establishing and enforcing ordinances at least as stringent as or more stringent than the provisions of this section.

28-1429.03.
Self-service display; restrictions on use; violation; penalty.
(1) Except as provided in subsection (2) of this section and section28-1429.02, it shall be unlawful to sell or distribute cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products, or tobacco in any form whatever through a self-service display. Any person violating this section is guilty of a Class III misdemeanor. In addition, upon conviction for a second or subsequent offense within a twelve-month period, the court shall order a six-month suspension of the license issued under section28-1421.
(2) Cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products, or tobacco in any form whatever may be sold or distributed in a self-service display that is located in a tobacco specialty store or cigar shop as defined in section53-103.08.

28-1429.04.
Controlled substance or counterfeit substance; sales prohibited; violation; penalty.
A person holding a license under sections28-1420to28-1429who sells, gives, or furnishes in any way to any consumer in this state, or who willingly allows to be taken from such licensee's place of business by any person, any controlled substance or counterfeit substance, as such terms are defined in section28-401, shall be, in addition to the penalties provided for in the Uniform Controlled Substances Act, subject to the additional penalty of revocation and forfeiture of such license as provided in sections28-1425and28-1429at the discretion of the court.

28-1429.05.
Electronic nicotine delivery system; delivery sale; prohibited; violation; penalty.
(1) A person shall not, by delivery sale, sell, give, or furnish to any consumer in this state any electronic nicotine delivery system. A violation of this subsection is a Class I misdemeanor.
(2) Any common carrier that knowingly transports any electronic nicotine delivery system in any form for a person who is in violation of subsection (1) of this section is guilty of a Class I misdemeanor.
(3) In addition to any other penalty, a violation of this section shall constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act and shall be subject to any remedies or penalties available for a violation of such act.
(4) All electronic nicotine delivery systems that are sold, given, or furnished in violation of this section are subject to seizure, forfeiture, and destruction and shall not be purchased or sold in the state. The cost of such seizure, forfeiture, and destruction shall be borne by the person from whom the products are seized.
(5) This section does not apply to the following:
(a) The shipment of electronic nicotine delivery systems to a foreign trade zone that is established under 19 U.S.C. 81a et seq. and that is located in this state if the products are from outside of this country, were ordered by a distributor in another state, and are not distributed in this state;
(b) A government employee who is acting in the course of the employee's official duties; or
(c) The shipment of electronic nicotine delivery systems to a university that is acquiring the systems to conduct basic and applied research, if the systems are exempt from federal excise tax under 26 U.S.C. 5704(a).

28-1429.06.
Electronic nicotine delivery system; e-liquid container; requirements.

(1) A person holding a license under sections28-1420to28-1429shall ensure that any e-liquid container for an electronic nicotine delivery system sold by such person:
(a) Meets any applicable packaging standards imposed by the federal Child Nicotine Poisoning Prevention Act of 2015, 15 U.S.C. 1472a; and
(b) Has a label that meets the nicotine addictiveness warning statement requirements set forth in 21 C.F.R. 1143.3.
(2) For purposes of this section, e-liquid container means a container holding any consumable material as defined in section77-4003.01.

28-1429.07.
Electronic nicotine delivery system; restrictions on packaging and advertising.
A person holding a license under sections28-1420to28-1429shall not market, advertise, sell, or cause to be sold an electronic nicotine delivery system if the system's container, packaging, or advertising:
(1) Depicts a cartoon-like fictional character that mimics a character primarily aimed at entertaining minors;
(2) Imitates or mimics trademarks or trade dress of products that are or have been primarily marketed to minors;
(3) Includes a symbol that is primarily used to market products to minors;
(4) Includes an image of a celebrity; or
(5) Is designed to disguise the fact that it is an electronic nicotine delivery system.

28-1439.01.
Uniform Controlled Substances Act; conviction; uncorroborated testimony; how treated.
No conviction for an offense punishable under any provision of the Uniform Controlled Substances Act shall be based solely upon the uncorroborated testimony of a cooperating individual.

28-1439.02.
Drug forfeitures; county treasurer; duties; County Drug Law Enforcement and Education Fund.
(1) The proceeds from any sale ordered pursuant to section28-431, less legal costs, charges, and claims allowed, and any money forfeited pursuant to section28-431shall be paid to the county treasurer of the county in which the seizure was made. The county treasurer shall dispose of all such proceeds from property forfeited pursuant to subdivision (1)(g) of section28-431and fifty percent of the money forfeited pursuant to subdivision (1)(h) of section28-431in the manner provided for disposition of fines, penalties, and license money under the Constitution of Nebraska. The county treasurer shall disburse the remaining fifty percent of the money forfeited pursuant to subdivision (1)(h) of section28-431to his or her respective County Drug Law Enforcement and Education Fund. Each county shall create a County Drug Law Enforcement and Education Fund.
(2) Money remitted to any county pursuant to section77-4310.01shall be credited by the county treasurer of such county to the County Drug Law Enforcement and Education Fund.

28-1439.03.
County Drug Law Enforcement and Education Fund Board; membership; terms; powers and duties; rules and regulations.
A County Drug Law Enforcement and Education Fund Board shall be created by each county of this state to administer its respective fund pursuant to section28-1439.02. The board may authorize use of the fund for drug enforcement and drug education purposes, in its own or any other county, by village, city, county, or state law enforcement agencies.
The board shall consist of the county attorney and three representatives of law enforcement agencies who shall be appointed by the county attorney. One representative shall be from the county sheriff's office, one representative shall be from a city or village police department within the county, and one representative shall be from the Nebraska State Patrol. Terms shall be for two years, except that the initial term of the police department representative shall be for one year. The county attorney shall serve as chairperson.
If during any fiscal year the fund contains money forfeited pursuant to subdivision (1)(h) of section28-431, the board shall meet at least once during such year and make an accounting of the expenditures of the fund. At the end of any fiscal year in which the fund has contained money, the board shall make a report summarizing the use of the fund during such year to the Auditor of Public Accounts, except that such report shall contain no information which would jeopardize an ongoing investigation. Such report shall indicate the amount of money placed in the fund, the amount of money disbursed, the number of cases opened and closed in which the fund was utilized, and the drug education activities for which money in the fund was utilized. The board may adopt and promulgate all rules and regulations necessary for the expenditures and accountability of such fund.

28-1439.04.
Terms, defined.
For purposes of sections28-1439.02to28-1439.05:
(1) Drug education purposes shall mean drug education activities conducted by the Nebraska State Patrol or other law enforcement agencies in cooperation with elementary and secondary schools in Nebraska; and
(2) Drug enforcement purposes shall include, but not be limited to, the following when used or expended by law enforcement agencies or their agents in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances:

(a) Salaries for informants and any expenses of all agents and informants;
(b) Flash money for drug purchases; and
(c) Money for drug purchases.

28-1439.05.
County Drug Law Enforcement and Education Fund Boards; legislative intent.
The Legislature hereby finds and declares that it is the intent of section28-1439.03to foster cooperation among the County Drug Law Enforcement and Education Fund Boards in the state by encouraging boards which have no use for the funds to disburse the funds to boards in other counties.

28-1463.01.
Act, how cited.
Sections28-1463.01to28-1463.06shall be known and may be cited as the Child Pornography Prevention Act.

28-1463.02.
Terms, defined.
As used in the Child Pornography Prevention Act, unless the context otherwise requires:
(1) Child, in the case of a participant, means any person under the age of eighteen years and, in the case of a portrayed observer, means any person under the age of sixteen years;
(2) Erotic fondling means touching a person's clothed or unclothed genitals or pubic area, breasts if the person is a female, or developing breast area if the person is a female child, for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more persons involved. Erotic fondling shall not be construed to include physical contact, even if affectionate, which is not for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more of the persons involved;
(3) Erotic nudity means the display of the human male or female genitals or pubic area, the human female breasts, or the developing breast area of the human female child, for the purpose of real or simulated overt sexual gratification or sexual stimulation of one or more of the persons involved;
(4) Sadomasochistic abuse means flagellation or torture by or upon a nude person or a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained when performed to predominantly appeal to the morbid interest;
(5) Sexually explicit conduct means: (a) Real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal between persons of the same or opposite sex or between a human and an animal or with an artificial genital; (b) real or simulated masturbation; (c) real or simulated sadomasochistic abuse; (d) erotic fondling; (e) erotic nudity; or (f) real or simulated defecation or urination for the purpose of sexual gratification or sexual stimulation of one or more of the persons involved; and
(6) Visual depiction means live performance or photographic representation and includes any undeveloped film or videotape or data stored on a computer disk or by other electronic means which is capable of conversion into a visual image and also includes any photograph, film, video, picture, digital image, or computer-displayed image, video, or picture, whether made or produced by electronic, mechanical, computer, digital, or other means.

28-1463.03.
Visual depiction of sexually explicit conduct; prohibited acts.
(1) It shall be unlawful for a person to knowingly make, publish, direct, create, provide, or in any manner generate any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants or portrayed observers.
(2) It shall be unlawful for a person knowingly to purchase, rent, sell, deliver, distribute, display for sale, advertise, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants

or portrayed observers.
(3) It shall be unlawful for a person to knowingly employ, force, authorize, induce, or otherwise cause a child to engage in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.
(4) It shall be unlawful for a parent, stepparent, legal guardian, or any person with custody and control of a child, knowing the content thereof, to consent to such child engaging in any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.

28-1463.04.
Violation;
penalty.
(1) Any
person who is under nineteen
years of age at the time he or she violates section28-1463.03shall be guilty of a Class III felony for each offense.
(2) Any person
who is nineteen years of age or older at the time he or she violates section28-1463.03shall be guilty of a Class ID felony for each offense.
(3) Any person
who violates section28-1463.03and has previously been convicted of a violation
of section28-1463.03or section28-308,28-309,28-310,28-311,28-313,28-314,28-315,28-319,28-319.01,28-320.01,28-813,28-833, or28-1463.05or subsection
(1) or (2) of section28-320shall be guilty of a Class IC felony for each
offense.

28-1463.05.
Visual depiction of sexually explicit acts related to possession; violation; penalty.
(1) It shall be unlawful for a person to knowingly possess with intent to rent, sell, deliver, distribute, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child other than the defendant as one of its participants or portrayed observers.
(2)(a) Any person who is under nineteen years of age at the time he or she violates this section shall be guilty of a Class IIIA felony for each offense.
(b) Any person who is nineteen years of age or older at the time he or she violates this section shall be guilty of a Class IIA felony for each offense.
(c) Any person who violates this section and has previously been convicted of a violation of this section or section28-308,28-309,28-310,28-311,28-313,28-314,28-315,28-319,28-319.01,28-320.01,28-813,28-833, or28-1463.03or subsection (1) or (2) of section28-320shall be guilty of a Class IC felony for each offense.

28-1463.06.
Property subject to forfeiture; hearing.
In addition to the penalties provided in the Child Pornography Prevention Act, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to section28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act.

28-1465.
Aircraft; operation while under influence of liquor or drug; prohibited.
It shall be unlawful for any person to operate or be in the actual physical control of any aircraft while under the influence of alcoholic liquor or of any drug or when that person has five-hundredths of one percent or more by weight of alcohol in his or her body fluid as shown by chemical analysis of his or her blood or breath.

28-1466.
Aircraft; operation while under influence of liquor or drug; violation; penalty.
Any person who shall operate or be in the actual physical control of any aircraft while under the influence of alcoholic liquor or of any drug or while having five-hundredths of one percent by weight of alcohol in his or her body fluid as shown by chemical analysis of his or her blood or breath shall be deemed guilty of a crime and, upon conviction thereof, shall be punished as provided in sections28-1467to28-1469.

28-1467.
Aircraft; operation while under influence of liquor or drug; first offense; penalty.

If a conviction under section28-1466is for a first offense, the person shall be guilty of a Class III misdemeanor and the court shall, as part of the judgment of conviction, order such person not to operate any aircraft for any purpose for a period of six months from the date ordered by the court. The order of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later. If the court suspends the proceedings and places such person on probation as provided by law, the court as one of the conditions of probation shall order such person not to operate any aircraft for any purpose for a period of thirty days from the date of the order.

28-1468.
Aircraft; operation while under influence of liquor or drug; second offense; penalty.
If a conviction under section28-1466is for a second offense, the person shall be guilty of a Class III misdemeanor and shall be imprisoned in the county jail for not less than five days and the court shall, as part of the judgment of conviction, order such person not to operate any aircraft for any purpose for a period of one year from the date ordered by the court. The order of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later. If the aircraft which such person was operating or was actually physically controlling, while under the influence of alcoholic liquor or any drug, is registered in the name of such person, the aircraft shall be impounded by the court for a period of not less than two months nor greater than one year at the expense and risk of the owner thereof; except that any aircraft so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such aircraft is requested in writing by such lienholder for the purpose of foreclosing and satisfying the lien thereon.

28-1469.
Aircraft; operation while under influence of liquor or drug; third or subsequent offense; penalty.
If a conviction under section28-1466is for a third offense or subsequent offense thereafter, the person shall be guilty of a Class IV felony, and the court shall, as part of the judgment of conviction, order such person not to operate any aircraft for any purpose for a period of one year from the date ordered by the court. The order of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.

28-1470.
Aircraft; implied consent of operator to submit to chemical test.
Any person who operates or has in his or her actual physical control an aircraft within this state shall be deemed to have given his or her consent to submit to a chemical test of his or her blood or breath, for the purpose of determining the amount of alcoholic content in his or her body fluid.

28-1471.
Aircraft; operation while under influence of liquor or drug; chemical test; law enforcement officer; powers.
Any law enforcement officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was operating or was in actual physical control of an aircraft while under the influence of alcoholic liquor to submit to a chemical test of his or her blood or breath for the purpose of determining the alcoholic content of his or her body fluid, when the officer has reasonable grounds to believe that such person was operating or was in the actual physical control of an aircraft within this state while under the influence of alcoholic liquor.

28-1472.
Aircraft; operation while under influence of liquor or drug; breath test; refusal; penalty.
Any law enforcement officer who has been duly authorized to make arrests for violation of traffic laws of this state or ordinances of any city or village may require any person who operates or has in his actual physical control an aircraft within the airspace of this state to submit to a preliminary test of his breath for alcohol content if the officer has reasonable grounds to believe that such person has alcohol in his body, or has committed a violation of flying regulations, or has been involved in an aircraft accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol content of five-hundredths of one percent or more shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

28-1473.
Aircraft; operation while under influence of liquor or drug; chemical test; refusal; penalty.
Any person arrested pursuant to sections28-1465to28-1474may, upon the direction of a law enforcement officer, be required to submit to a chemical test of his or her blood or breath for a determination of the alcohol content. Any person who refuses to submit to a chemical blood or breath test required pursuant to sections28-1465to28-1474shall be guilty of a crime and, upon conviction thereof, shall be punished in the same manner as he or she would be if convicted for a violation of section28-1465.

28-1474.
Aircraft; operation while under influence of liquor or drug; breath or chemical test; refusal; advised of consequences.

Any person who is required to submit to a preliminary breath test, or to a chemical blood or breath test pursuant to sections28-1465to28-1474shall be advised of the consequences of refusing to submit to such test.

28-1475.
Revisor of Statutes; crimes categorized; duties.
The Revisor of Statutes shall place in the Appendix to the Reissue Revised Statutes of Nebraska a list of all crimes which have been categorized pursuant to sections28-105and28-106. An updated list shall be included in the annual supplement to the statutes.

28-1475.01.
State or local law enforcement agency; authorized to receive forfeited property.
Notwithstanding any other provision of the laws of the State of Nebraska, any state or local law enforcement agency which participated directly with federal law enforcement agencies in any of the acts which led to the seizure or forfeiture of property being held by federal law enforcement agencies shall be authorized to receive such property directly from the federal government.

28-1476.
Advertisement; untrue, deceptive, or misleading; unlawful.
After July 19, 1980, it shall be unlawful for any person, firm, corporation, or association, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, firm, corporation, or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, to make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, containing any assertion, representation, or statement of fact which is known to be untrue, deceptive, or misleading.

28-1477.
Deceptive or misleading advertising; unlawful acts; enumerated.
For the purpose of section28-1476any person, firm, corporation, or association shall be deemed guilty of deceptive or misleading advertising that makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any merchandise for sale at retail at less than original actual cost or less than original replacement cost, whichever is lower, if the merchant does not have a sufficient quantity of merchandise to meet the reasonable expected demand, or the advertisement either (1) fails to state in such advertisement the quantity of merchandise available for sale, or (2) fails to state that the advertiser is discontinuing the item.

28-1478.
Deceptive or misleading advertising; violation; penalty.
Any person, firm, corporation or association violating the provisions of section28-1476shall be deemed guilty of a Class III misdemeanor.

28-1480.
Terms, defined.
As used in sections28-1480to28-1482, unless the context otherwise requires:
(1) Civil disorder shall mean any public disturbance involving acts of violence which causes an immediate danger of or results in damage or injury to persons or property;
(2) Explosive or incendiary device shall mean (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, firebomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and (ii) can be carried or thrown by one individual acting alone; and
(3) Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

28-1481.
Acts prohibited.
It shall be unlawful within the boundaries of this state:
(1) For any person to teach or demonstrate to any other person the use, application, or making of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person knows or has reason to know or intends that such information or ability will be unlawfully employed for use in or in furtherance of a civil disorder; or
(2) For any person to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the

use of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person intends to unlawfully employ such training, practice, or instruction for use in or in furtherance of a civil disorder.

28-1482.
Violation; penalty.
Any person violating section28-1481shall be guilty of a Class IV felony.

28-1483.
Donated food; resale prohibited; violation; penalty.
(1) It shall be unlawful for any person or charitable or nonprofit organization receiving food pursuant to section25-21,189to sell or offer to sell such food.
(2) Violation of the provisions of subsection (1) of this section shall be a Class V misdemeanor.

28-1601.
Property used in commission of certain crimes; forfeiture; proceeding; prosecuting authority; duties; pretrial hearing; intervention; evidentiary hearing; court orders; failure to appear; storage fee.
(1) In addition to existing penalties for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107, a court may order forfeiture of any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833, any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices as defined in section28-1101if:
(a) The owner or possessor of the property has been convicted of a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107;
(b) The information charging such violation specifically requests the forfeiture of property upon conviction and is prepared pursuant to section28-1602; and
(c) The property is found by clear and convincing evidence to have been derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107.
(2) Following the filing of an information charging a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107that specifically seeks forfeiture of any property listed in subsection (1) of this section, the defendant may request a pretrial hearing to determine the existence of probable cause to believe that the property specifically sought to be forfeited was derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107. The request for a hearing pursuant to this section must be filed with the district court in which the criminal proceeding is pending within thirty days after the filing of the information.
(3) At any time after the filing of the information in district court and prior to final disposition of the criminal case, any person or entity, other than the defendant, with a claimed legal interest in the property may petition to intervene in the district court with jurisdiction over the criminal case for the specific and limited purpose of demonstrating his, her, or its legal interest in the property and his, her, or its lack of actual knowledge that such property was derived from, used, or intended to be used in violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107. In the petition to intervene, the intervening person or entity shall, at a minimum, state facts demonstrating his, her, or its legal interest in the property and his, her, or its lack of actual knowledge regarding the use or intended use of the property. Within thirty days after filing a motion to intervene, the district court shall conduct an evidentiary hearing on the matter. At the conclusion of such hearing, the court may order that any or all of the property be returned to the intervening claimant after it is no longer needed as evidence in the criminal case upon a showing by the claimant by a preponderance of the evidence (a) that he, she, or it has a legally recognized interest in the property and (b) either (i) that such property was acquired by the claimant in good faith and he, she, or it did not have actual knowledge that such property was derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107or (ii) that the property seized was not derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107. The court, on its own motion or upon application of the intervening claimant, may permit such person to proceed in forma pauperis under sections25-2301to25-2310. The court, on its own motion or upon application of the intervening claimant, may appoint counsel to represent such person if such person is indigent. If he or she asserts indigency, the court shall make a reasonable inquiry to determine such person's financial condition and may require him or her to execute an affidavit of indigency for filing with the clerk of the court.
(4) After conviction but prior to sentencing for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107in cases in which the prosecuting authority has specifically requested forfeiture of property, the district court shall conduct an evidentiary hearing at which the prosecuting authority must prove by clear and convincing evidence what specific amount or portion of the property specifically

enumerated in the criminal information was derived from, used, or intended for use in furtherance of a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107. At the conclusion of such hearing, the court shall make specific findings of fact indicating what amount or portion of the property sought to be forfeited by the state was derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107. The court shall order any amount or portion of the property not proven by the state to be derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107or the fair market value of the legally recognized interest in such property be returned to its rightful and legal owner or interest holder.
(5)(a) The court shall order that any amount or portion of property proven by the state by clear and convincing evidence to be derived from, used, or intended to be used to facilitate a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107be forfeited to the state and disposition of such property be conducted in accordance with this subsection and section28-1439.02at such time as the property is no longer required as evidence in any criminal proceeding.
(b) As part of any disposition of property, the court may order that: (i) Any money, securities, or negotiable instruments be distributed as provided in Article VII, section 5, of the Constitution of Nebraska; (ii) any conveyances be sold or put to official use by the seizing agency for a period of not more than one year and when such property is no longer necessary for official use or at the end of two years, whichever comes first, such property shall be sold. Proceeds from the sale of any conveyance shall be distributed as provided in Article VII, section 5, of the Constitution of Nebraska; (iii) any electronic communication devices as defined in section28-833, any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices as defined in section28-1101be destroyed by a law enforcement agency; and (iv) the disposition of firearms shall be effectuated pursuant to section29-820.
(c) As used in this subsection, official use means use directly in connection with enforcement of the Child Pornography Prevention Act, the Uniform Controlled Substances Act, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107.
(6) Any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section28-833, any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices as defined in section28-1101may be forfeited pursuant to a plea agreement between the state and the defendant subject to notice to or approval of the court.
(7) Subdivision (1)(a) of this section does not apply if the owner or possessor of the property dies or is removed from the United States before charges are filed or a conviction obtained.
(8) Subdivision (1)(b) of this section does not apply if the owner or possessor of the property dies or is removed from the United States before charges are filed so long as the statute of limitations for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107has not expired.
(9) Subdivision (1)(a) of this section does not apply if the owner or possessor of the property is unknown or incapable of being determined for some legitimate reason or fails to appear in court as ordered after prosecution for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107is commenced and is not apprehended within twelve months after the failure to appear order was issued by the court.
(10) If the owner or possessor of the property fails to appear in court as ordered after prosecution for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107is commenced but appears or is apprehended within twelve months after the failure to appear order was issued by the court, the court may order the owner or possessor of the property, as a part of any sentence imposed for either the failure to appear or the conviction of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107, to pay a storage fee of one hundred dollars per month for each month the property was held following the issuance of the failure to appear order.

28-1602.
Property used in commission of certain crimes; forfeiture; prosecuting authority; duties; pleading; contents.
(1) The prosecuting authority must specifically plead its intent to seek forfeiture of any property upon a conviction for a violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107in the same criminal information charging the underlying violation of the Child Pornography Prevention Act, subsection (1) of section28-416, or section28-813.01,28-1102,28-1103,28-1104,28-1105,28-1105.01, or28-1107.
(2) In pleading its intent to seek forfeiture, the information shall specifically (a) state the date the property was seized, (b) state the place the property was seized from, (c) describe the property sought to be forfeited, and (d) if known, state the name of the owner of the property, the name of the person or persons in possession of the property or in physical proximity to the property when it was seized, and the name of any other person or entity that may have a claim or interest in the property.

28-1603.
Law enforcement agency or prosecuting authority; seized property; prohibited acts.
No law enforcement agency or prosecuting authority of this state or its political subdivisions shall transfer or refer any money or

property to a federal law enforcement authority or other federal agency by any means unless:
(1) The money or property seized exceeds twenty-five thousand dollars in currency or value;
(2) The money or property is physically seized by a federal agent who is employed by the federal government; or
(3) The person from whom the money or property was seized is the subject of a federal prosecution or the facts and circumstances surrounding the money or property seized are the subject of a federal prosecution.

28-1701.
Witness or victim of sexual assault; eligible alcohol or drug offense; immunity from arrest or prosecution; conditions.
(1) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if such person witnessed or was the victim of a sexual assault and such person:
(a) Either:
(i) In good faith, reported such sexual assault to law enforcement; or
(ii) Requested emergency medical assistance for the victim of the sexual assault; and
(b) Evidence supporting the arrest or prosecution of the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance.
(2) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if:
(a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and
(b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault.
(3) For purposes of this section:
(a) Eligible alcohol or drug offense means:
(i) A violation of subsection (3) or (13) of section28-416or of section28-441;
(ii) A violation of section53-180.02committed by a person older than eighteen years of age and under the age of twenty-one years, as described in subdivision (4)(a) of section53-180.05;
(iii) A violation of a city or village ordinance similar to subdivision (3)(a)(i) or (ii) of this section; or
(iv) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this section as the underlying offense; and
(b) Sexual assault means:
(i) A violation of
section28-316.01,28-319,28-319.01,28-320,28-320.01,28-320.02,28-322.01,28-322.02,28-322.03,28-322.04,28-322.05,28-703, or28-1463.03, sex trafficking or sex trafficking of a minor under section28-831, or subdivision (1)(c) or (g) of section28-386or subdivision (1)(d), (e), or (f) of section28-707; or
(ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses listed in subdivision (3)(b)(i) of this section as the underlying offense.

29-101.
Terms, usage.
Unless otherwise provided, words used in this code in the present tense include the future as well as the present. Words used in the masculine gender comprehend as well the feminine and neuter. The singular number includes the plural and the plural the singular. The term writing includes printing. The term oath includes an affirmation.

29-103.
Magistrate, defined.
The term magistrate in this code, when not otherwise expressly stated, shall mean a judge of the county court or clerk magistrate.

29-104.
Prosecuting attorney, defined.
The term prosecuting attorney means any county attorney or city attorney or assistant city attorney when such attorney is prosecuting any violation designated as a misdemeanor or traffic infraction.

29-105.
Code; general and special provisions.
In the construction of this code each general provision shall be controlled by a special provision on the same subject, if there is a conflict.

29-106.
Code and other law; construe according to plain import of language.
This code and every other law upon the subject of crime which may be enacted shall be construed according to the plain import of the language in which it is written, without regard to the distinction usually made between the construction of penal laws and laws upon other subjects, and no person shall be punished for an offense which is not made penal by the plain import of the words, upon pretense that he has offended against its spirit.

29-107.
Person or other general term, when protection of property intended; meaning.
Whenever any property or interest is intended to be protected by a provision of the penal law, and the general term person or any other general term is used to designate the party whose property is intended to be protected, the provisions of such penal laws and the protection thereby given shall extend to the property of the state, or of any county, and of all public or private corporations.

29-108.
Signature, how construed.
The word signature includes the mark of a person unable to write his name; a mark shall have the same effect as a signature when the name is written by some other person and the mark is made near thereto by the person unable to write his name.

29-109.
Terms not defined, how construed; titles, treatment.
Except where a word, term or phrase is specially defined, all words used in this code are to be taken and construed in the sense in which they are understood in common language, taking into consideration the context and subject matter relative to which they are employed. The titles merely, to the various chapters, articles, sections or clauses of this code, which are written or printed upon the bill at the time of its approval, shall constitute no part thereof.

29-110.
Prosecutions; complaint, indictment, or information; filing; time limitations; exceptions.
(1) Except as otherwise provided by law, no person shall be prosecuted for any felony unless the indictment is found by a grand jury within three years next after the offense has been done or committed or unless a complaint for the same is filed before the magistrate within three years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.
(2) Except as otherwise provided by law, no person shall be prosecuted, tried, or punished for any misdemeanor or other indictable offense below the grade of felony or for any fine or forfeiture under any penal statute unless the suit, information, or indictment for such offense is instituted or found within one year and six months from the time of committing the offense or incurring the fine or forfeiture or within one year for any offense the punishment of which is restricted by a fine not exceeding one hundred dollars and to imprisonment not exceeding three months.
(3) Except as otherwise provided by law, no person shall be prosecuted for kidnapping under section28-313, false imprisonment under section28-314or28-315, child abuse under section28-707, pandering under section28-802, debauching a minor under section28-805, or an offense under section28-813when the victim is under sixteen years of age at the time of the offense (a) unless

the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.
(4) Except as otherwise provided by law, no person shall be prosecuted for a violation of subsection (2) or (3) of section28-831(a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.
(5) Except as otherwise provided by law, no person shall be prosecuted for an offense under section28-813.01or28-1463.05(a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's eighteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.
(6) No person shall be prosecuted for a violation of the Securities Act of Nebraska under section8-1117unless the indictment for such offense is found by a grand jury within five years next after the offense has been done or committed or unless a complaint for such offense is filed before the magistrate within five years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.
(7) No person shall be prosecuted for criminal impersonation under section28-638, identity theft under section28-639, or identity fraud under section28-640unless the indictment for such offense is found by a grand jury within five years next after the offense has been done or committed or unless a complaint for such offense is filed before the magistrate within five years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.
(8) No person shall be prosecuted for a violation of section68-1017if the aggregate value of all funds and other benefits obtained or attempted to be obtained is five hundred dollars or more unless the indictment for such offense is found by a grand jury within five years next after the offense has been done or committed or unless a complaint for such offense is filed before the magistrate within five years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.
(9) No person shall be prosecuted for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult under section28-386unless the indictment for such offense is found by a grand jury within six years next after the offense has been done or committed or unless a complaint for such offense is filed before the magistrate within six years next after the offense has been done or committed and a warrant for the arrest of the defendant has been issued.
(10) Except as otherwise provided by law, no person shall be prosecuted for an offense under section28-717(a) unless the indictment for such offense is found by a grand jury within one year and six months next after the offense has been committed or within one year and six months next after the child reaches the age of majority, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within one year and six months next after the offense has been committed or within one year and six months next after the child reaches the age of majority, whichever is later, and a warrant for the arrest of the defendant has been issued.
(11) There shall not be any time limitations for prosecution or punishment for treason, murder, arson, forgery, sexual assault in the first or second degree under section28-319or28-320, sexual assault of a child in the second or third degree under section28-320.01, incest under section28-703, sexual assault of a child in the first degree under section28-319.01, labor trafficking of a minor or sex trafficking of a minor under subsection (1) of section28-831, or an offense under section28-1463.03; nor shall there be any time limitations for prosecution or punishment for sexual assault in the third degree under section28-320when the victim is under sixteen years of age at the time of the offense.
(12) The time limitations prescribed in this section shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section28-301.
(13) The time limitations prescribed in this section shall not extend to any person fleeing from justice.
(14) When any suit, information, or indictment for any crime or misdemeanor is limited by any statute to be brought or exhibited within any other time than is limited by this section, then the suit, information, or indictment shall be brought or exhibited within the time limited by such statute.
(15) If any suit, information, or indictment is quashed or the proceedings set aside or reversed on writ of error, the time during the pendency of such suit, information, or indictment so quashed, set aside, or reversed shall not be reckoned within this statute so as to bar any new suit, information, or indictment for the same offense.
(16) The changes made to this section by Laws 2004, LB 943, shall apply to offenses committed prior to April 16, 2004, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(17) The changes made to this section by Laws 2005, LB 713, shall apply to offenses committed prior to September 4, 2005, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(18) The changes made to this section by Laws 2009, LB 97, and Laws 2006, LB 1199, shall apply to offenses committed prior to May 21, 2009, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(19) The changes made to this section by Laws 2010, LB809, shall apply to offenses committed prior to July 15, 2010, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(20) The changes made to this section by Laws 2016, LB934, shall apply to offenses committed prior to April 19, 2016, for which

the statute of limitations has not expired as of such date and to offenses committed on or after such date.
(21) The changes made to this section by Laws 2019, LB519, shall apply to offenses committed prior to September 1, 2019, for which the statute of limitations has not expired as of such date and to offenses committed on or after such date.

29-111.
Fines and punishments; how enforced.
All fines and punishments provided for in this code shall be enforced by the procedure provided for in this code so far as such procedure extends or can be made applicable.

29-112.
Felon; disqualified as juror or officeholder; warrant of discharge; effect; right to vote.
Any person sentenced to be punished for any felony, when the sentence is not reversed or annulled, is incompetent to be a juror or to hold any office of honor, trust, or profit within this state, unless such person receives from the Board of Pardons of this state a warrant of discharge, in which case such person shall be restored to such civil rights and privileges as enumerated or limited by the Board of Pardons. The warrant of discharge shall not release such person from the costs of conviction unless otherwise ordered by the Board of Pardons.
Any person sentenced to be punished for any felony, when the sentence is not reversed or annulled, is not qualified to vote until such person has completed the sentence, including any parole term. The disqualification is automatically removed at such time.

29-112.01.
Restoration of civil rights; felon; procedure.
Any person sentenced to be punished for any felony, when the sentence is other than confinement in a Department of Correctional Services adult correctional facility, shall be restored to such civil rights as enumerated or limited by the Board of Pardons upon receipt from the Board of Pardons of a warrant of discharge, which shall be issued by such board upon receiving from the sentencing court a certificate showing satisfaction of the judgment and sentence entered against such person.

29-113.
Felon of other states; disqualified as juror or officeholder; right to vote.
Any person who has been convicted of a felony under the laws of any other state shall be deemed incompetent to be a juror or to hold any office of honor, trust, or profit within this state unless such person has been restored to civil rights under the laws of the state in which the felony was committed.
Any person who has been convicted of a felony under the laws of any other state is not qualified to vote until such person has completed his or her sentence, including any parole term.

29-115.
Suppression of statement by defendant; filing of motion; when made; failure to object before trial; effect; exceptions; effect.
Any person aggrieved by a statement taken from him or her which is not a voluntary statement, or any statement which he or she believes was taken from him or her in violation of the fifth or sixth amendments of the Constitution of the United States, may move for suppression of such statement for use as evidence against him or her. The suppression motion shall be filed in the district court where a felony is charged and may be made at any time after the information or indictment is filed, and must be filed at least ten days before trial, unless otherwise permitted by the court for good cause shown. When the charge is other than a felony, the motion shall be filed in the court where the complaint is pending, and must be filed at least ten days before trial or at the time of the plea to the complaint, whichever is later, unless otherwise permitted by the court for good cause shown. Unless claims of a statement being involuntary or taken in violation of the fifth or sixth amendments of the Constitution of the United States are raised by motion before trial as provided in this section, all objections to the use of such statements as evidence on these grounds shall be deemed waived, except that the court may entertain such motions to suppress after the commencement of trial when the defendant is surprised by the introduction of such statements by the state, and also the court in its discretion may entertain motions to suppress such statements when the defendant was not aware of the grounds for any such motion before the commencement of trial, or in such situations as the court deems that justice may require. In the event that the trial court entertains any such motion after the commencement of trial, the defendant shall be deemed to have waived any jeopardy which may have attached. None of the foregoing shall affect the right of the defendant to present the question of the voluntariness of the statement, or the question of whether the proper constitutional safeguards were given to any defendant either in custody or otherwise significantly deprived of his or her liberty, for the consideration of the fact finder at trial.

29-116.
Suppression of statement by defendant; order granting suppression; review; procedure; appeal.
(1) In addition to any other rights of appeal, the state shall have the right to appeal from an order granting a motion for the suppression of statements alleged to be involuntary or in violation of the fifth or sixth amendments of the Constitution of the United States in the manner provided in this section.
(2) If such motion has been granted in the district court, the Attorney General or the county attorney or prosecuting attorney with the

consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter, the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.
(3) If such motion has been granted in the county court, the Attorney General or the county attorney or prosecuting attorney may file his or her application with the clerk of the district court in the district in which the motion has been granted asking for a summary review of the order granting the motion. The review shall be made by a judge of the district court upon such notice, briefs, and arguments as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

29-117.
Suppression of statement by defendant; application for review; filing; when.
The application for review provided in section29-116shall be accompanied by a copy of the order of the trial court granting the motion to suppress and a bill of exceptions containing all of the evidence, including affidavits, considered by the trial court in its ruling on the motion, and so certified by the trial court. The application shall be filed with the Clerk of the Supreme Court, if the trial court is the district court, or with the clerk of the district court, if the trial court is the county court, within such time as may be ordered by the trial court, which in fixing such time shall take into consideration the length of time required to prepare the bill of exceptions, and shall also consider whether the defendant is in jail or whether he or she is on bail, but in no event shall more than thirty days be given in which to file such application.

29-118.
Suppression of statement by defendant; order granting suppression; review; trial court; duties.
In making an order granting a motion to suppress a statement, the trial court shall in such order fix a time, not exceeding ten days, in which the county attorney or other prosecuting attorney may file a notice with the clerk of such court of his or her intention to seek a review of the order. Upon the filing of such notice, the trial court shall fix a time in which the application for review shall be filed with the clerk of the appellate court.

29-119.
Plea agreement; terms, defined.
For purposes of this section and sections23-1201,29-120, and29-2261, unless the context otherwise requires:
(1) A plea agreement means that as a result of a discussion between the defense counsel and the prosecuting attorney:
(a) A charge is to be dismissed or reduced; or
(b) A defendant, if he or she pleads guilty to a charge, may receive less than the maximum penalty permitted by law; and
(2)(a) Victim means a person who has had a personal confrontation with an offender as a result of a homicide under sections28-302to28-306, a first degree assault under section28-308, a second degree assault under section28-309, a third degree assault under section28-310when the victim is an intimate partner as defined in section28-323, a first degree false imprisonment under section28-314, a first degree sexual assault under section28-319, a sexual assault of a child in the first degree under section28-319.01, a second or third degree sexual assault under section28-320, a sexual assault of a child in the second or third degree under section28-320.01, domestic assault in the first, second, or third degree under section28-323, or a robbery under section28-324. Victim also includes a person who has suffered serious bodily injury as defined in section28-109as a result of a motor vehicle accident when the driver was charged with a violation of section60-6,196or60-6,197or with a violation of a city or village ordinance enacted in conformance with either section.
(b) In the case of a homicide, victim means the nearest surviving relative under the law as provided by section30-2303but does not include the alleged perpetrator of the homicide.
(c) In the case of a violation of section28-813.01,28-1463.03,28-1463.04, or28-1463.05, victim means a person who was a child as defined in section28-1463.02and a participant or portrayed observer in the visual depiction of sexually explicit conduct which is the subject of the violation and who has been identified and can be reasonably notified.
(d) In the case of a sexual assault of a child, a possession offense of a visual depiction of sexually explicit conduct, or a distribution offense of a visual depiction of sexually explicit conduct, victim means the child victim and the parents, guardians, or duly appointed legal representative of the child victim but does not include the alleged perpetrator of the crime.
(e) Victim also includes a person who was the victim of a theft under section28-511,28-512,28-513, or28-517when (i) the value of the thing involved is five thousand dollars or more and (ii) the victim and perpetrator were intimate partners as defined in section28-323.
(f) Victim also includes a sexual assault victim as defined in section29-4309.

29-120.
Plea agreement; prosecuting attorney; duties.
Prior to reaching a plea agreement with defense counsel, a prosecuting attorney, prosecuting a violation of a city or village

ordinance enacted in conformance with section60-6,196or60-6,197, shall consult with or make a good faith effort to consult with the victim regarding the content of and reasons for such plea agreement.

29-122.
Criminal responsibility; intoxication;
not a defense; exceptions.
A
person who is intoxicated is criminally responsible for his or her conduct. Intoxication is not a defense to any criminal offense and shall not be taken into consideration in determining the existence of a mental state that is an element of the criminal offense unless the defendant proves, by clear and convincing evidence, that he or she did not (1) know that it was an intoxicating substance when he or she ingested, inhaled, injected, or absorbed the substance causing the intoxication or (2) ingest, inhale, inject, or absorb the intoxicating substance voluntarily.

29-201.
County judges as magistrates; jurisdiction.
All county judges in this state shall have the same and equal powers of jurisdiction in all matters relating to the enforcement of the criminal laws of the state, except as otherwise expressly provided, and the jurisdiction of all such officers as magistrates, for the discharge of the duties and for the exercise of the powers enjoined and conferred by this code, shall extend to all crimes and offenses punishable by the laws of this state, committed within their respective jurisdictions, and for the prevention of crimes and offenses as in this code provided, throughout their respective counties.

29-203.
District judges and county judges; conservators of the peace; jurisdiction.
The judges of the district courts in their respective districts, and the magistrates mentioned in section29-201in their respective counties, shall jointly and severally be conservators of the peace within their respective jurisdictions, and shall have full power to enforce or cause to be enforced all laws that now exist or that shall hereafter be made for the prevention and punishment of offenses, or for the preservation and observance of the peace. Judges of the district courts shall have the same powers to require securities for the keeping of the peace and good behavior, and bail for appearance in courts to answer complaints to keep the peace, and for crimes and offenses committed in their respective districts as any of the magistrates aforesaid have in their respective counties.

29-205.
Fugitive; apprehension and arrest.
If any person or persons who may be charged with the commission of a crime or offense made punishable by the laws of this state shall abscond or remove from the county in which such crime or offense is charged to have been committed, it shall be lawful for any sheriff or other person to apprehend the person or persons so charged, remove him, her, or them to the county in which the alleged crime may be said to have been committed, and deliver such person or persons to any magistrate in such county, who shall cause the person or persons so delivered to be dealt with as the law may direct.

29-208.
Criminal identification; agents; power of Governor to appoint.
The Governor is hereby authorized to appoint such agents as may be necessary for carrying out the provisions of sections29-208to29-210.

29-209.
Criminal identification; fingerprints and descriptions; duties of law enforcement officers and agencies.
It is hereby made the duty of the sheriffs of the several counties of the State of Nebraska, the chiefs of police of incorporated cities therein, marshals of incorporated cities and towns therein, and agencies of state government having powers of arrest to furnish the Nebraska State Patrol two copies of fingerprints on forms provided by the Nebraska State Patrol and the Federal Bureau of Investigation, and descriptions of all persons who are arrested by them (1) for any felony or (2) as felony fugitives from the criminal justice system of another jurisdiction. This section is not intended to include violators of city ordinances or of persons arrested for other trifling offenses. The Nebraska State Patrol shall in all appropriate cases forward one copy of such fingerprints and other necessary identifying data and information to the system maintained by the Federal Bureau of Investigation.

29-210.
Criminal identification and information; Nebraska State Patrol; duties.
The Nebraska State Patrol is hereby authorized (1) to keep a complete record of all reports filed of all personal property stolen, lost, found, pledged or pawned, in any city or county of this state; (2) to provide for the installation of a proper system and file, and cause

to be filed therein cards containing an outline of the methods of operation employed by criminals; (3) to use any system of identification it deems advisable, or that may be adopted in any of the penal institutions of the state; (4) to keep a record consisting of duplicates of measurements, processes, operations, plates, photographs, measurements and descriptions of all persons confined in penal institutions of this state; (5) to procure and maintain, so far as practicable, plates, photographs, descriptions and information concerning all persons who shall hereafter be convicted of felony or imprisoned for violating the military, naval or criminal laws of the United States, and of well-known and habitual criminals from whatever source procurable; (6) to furnish any criminal justice agency with any information, material, records, or means of identification which may properly be disseminated and that it may desire in the proper administration of criminal justice; (7) to upgrade, when feasible, the existing law enforcement communications network; and (8) to establish and maintain an improved system or systems by which relevant information may be collected, coordinated, and made readily available to serve qualified persons or agencies concerned with the administration of criminal justice.

29-211.
Motor vehicle pursuit; law enforcement agency; adopt policy; contents; training.
(1) Each law enforcement agency within the State of Nebraska shall adopt and implement a written policy regarding the pursuit of motor vehicles. Such policy shall contain at least the following elements:
(a) Standards which describe when a pursuit may be initiated, taking into consideration the nature and severity of the offense involved;
(b) Standards which describe when a pursuit is to be discontinued, giving special attention to (i) the degree of danger presented to the general public and the pursuing officer and (ii) the probability of later apprehension of the subject based upon his or her identification;
(c) Procedures governing the operation of pursuits including, but not limited to, the number and types of vehicles which may be used, the method of operation of such vehicles, and the exercise of supervision during pursuits;
(d) Procedures governing pursuits which include other law enforcement agencies or which extend into the jurisdiction of other law enforcement agencies; and
(e) A system of mandatory continued planning and review of training of personnel appropriate and consistent with the policies and jurisdiction of the law enforcement agency regarding the proper handling of pursuits, including, at a minimum, an annual review of the policy with each sworn law enforcement officer and dispatcher.
(2) It shall be the responsibility of each law enforcement agency within the State of Nebraska to ensure that all law enforcement officers who commence employment with such law enforcement agency receive specialized training in pursuit driving at the Nebraska Law Enforcement Training Center or at an equivalent training program approved by the Nebraska Police Standards Advisory Council.

29-212.
Missing Persons Information Clearinghouse; terms, defined.
For purposes of sections29-212to29-214.01, unless the context otherwise requires:
(1) Missing person means a person who has been reported as missing to a law enforcement agency; and
(2) Missing Persons Information Clearinghouse means the repository established within the Nebraska State Patrol pursuant to section29-214.01.

29-213.
Missing Persons Information Clearinghouse; missing person report; law enforcement agency; duties.
When a report of a missing person has been received by a law enforcement agency having jurisdiction, the agency shall notify:
(1) On-duty personnel of the agency, as soon as practicable, through internal means and over the appropriate police radio network;
(2) All law enforcement agencies considered to be involved by the law enforcement agency having jurisdiction;
(3) All law enforcement agencies to which the person filing the report requests that the information be sent, if the request is reasonable in light of the information contained in the report;
(4) All law enforcement agencies requesting the information; and
(5) The Missing Persons Information Clearinghouse.

29-214.
Missing Persons Information Clearinghouse; missing person report; unemancipated minor; law enforcement agency; duties.
(1) If a report of a missing person involves an unemancipated minor, the law enforcement agency shall immediately transmit the proper information for inclusion in the National Crime Information Center computer and the Missing Persons Information Clearinghouse.
(2) If a report of a missing person involves an unemancipated minor, a law enforcement agency shall not prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

29-214.01.
Missing Persons Information Clearinghouse; Nebraska State Patrol; powers and duties.
(1) The Missing Persons Information Clearinghouse is established within the Nebraska State Patrol. The Nebraska State Patrol shall

provide for the administration of the clearinghouse and may adopt and promulgate rules and regulations to carry out the provisions of this section.
(2) The Missing Persons Information Clearinghouse shall be used by all law enforcement agencies in the state as a central repository for information on missing persons. Such information shall be provided on a uniform form prescribed by the Nebraska State Patrol.
(3) In connection with the Missing Persons Information Clearinghouse, the Nebraska State Patrol shall:
(a) Collect, process, maintain, and disseminate information about missing persons in Nebraska through hard copy or electronic means;
(b) Develop training programs for law enforcement agencies concerning the appropriate procedures to report missing persons to the clearinghouse;
(c) Cooperate with other states and the National Crime Information Center in the exchange of information on missing persons;
(d) Maintain a statewide, toll-free telephone line, twenty-four hours a day, to receive and disseminate information related to missing persons;
(e) Maintain an Internet website accessible to law enforcement agencies and to the public with information on missing persons and with information about the resources available through the clearinghouse. Nothing in this section shall prevent the Nebraska State Patrol from establishing a separate link accessible only to law enforcement agencies for the dissemination and collection of sensitive information as determined by the Nebraska State Patrol;
(f) Develop training programs to assist in the prevention of kidnapping;
(g) Maintain a registry of prevention and education materials and programs regarding missing and runaway minors through hard copy or electronic means;
(h) Distribute through hard copy or electronic means monthly missing persons bulletins to local law enforcement agencies and to other interested individuals, agencies, and media outlets which request such information. The bulletins shall contain information on missing persons in Nebraska, including names, photographs or other images, if available, descriptions of missing persons, the law enforcement agencies or persons to contact with information regarding missing persons, and the names of persons reported missing whose locations have been determined and confirmed;
(i) Produce, update at least weekly, and distribute, through hard copy or electronic means, press releases about missing persons to media outlets which request missing person information, containing the same or similar information contained in the monthly missing persons bulletin;
(j) Compile statistics relating to the incidence of missing persons within Nebraska; and
(k) Encourage and seek both financial and in-kind support from private individuals and organizations to assist in carrying out the provisions of this section.
(4) The purpose of the Missing Persons Information Clearinghouse is to serve as a repository. The clearinghouse does not relieve the law enforcement agency having jurisdiction over a missing person case of its investigatory duties and does not automatically involve the Nebraska State Patrol as the primary investigatory agency in such case.
(5) The Missing Persons Information Clearinghouse shall be notified after the location of a missing person has been determined and confirmed. After the location of a missing person has been determined and confirmed, the clearinghouse shall only release information described in subdivision (3)(h) of this section concerning the located person. Other information concerning the history of the missing person case shall be disclosed only to law enforcement agencies of this state and other jurisdictions when necessary for the discharge of official duties, and to the juvenile court in the county of residence of a formerly missing person who is a minor. All information in the clearinghouse relating to a missing person who is an adult shall be purged when the person's location has been determined and confirmed. All information in the clearinghouse relating to a missing person who is a minor shall be purged when the person reaches eighteen years of age and the person's location has been determined and confirmed.

29-215.
Law enforcement officers; jurisdiction; powers; contracts authorized.
(1) A law enforcement officer has the power and authority to enforce the laws of this state and of the political subdivision which employs the law enforcement officer or otherwise perform the functions of that office anywhere within his or her primary jurisdiction.
(2) Any law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:
(a) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;
(b) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within twenty-five miles of the boundaries of the law enforcement officer's primary jurisdiction and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;
(c) Any such law enforcement officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall

mean (i) a law enforcement officer whose life is in danger or (ii) a law enforcement officer who needs assistance in making an arrest and the suspect (A) will not be apprehended unless immediately arrested, (B) may cause injury to himself or herself or others or damage to property unless immediately arrested, or (C) may destroy or conceal evidence of the commission of a crime; and
(d) Any municipality or county may, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enter into a contract with any other municipality or county for law enforcement services or joint law enforcement services. Under such an agreement, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, each participating political subdivision shall provide liability insurance coverage for its own law enforcement personnel as provided in section13-1802.
(3) When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of section28-1465,28-1466,28-1472,37-1254.01,37-1254.02,60-4,163,60-4,164,60-6,196,60-6,197,60-6,211.01, or60-6,211.02, the law enforcement officer has the power and authority to do any of the following or any combination thereof:
(a) Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;
(b) Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or
(c) With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of
section28-1465,28-1466,28-1472,37-1254.01,37-1254.02,60-4,163,60-4,164,60-6,196,60-6,197,60-6,211.01, or60-6,211.02.
(4) For purposes of this section:
(a) Class I railroad has the same meaning as in section81-1401;
(b) Law enforcement officer has the same meaning as peace officer as defined in section49-801and also includes conservation officers of the Game and Parks Commission and Class I railroad police officers; and
(c) Primary jurisdiction means the geographic area within the territorial limits of the state or political subdivision which employs the law enforcement officer.

29-216.
Victim of sex offense; law enforcement officer, prosecuting officer, or government official; prohibited acts.
(1) No law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under federal, tribal, state, territorial, or local law to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such offense.
(2) The refusal of a victim to submit to an examination as described in subsection (1) of this section shall not prevent the investigation of the offense.

29-217.
Victim of certain criminal activity; visa; request for assistance; certifying agency or official; powers and duties.
(1) For purposes of this section:
(a) Certifying agency means a state or local law enforcement agency, prosecutor, or other authority that has responsibility for the investigation or prosecution of qualifying criminal activity, as described in 8 C.F.R. 214.14(a)(2);
(b) Certifying official means the head of the certifying agency or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency, as described in 8 C.F.R. 214.14(a)(3);
(c) Form I-914B means Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of the Department of Homeland Security, United States Citizenship and Immigration Services;
(d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant Status Certification, of the Department of Homeland Security, United States Citizenship and Immigration Services;
(e) Investigation or prosecution has the same meaning as in 8 C.F.R. 214.14;
(f) Law enforcement agency means a state or local law enforcement agency, prosecutor, or other authority that has responsibility for the investigation or prosecution of severe forms of trafficking in persons, as described in 8 C.F.R. 214.11(a);
(g) Qualifying criminal activity has the same meaning as in 8 C.F.R. 214.14;
(h) Victim of qualifying criminal activity has the same meaning as in 8 C.F.R. 214.14;
(i) Victim of a severe form of trafficking in persons has the same meaning as in 8 C.F.R. 214.11; and
(j) All references to federal statutes and regulations refer to such statutes and regulations as they existed on January 1, 2020.
(2)(a) On request from an individual whom a law enforcement agency reasonably believes to be a victim of a severe form of trafficking in persons, for purposes of a nonimmigrant T visa, pursuant to the criteria in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (III), a law enforcement agency, no later than ninety business days after receiving the request:
(i) Shall complete, sign, and return to the individual the Form I-914B; and
(ii) May submit a written request to an appropriate federal law enforcement officer asking such officer to file an application for continued presence pursuant to 22 U.S.C. 7105(c)(3).

(b) If the law enforcement agency determines that an individual does not meet the requirements of the law enforcement agency for completion of a Form I-914B, the law enforcement agency shall, no later than ninety business days after receiving the request, inform the individual of the reason and that the individual may make another request with additional evidence or documentation to satisfy such requirements. The law enforcement agency shall permit the individual to make such additional request.
(3)(a) On request from an individual whom a certifying agency reasonably believes to be a victim of qualifying criminal activity, for purposes of a nonimmigrant U visa, pursuant to the certification criteria in 8 U.S.C. 1101(a)(15)(U)(i)(II) to (IV) and (iii), a certifying official in the certifying agency, no later than ninety business days after receiving the request, shall complete, sign, and return to the individual the Form I-918B.
(b) For purposes of determining helpfulness pursuant to 8 U.S.C. 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if, since the initiation of cooperation, the individual has not unreasonably refused to cooperate or failed to provide information and assistance reasonably requested by law enforcement or the prosecutor.
(c) If the certifying official determines that an individual does not meet the requirements of the certifying agency for completion of a Form I-918B, the certifying official shall, no later than ninety business days after receiving the request, inform the individual of the reason and that the individual may make another request with additional evidence or documentation to satisfy such requirements. The certifying official shall permit the individual to make such additional request.
(4) An investigation, the filing of charges, a prosecution, or a conviction are not required for an individual to request and obtain the signed and completed Form I-914B or Form I-918B from a law enforcement agency or certifying official.
(5) It is the exclusive responsibility of the federal immigration authorities to determine whether a person is eligible for a T or U visa. Completion of a Form I-914B or Form I-918B by a law enforcement agency or certifying official only serves to verify information regarding certain criteria considered by the federal government in granting such visas.
(6) A law enforcement agency, certifying agency, or certifying official has the discretion to revoke, disavow, or withdraw a previous completion of a Form I-914B or Form I-918B at any time after initial completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R. 214.14(h)(2)(i)(A).
(7) A law enforcement agency or certifying agency that receives a request under this section shall maintain an internal record of such request, including whether such request was granted or denied and, if denied, the reasons for such denial. Such record shall be maintained for at least three years from completion or denial of the request.

29-401.
Law violators;
arrest by sheriff or other peace officer; juvenile under eighteen years; requirements.
Every sheriff, deputy sheriff, marshal, deputy marshal, security
guard, police officer, or peace officer as defined in subdivision (15) of
section49-801shall arrest and detain any person found violating any law
of this state or any legal ordinance of any city or incorporated village until
a legal warrant can be obtained, except that (1) any such law enforcement
officer taking a juvenile under the age of eighteen years into his or her
custody for any violation herein defined shall proceed as set forth in sections43-248,43-248.01,43-250,43-251,43-251.01,
and43-253and (2) the court
in which the juvenile is to appear shall not accept a plea from the juvenile
until finding that the parents of the juvenile have been notified or that
reasonable efforts to notify such parents have been made as provided in section43-250.

29-402.
Arrest by person not an officer.
Any person not an officer may, without warrant, arrest any person, if a petit larceny or a felony has been committed, and there is reasonable ground to believe the person arrested guilty of such offense, and may detain him until a legal warrant can be obtained.

29-402.01.
Shoplifters; detention; no criminal or civil liability.
A peace officer, a merchant, or a merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person and that he can recover them by taking the person into custody may, for the purpose of attempting to effect such recovery, take the person into custody and detain him in a reasonable manner for a reasonable length of time. Such taking into custody and detention by a peace officer, merchant, or merchant's employee shall not render such peace officer, merchant, or merchant's employee criminally or civilly liable for slander, libel, false arrest, false imprisonment, or unlawful detention.

29-402.02.
Shoplifters; peace officer; arrest without warrant.
Any peace officer may arrest without warrant any person he has probable cause for believing has committed larceny in retail or wholesale establishments.

29-402.03.
Shoplifters; arrest; merchant or employee not liable.
A merchant or a merchant's employee who causes the arrest of a person, as provided for in section29-402.01, for larceny of goods held for sale shall not be criminally or civilly liable for slander, libel, false arrest, or false imprisonment where the merchant or merchant's employee has probable cause for believing that the person arrested committed larceny of goods held for sale.

29-403.
Warrant; who may issue.
Judges of the district court and judges of the county court shall have power to issue process for the apprehension of any person charged with a criminal offense. Clerk magistrates shall have the power to issue such process as provided in section24-519.

29-404.
Complaint; filing;
procedure; warrant; issuance.
No complaint shall
be filed with the magistrate unless
such complaint is in writing and signed by the prosecuting attorney or by any other complainant.
If the complainant is a person other than the
prosecuting attorney or a city or village attorney prosecuting the violation
of a municipal ordinance, he or
she shall either have the consent of the prosecuting attorney
or shall furnish to the magistrate a bond with good and sufficient sureties
in such amount as the magistrate shall determine to indemnify the person complained
against for wrongful or malicious prosecution. Whenever a complaint shall
be filed with the magistrate, charging any person with the commission of an
offense against the laws of this state, it shall be the duty of such magistrate
to issue a warrant for the arrest of the person accused, if he or she has reasonable grounds to believe that
the offense charged has been committed. The prosecuting attorney shall consent
to the filing of such complaint if he or
she is in possession of sufficient evidence to warrant the belief
that the person named as defendant in such complaint is guilty of the crime
alleged and can be convicted thereof. The Attorney General shall have the
same power to consent to the filing of complaints as the prosecuting attorneys
have in their respective counties.

29-404.01.
Arrest without warrant; supplemental provisions.
The provisions of sections29-404.01to29-404.03shall be supplemental and in addition to any other laws relating to the subject of arrest.

29-404.02.
Arrest without warrant; when; court appearance.
(1) Except as provided in sections28-311.11and42-928, a peace officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:
(a) A felony;
(b) A misdemeanor, and the officer has reasonable cause to believe that such person either (i) will not be apprehended unless immediately arrested, (ii) may cause injury to himself or herself or others or damage to property unless immediately arrested, (iii) may destroy or conceal evidence of the commission of such misdemeanor, or (iv) has committed a misdemeanor in the presence of the officer; or
(c) One or more of the following acts to one or more household members, whether or not committed in the presence of the peace officer:
(i) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;
(ii) Placing, by physical menace, another in fear of imminent bodily injury; or
(iii) Engaging in sexual contact or sexual penetration without consent as defined in section28-318.
(2) An individual arrested without a warrant under this section who remains in custody shall be brought before a court in the county where the arrest occurred for an appearance no later than seven days after such arrest. The appearance may be in person or conducted remotely by means of videoconferencing. The individual shall have the right to appear in person but must agree to waive the seven-day deadline if an in-person appearance within such time is not reasonably practicable.
(3) For purposes of this section:

(a) Household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other; and
(b) Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

29-404.03.
Arrest without warrant; reasonable cause; conditions.
In determining whether reasonable cause exists to justify an arrest, a law enforcement officer may take into account all facts and circumstances, including those based upon any expert knowledge or experience which the officer in fact possessed, which a prudent officer would judge relevant to the likelihood that a crime has been committed and that the person to be arrested has committed it, and for such purpose the officer may rely on information he receives from any informant whom it is reasonable under the circumstances to credit, whether or not at the time of making the arrest the officer knows the informant's identity.

29-405.
Warrant; misdemeanor, complainant; costs.
When the offense charged is a misdemeanor, the magistrate, before issuing the warrant, may, at his discretion, require the complainant to acknowledge himself responsible for costs in case the complaint shall be dismissed, which acknowledgment of security for costs shall be entered upon the docket; and the magistrate on dismissal may, if in his opinion the complaint was without probable cause, enter a judgment against such complainant for costs made thereon. In case the magistrate shall consider such complainant wholly irresponsible, such magistrate may, in his discretion, refuse to issue any warrant unless the complainant procure some responsible surety to the satisfaction of such magistrate for the costs in case of such dismissal, and such surety shall acknowledge himself so bound, and the magistrate shall enter it on his docket.

29-406.
Warrant; to whom directed; contents.
The warrant shall be directed to the sheriff of the county or to the marshal or other police officer of a city or village and, reciting the substance of the accusation, shall command the officer to take the accused and bring him or her before the magistrate or court issuing the warrant or some other magistrate having cognizance of the case to be dealt with according to law. No seal shall be necessary to the validity of the warrant.

29-407.
Warrant; persons who may execute.
The magistrate issuing any such warrant may make an order thereon authorizing a person to be named in such warrant to execute the warrant. The person named in such order may execute such warrant anywhere in the state by apprehending and conveying such offender before the magistrate issuing such warrant or before some other magistrate of the same county. All sheriffs, coroners, and others when required in their respective counties shall aid and assist in the execution of such warrant.

29-408.
Warrant; pursuit and arrest of fugitive.
If any person charged as aforesaid with the commission of an offense shall flee from justice, it shall be lawful for the officer, in whose hands the warrant for such person has been placed, to pursue and arrest such person in any other county of this state, and to convey him before the magistrate issuing the warrant, or any other magistrate having cognizance of the case, of the county where such offense was committed.

29-409.
Fugitive; warrant for arrest and return; effect.
If any person charged with an offense shall abscond or remove from the county in which such offense is alleged to have been committed, it shall be lawful for any magistrate of the county in which such person may be found to issue a warrant for the arrest and removal of such person to the county in which the offense is alleged to have been committed, to be there delivered to any magistrate of such county, who shall cause the person so delivered to be dealt with according to law; and the warrant so issued shall have the same force and effect as if issued from the county in which such offense is alleged to have been committed.

29-410.
Prisoner; lawful arrest; detention.
Any officer or other person having in lawful custody any person accused of an offense for the purpose of bringing him before the proper magistrate or court, may place and detain such prisoner in any county jail of this state for one night or longer, as the occasion may require, so as to answer the purposes of the arrest and custody.

29-411.

Warrants and arrests; powers of officer; direction for executing search warrant; damages.
In executing a warrant for the arrest of a person charged with an offense, or a search warrant, or when authorized to make an arrest for a felony without a warrant, the officer may break open any outer or inner door or window of a dwelling house or other building, if, after notice of his office and purpose, he is refused admittance; or without giving notice of his authority and purpose, if the judge or magistrate issuing a search warrant has inserted a direction therein that the officer executing it shall not be required to give such notice, but the political subdivision from which such officer is elected or appointed shall be liable for all damages to the property in gaining admission. The judge or magistrate may so direct only upon proof under oath, to his satisfaction that the property sought may be easily or quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such notice be given; but this section is not intended to authorize any officer executing a search warrant to enter any house or building not described in the warrant.

29-412.
Arrest under a warrant; prisoner to be taken before magistrate; return.
Whenever any person has been arrested under a warrant as provided in sections29-401to29-411, it shall be the duty of the officer making the arrest to take the person so arrested before the proper magistrate; and the warrant by virtue of which the arrest was made, with the proper return endorsed thereon and signed by the officer, shall be delivered to such magistrate.

29-413.
Offense committed in view of magistrate; arrest; when authorized; detention.
When any offense is committed in view of any magistrate, he or she may, by verbal direction to any sheriff, marshal, or other proper officer or, if no such officer is present, then to any citizen, cause the offender to be arrested and kept in custody for the space of one hour unless he or she shall sooner be taken from such custody by virtue of a warrant issued on complaint under oath. A person so arrested shall not be confined in jail nor put upon trial until arrested by virtue of such a warrant.

29-414.
Rewards for conviction of felons; powers of county boards; limitation on amount.
The county boards of the several counties in this state are hereby authorized, when they deem the same expedient, to offer such rewards as in their judgment the nature of the case may require for the detection or apprehension of any person charged with or convicted of a felony, and pay the same, together with all necessary expenses, not otherwise provided by law, incurred in making such detection or apprehension, out of the county treasury;Provided,in no case shall the amount paid out for expense exceed the sum of three hundred dollars.

29-415.
Rewards for capture and conviction of horse and auto thieves; powers of sheriffs; limitation on amount.
The sheriffs of the several counties within this state are hereby authorized to offer and pay a reward not exceeding the sum of fifty dollars for the capture and conviction of any person charged with stealing a horse or horses, automobile or automobiles, within their respective counties; and the county boards of such counties shall audit the accounts of such sheriffs for money paid out as such rewards, together with all necessary expenses incurred in the apprehension and detention of any such horse thief or automobile thief, and pay the same out of the treasury of their county.

29-416.
Fresh pursuit; peace officer from another state; authority to make arrest.
Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person, in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

29-417.
Fresh pursuit; procedure after arrest.
If an arrest is made in this state by an officer of another state in accordance with the provisions of section29-416, he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

29-417.01.
Fresh pursuit; interstate pursuit; liability; personal jurisdiction.
(1) A member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be jointly and severally liable, along with the state, county,

or municipal peace unit employing the member, for death, injury, or property damage to an innocent third party proximately caused by the action of the member during fresh pursuit.
(2) A member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be deemed to have given his or her consent to be subject to the laws of this state, and such action by the member shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such person, with respect to a cause of action regarding death, injury, or property damage to an innocent third party proximately caused by the actions of the member during fresh pursuit.
(3) Any duly organized state, county, or municipal peace unit of another state of the United States that authorizes its members to enter this state during fresh pursuit under authority of the Uniform Act on Fresh Pursuit shall be deemed to have given its consent to be subject to the laws of this state, and such action by the members shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such peace unit, with respect to a cause of action regarding death, injury, or property damage to an innocent third party proximately caused by the actions of such members during fresh pursuit.

29-418.
Fresh pursuit; section, how construed.
Section29-416shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

29-419.
Fresh pursuit; state, defined.
For purposes of the Uniform Act on Fresh Pursuit, the word state shall include the District of Columbia.

29-420.
Fresh pursuit, defined.
For purposes of the Uniform Act on Fresh Pursuit, the term fresh pursuit shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

29-421.
Act, how cited.
Sections29-416to29-421shall be known and may be cited as the Uniform Act on Fresh Pursuit.

29-422.
Citation in lieu of arrest; legislative intent.
It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, except as provided in sections28-311.11,42-928, and42-929, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or a misdemeanor and for any violation of a city or village ordinance. Such authorization shall be carried out in the manner specified in sections29-422to29-429and60-684to60-686.

29-423.
Citation; Supreme Court; prescribe form; contents.
To achieve uniformity, the Supreme Court may prescribe the form of citation. The citation shall include a description of the crime or offense charged, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matter as the court deems appropriate, but shall not include a place for the cited person's social security number. The court may provide that a copy of the citation shall constitute the complaint filed in the trial court.

29-424.
Citation; contents; procedure; complaint; waiver; use of credit card authorized.
When a citation is used by a peace officer or when a citation is used by an official or inspector pursuant to section18-1757, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.
At least twenty-four hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with an

offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections29-422to29-429may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers. Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

29-425.
Citation; issued, when; service.
Citations may also be issued under the following circumstances:
(1) In any case in which the prosecuting officer is convinced that a citation would serve all of the purposes of an arrest warrant; and
(2) Whenever any complaint or information is filed in any court in this state charging a felony, misdemeanor, infraction, or violation of a city or village ordinance when the court is convinced that a citation would serve all of the purposes of the arrest warrant procedure.
The citations provided for in this section may be served in the same manner as an arrest warrant, in the same manner as a summons in a civil action, or may be served by certified mail.

29-426.
Citation; failure to appear; penalty.
Any person failing to appear or otherwise comply with the command of a citation shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

29-427.
Detention of accused; grounds.
Any peace officer having grounds for making an arrest may take the accused into custody or, already having done so, detain him further when the accused fails to identify himself satisfactorily, or refuses to sign the citation, or when the officer has reasonable grounds to believe that (1) the accused will refuse to respond to the citation, (2) such custody is necessary to protect the accused or others when his continued liberty would constitute a risk of immediate harm, (3) such action is necessary in order to carry out legitimate investigative functions, (4) the accused has no ties to the jurisdiction reasonably sufficient to assure his appearance, or (5) the accused has previously failed to appear in response to a citation.

29-428.
Sections, how construed.
Nothing in sections29-422to29-429and60-684to60-686shall be construed to affect the rights, lawful procedures, or responsibilities of law enforcement agencies or peace officers using the citation procedure in lieu of the arrest or warrant procedure.

29-429.
Citation; cited person to medical facility; when.
Notwithstanding that a citation is issued, a peace officer is authorized to take a cited person to an appropriate medical facility if he appears mentally or physically unable to care for himself.

29-430.
Citation; social security number prohibited.
A citation issued by a law enforcement officer shall not contain the cited person's social security number.

29-431.
Infraction, defined.
As used in sections28-416,29-422,29-424,29-425,29-431to29-434,48-1231, and53-173, unless the context otherwise requires, infraction means the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony. Infraction includes violations of section60-6,267and beginning January 1, 2024, section60-6,279.

29-432.
Infraction; person alleged to have committed; custody; when.
Any peace officer may take a person alleged to have committed an infraction into custody if harm is likely to occur to either the individual or society if such person is not taken into custody.

29-433.
Infraction involving controlled substance; person cited for; course of instruction; requirements.
A person cited for an infraction pursuant to section28-416shall be assigned to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances. Such instruction shall include counseling on the legal, medical, psychological, and social effects of drug use and abuse. Such course shall consist of a minimum of five hours and a maximum of ten

hours of instruction and counseling. Upon completion of the assigned course the instructor shall notify the court in writing of such completion and the notification shall be made a part of the record of the citation. Any person failing to complete such course within thirty days after the assignment shall be guilty of an infraction.

29-434.
Drug treatment centers; provide course of instruction.
All drug treatment centers shall provide the necessary facilities and programs to carry out the provisions of section29-433.

29-435.
Infraction; citation issued in lieu of arrest; exception.
Except as provided in section29-427, for any offense classified as an infraction, a citation shall be issued in lieu of arrest or continued custody pursuant to sections29-422to29-429.

29-436.
Infraction, penalties.
Any person guilty of an infraction when a penalty is not otherwise specified shall: (1) For the first offense be fined not more than one hundred dollars; (2) upon a second conviction for the same infraction within a two-year period be fined not less than one hundred dollars and not more than three hundred dollars; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars and not more than five hundred dollars.

29-437.
Infraction; trial without a jury; constitutional rights.
The trial of any person for an infraction shall be by the court without a jury. All other rights provided by the Constitution of the United States made applicable to the states by the Fourteenth Amendment to the Constitution of the United States and the Constitution of the State of Nebraska shall apply to persons charged with an infraction.

29-438.
Infraction; treated as first offense; when.
Any person charged with commission of an infraction which was committed more than two years after such person's last conviction for the same infraction shall be charged as though the most recent infraction was a first offense.

29-439.
Domestic assault; arrest; conditions; report required.
(1) If a peace officer receives complaints under section28-323from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant aggressor, the officer need not arrest the other person believed to have committed an offense. In determining whether a person is the predominant aggressor, the officer shall consider, among other things:
(a) Prior complaints under section28-323;
(b) The relative severity of the injuries inflicted on each person;
(c) The likelihood of future injury to each person; and
(d) Whether one of the persons acted with a justified use of force under sections28-1406to28-1416.
(2) In addition to any other report required, a peace officer who arrests two or more persons with respect to such a complaint shall submit a detailed, written report setting forth the grounds for arresting multiple parties.

29-440.
Domestic assault; weapons; seizure and disposition.
(1) Incident to an arrest under section28-323, a peace officer:
(a) Shall seize all weapons that are alleged to have been involved or threatened to be used; and
(b) May seize any firearm and ammunition in the plain view of the officer or that is discovered pursuant to a search authorized or consented to by the person being searched or in charge of the premises being searched, as necessary for the protection of the officer or any other person.
(2) Weapons seized under this section shall be stored according to the policies and procedures implemented by the seizing law enforcement agency.
(3) Disposition of weapons under this section shall be determined by court order.

29-504.
Felony; speedy preliminary hearing required.
When the complaint is for a felony, upon the accused being brought before the magistrate, he shall proceed as soon as may be, in the presence of the accused, to inquire into the complaint.

29-505.

Witnesses; preliminary hearing; segregation.
The magistrate, if requested, or if he sees good cause therefor, shall order that the witnesses on both sides be examined each one separate from all the others, and that the witnesses for may be kept separate from the witnesses against the accused during the examination.

29-506.
Probable cause finding; effect; accused to be committed or released on bail; conditions; appearance bond.
If upon the whole examination, it shall appear that no offense has been committed or that there is no probable cause for holding the accused to answer for the offense, he shall be discharged; but if it shall appear that an offense has been committed and there is probable cause to believe that the person charged has committed the offense, the accused shall be committed to the jail of the county in which the same is to be tried, there to remain until he is discharged by due course of law;Provided,if the offense be bailable, the accused may be released pursuant to Chapter 29, article 9, such release to be conditioned on his appearance before the district court as ordered. When a defendant has executed an appearance bond and made a deposit with the court pursuant to section29-901, and such appearance bond is continued in force for the defendant's appearance in district court, the appearance bond costs shall be retained by the examining court, and the appearance bond and the balance of the deposit shall be transmitted to the district court.

29-507.
Felony; witness; release from custody; conditions.
A witness against a person accused of a felony shall be ordered released from custody unless the court determines in the exercise of discretion that such release will not reasonably assure that the witness will appear and testify at the trial as required. When a determination to release the witness from custody is made, the court may impose any of the following conditions of release which will reasonably assure the appearance of the witness for trial or, if no single condition gives that assurance, any combination of the following conditions:
(1) Place the witness in the custody of a designated person or organization agreeing to supervise him or her;
(2) Place restrictions on the travel, association, or place of abode of the witness during the period of such release;
(3) Require, at the option of any witness, either of the following:
(a) The execution of an appearance bond in a specified amount and the deposit with the clerk of the court in cash of a sum not to exceed ten percent of the amount of the bond, one hundred percent of such deposit to be returned to the witness upon the performance of the appearance or appearances; or
(b) The execution of a bail bond with such surety or sureties as the court shall deem proper or, in lieu of such surety or sureties, at the option of such witness, a cash deposit of the sum so fixed, conditioned upon his or her appearance before the proper court as a witness, and to appear at such times thereafter as may be ordered by the proper court. If the amount of bail is deemed insufficient by the court before whom the offense is pending, such court may order an increase of such bail and the witness must provide the additional undertaking, written or cash, to secure his or her release. All recognizances shall be in writing and be continuous from term to term until final judgment of the court in the case. Each surety on such recognizance shall be required to justify under oath in a sum twice the amount of such recognizance and give the description of real estate owned by him or her of a value, above encumbrance, equal to the amount of such justification, and shall name all other cases pending in which he or she is a surety. No one shall be accepted as surety on recognizance aggregating a sum in excess of his or her equity in his or her real estate, but such recognizance shall not constitute a lien on such real estate until judgment is entered thereon against such surety; or
(4) Impose any other condition deemed reasonably necessary to assure appearances as required, including a condition requiring that the witness return to custody after specified hours.

29-508.
Refusal of witness to enter into recognizance or accept conditions; effect.
If any witness required to enter into a recognizance or accept specified conditions for release under section29-507refuses to comply with such order, the court shall, subject to the conditions and procedure provided in section29-508.01, commit him or her to jail until he or she complies with such order or is otherwise discharged according to law.

29-508.01.
Witness committed to jail; prerequisites; rights; appeal.
Before a witness is committed to jail under subdivision (4) of section29-507or29-508, he or she shall:
(1) Receive written notice of the allegations upon which the state relied for its claim of a right to require a recognizance or detention and of the time and place of the hearing on those allegations;
(2) Have a hearing before a judge;
(3) Have the evidence in support of the state's claim disclosed to him or her at a hearing;
(4) Have an opportunity to be heard in person and to present witnesses and documentary evidence;
(5) Have, to the extent practicable, the right to confront and cross-examine witnesses;
(6) Have the right to counsel; and
(7) Be given a written statement by the decisionmaker as to the evidence relied upon and the reasons for the decision made.
A decision to commit a person to jail may be appealed and shall be given priority on the appellate court's calendar.

29-508.02.
Witness committed to jail; receive witness fee.
A witness committed to jail under subdivision (4) of section29-507or29-508shall, in addition to the fee provided under section33-139, receive an amount equal to the amount a witness receives under section29-1908for each day held in custody.

29-509.
Docket; required; record of recognizances; transcript.
It shall be the duty of every magistrate in criminal proceedings to keep a docket thereof as in civil cases. All recognizances taken under section29-506or29-507, together with a transcript of the proceedings, where the defendant is held to answer, shall be certified and returned forthwith to the clerk of the court at which the prisoner is to appear. The transcript shall contain an accurate bill of all the costs that have accrued, and the items composing the same.

29-510.
Finding; offense of a higher grade committed than that charged; power of magistrate.
If upon the examination it shall appear to the magistrate that the accused has committed an offense of a higher grade than that charged, he may be held to answer therefor.

29-610.01.
Subpoena; witness; service; failure to appear; contempt of court.
In criminal misdemeanor cases the clerk may issue writs of subpoena to the witness named therein by mailing it to such person by certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person. The person making such service shall make a return thereof showing the manner and proof of service. If any such witness shall fail to appear at the time and place required by the subpoena, such witness may be deemed to be in contempt of court upon a showing of actual notice.

29-610.02.
Subpoena; witness; failure to appear; penalty.
Contempt of court under section29-610.01shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

29-611.
Appeal; procedure.
The defendant shall have the right of appeal from any judgment of a county court pursuant to sections25-2728to25-2737.

29-615.
Offenses not cognizable by county court; procedure.
If in the progress of any trial before a county court it shall appear that the defendant ought to be put upon his or her trial for an offense not cognizable before such court, the court shall immediately stop all further proceedings before the court and proceed as in other criminal cases exclusively cognizable before the district court.

29-729.
Terms, defined.
Where appearing in sections29-729to29-758, the term Governor includes any person performing the functions of Governor by authority of the law of this state. The term Executive Authority includes the Governor, and any person performing the functions of Governor in a state other than this state, and the term State, referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

29-730.
Fugitives from justice; Governor; duty.
Subject to the provisions of sections29-729to29-758, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the Executive Authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

29-731.
Form of demand.
No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under section29-734, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by

information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the Executive Authority making the demand.

29-732.
Governor; order investigation.
When a demand shall be made upon the Governor of this state by the Executive Authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

29-733.
Persons imprisoned or waiting trial out of state; left the demanding state involuntarily; extradition.
When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.
The Governor of this state may also surrender on demand of the Executive Authority of any other state any person in this state who is charged in the manner provided in section29-751with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

29-734.
Persons not present in demanding state at time of commission of crime; extradition.
The Governor of this state may also surrender, on demand of the Executive Authority of any other state, any person in this state charged in such other state in the manner provided in section29-731with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose Executive Authority is making the demand, and the provisions of sections29-729to29-758not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

29-735.
Warrant of arrest; issuance.
If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

29-736.
Warrant of arrest; execution.
Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of sections29-729to29-758to the duly authorized agent of the demanding state.

29-737.
Arresting officer; authority.
Every such peace officer or other person empowered to make the arrest shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

29-738.
Rights of accused person; writ of habeas corpus; application.
No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ

is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

29-739.
Rights of accused person; violation; penalty.
Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in willful disobedience to section29-738, shall be guilty of a Class II misdemeanor.

29-740.
Confinement; when necessary; requirements.
The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.
The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping;Provided however,that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the Executive Authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

29-741.
Warrant of arrest; issuance prior to requisition; grounds.
Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section29-734, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section29-734, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

29-742.
Arrest without warrant by officer or citizen; when.
The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section29-741; and thereafter his answer shall be heard as if he had been arrested on a warrant.

29-743.
Commitment to await requisition; bail.
If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section29-734, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section29-744, or until he shall be legally discharged.

29-744.
Bail; bond; conditions.
Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond,

and for his surrender, to be arrested upon the warrant of the Governor of this state.

29-745.
Commitment; discharge, recommitment, or bail.
If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or magistrate judge may again take bail for his appearance and surrender, as provided in section29-744, but within a period not to exceed sixty days after the date of such new bond.

29-746.
Bail; forfeiture; effect.
If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

29-747.
Persons under criminal prosecution in this state at time of requisition; Governor; discretionary powers.
If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the Governor, in his discretion, either may surrender him on demand of the Executive Authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

29-748.
Guilt or innocence of accused; inquiry; when.
The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

29-749.
Warrant of arrest; recall; issuance.
The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

29-750.
Fugitives from this state; warrant; Governor's duty.
Whenever the Governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the Executive Authority of any other state, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

29-751.
Fugitives from this state; requisition; application; contents; filing.
(1) When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the Governor a written application for a requisition for the return of the person charged in which application shall be stated the name of the person so charged, the crime charged against him or her, the approximate time, place, and circumstances of its commission, the state in which he or she is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.
(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his or her bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or, if the escape was from an institution of the Department of Correctional Services, the Director of Correctional Services, or sheriff of the county from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he or she was convicted, the circumstances of the escape from confinement or of the breach of the terms of bail, probation, or parole, the state in which he or she is believed to be, including the location of the person therein at the time application is made.
(3) The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, director, or sheriff may also attach such further affidavits and other documents in duplicate as he or she shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and

one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

29-752.
Costs; expenses; payment.
When the punishment of the crime is the confinement of the criminal in a Department of Correctional Services adult correctional facility, the expenses shall be paid out of the state treasury on the certificate of the Governor and warrant of the State Treasurer and Director of Administrative Services. In all other cases the expenses shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose Governor the requisition is made and shall be equal to the mileage rate authorized in section81-1176for each mile which is necessary to travel in returning such prisoner.

29-753.
Extradition; civil action; immunity from service of process in certain cases.
A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

29-754.
Extradition proceedings; written waiver; procedure.
Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections29-735and29-736and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state;Provided however,that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in section29-738.
If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent;Provided however,that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

29-755.
Nonwaiver by this state.
Nothing in sections29-729to29-758contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under sections29-729to29-758which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

29-756.
Extradition; other criminal prosecutions; no right of asylum or immunity.
After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

29-757.
Sections, how construed.
The provisions of sections29-729to29-758shall be so interpreted and construed as to effectuate their general purposes to make uniform the law of those states which enact them.

29-758.
Act, how cited.
Sections29-729to29-758may be cited as the Uniform Criminal Extradition Act.

29-759.
Text of agreement.

The Agreement on Detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein in the form substantially as follows:

"TEXT OF THE AGREEMENT ON DETAINERS

The contracting states solemnly agree that:

Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Article II

As used in this agreement:

(a) State shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) Sending state shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) Receiving state shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

Article III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint;Provided,that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated;Provided,that the court having jurisdiction of such

indictment, information or complaint shall have duly approved, recorded and transmitted the request;and provided further,that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V(e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Article V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves.

Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor. The costs contemplated by this section which must be paid by the State of Nebraska or the appropriate political subdivision thereof shall be paid in the same manner and extent and from the same funds which would have been used in the case of extradition of a prisoner from another state.

Article VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running

of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.
(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.
Article VII
Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.
Article VIII
This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.
Article IX
This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

29-760.
Appropriate court, defined.
The phrase appropriate court as used in the Agreement on Detainers shall, with reference to the courts of this state, mean any court with criminal jurisdiction in the matter involved.

29-761.
Enforcement of agreement.
All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the Agreement on Detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

29-762.
Escape from custody; penalty.
Escape from custody while in another state pursuant to the Agreement on Detainers shall constitute an offense against the laws of this state to the same extent and degree as an escape from the institution in which the prisoner was confined immediately prior to having been sent to another state pursuant to the provisions of the Agreement on Detainers and shall be punishable in the same manner as an escape from said institution.

29-763.
Official in charge of penal or correctional institution; duties.
It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers.

29-764.
Central administrator; appointment; powers.
Pursuant to said agreement, the Governor is hereby authorized and empowered to designate an officer or alternate who shall be the central administrator of and the information agent for the Agreement on Detainers and who, acting jointly with like officers of other party states, shall have power to formulate rules and regulations to carry out more effectively the terms of the agreement, and shall serve subject to the pleasure of the Governor.

29-765.
Copies of sections; distribution.
Copies of sections29-759to29-765shall, upon its approval, be transmitted by the Secretary of State to the Governor of each state, the Attorney General and the administrator of general services of the United States, and the Council of State Governments.

29-812.
Search warrant; issuance.
A search warrant authorized by sections29-812to29-821may be issued by any judge of the county court, district court, Court of Appeals, or Supreme Court for execution anywhere within the State of Nebraska or for service upon any publicly or privately held

corporation, partnership, or other legal entity located within or outside the State of Nebraska. A similar search warrant authorized by such sections may be issued, subject to section24-519, by any clerk magistrate within the county in which the property sought is located.

29-813.
Search warrant; issuance; limitation; terms, defined.
(1) A warrant may be issued under sections29-812to29-821to search for and seize any property (a) stolen, embezzled, or obtained under false pretenses in violation of the laws of the State of Nebraska, (b) designed or intended for use or which is or has been used as the means of committing a criminal offense, (c) possessed, controlled, designed, or intended for use or which is or has been possessed, controlled, designed, or used in violation of any law of the State of Nebraska making such possession, control, design, or use, or intent to use, a criminal offense, or (d) which constitutes evidence that a criminal offense has been committed or that a particular person has committed a criminal offense.
(2) Notwithstanding subsection (1) of this section, no warrant shall be issued to search any place or seize anything in the possession, custody, or control of any person engaged in procuring, gathering, writing, editing, or disseminating news or other information for distribution to the public through a medium of communication unless probable cause is shown that such person has committed or is committing a criminal offense. For purposes of this subsection, the terms person, information, and medium of communication shall be defined as provided in section20-145.

29-814.01.
Search warrant; issuance on affidavit; procedure.
A search warrant may be issued under section29-814.04pursuant to written affidavit sworn to before a magistrate, a judge, or any other person authorized to administer oaths under the laws of this state by the person making it. Such affidavit shall particularly describe the persons or places to be searched and the persons or property to be seized. Such affidavit shall set forth the facts and circumstances tending to show that such person or property is in the place, or the property is in the possession of the person, to be searched. Such affidavit may be submitted to the magistrate or judge in person or by facsimile or other electronic means and the warrant may be issued to the affiant in person or by facsimile or other electronic means.

29-814.02.
Search warrant; issuance on oral statement; procedure.
In lieu of, or in addition to, written affidavit, a search warrant may be issued under section29-814.04pursuant to an oral statement given in person and under oath to a magistrate or judge. The oral statement shall be taken by means of a voice recording device in the custody of the magistrate or judge. If no voice recording device is available, the statement may be taken stenographically. The magistrate or judge shall direct that the recorded or stenographic statement be transcribed and the magistrate or judge shall certify the accuracy of the transcription. The magistrate or judge shall file with the clerk of the district court of the county in which the property was seized the original of the record and the transcribed statement. Such filing shall be made at the same time the warrant, copy of the return, inventory, and all other papers connected with the warrant are filed pursuant to section29-816. For purposes of sections29-814.01to29-814.06, an oral statement authorized by this section shall be considered to be an affidavit.

29-814.03.
Search warrant; issuance on telephonic statement; procedure.
A search warrant may be issued under section29-814.05pursuant to a telephonic statement made to a magistrate or judge in accordance with the procedures set forth in this section. Prior to telephonically contacting a magistrate or judge, the law enforcement officer requesting the warrant shall contact the county attorney or a deputy county attorney of the county in which the warrant is to be issued for purposes of explaining the reasons why a search warrant should be issued pursuant to a telephonic statement. If the county attorney or deputy county attorney is satisfied that a warrant is justified, and that circumstances justify its immediate issuance, the county attorney or deputy county attorney shall contact the magistrate or judge and state that he or she is convinced that a warrant should be issued by telephone. The county attorney or deputy county attorney shall provide the magistrate or judge with a telephone number at which the officer requesting the warrant may be contacted. The magistrate or judge shall call the officer at the number provided and shall place the officer under oath and take his or her statement. The statement shall be taken by means of a voice recording device in the custody of the magistrate or judge. The magistrate or judge shall direct that the recorded statement be transcribed and the magistrate or judge shall certify the accuracy of the transcription. The magistrate or judge shall file with the clerk of the district court of the county in which the property was seized the original of the recording and the transcribed statement. Such filing shall be made at the same time the warrant, copy of the return, inventory, and all other papers connected with the warrant are filed pursuant to section29-816. For purposes of sections29-814.01to29-814.06, a telephonic statement authorized by this section shall be considered to be an affidavit.

29-814.04.
Search warrant; issuance on written affidavit or oral statement; contents; restriction.
If the magistrate or judge is satisfied that probable cause exists for the issuance of a search warrant, as a result of written affidavit or oral statement authorized pursuant to sections29-814.01and29-814.02, the magistrate or judge shall issue the warrant which shall

identify the person or place to be searched and the person or property to be seized. The warrant shall be directed to a law enforcement officer of the State of Nebraska or one of its governmental subdivisions, which officer shall be specifically named or described by the title of his or her office in the warrant. The warrant shall state whether the grounds or proper cause of its issuance is a written affidavit, an oral statement, or a combination of both. The warrant shall indicate the name or names of the person or persons whose affidavit or statement has been taken in support thereof. The warrant shall command the officer named in the warrant to search the person or place named for the purpose specified. The warrant shall direct that it be served in the daytime unless the magistrate or judge is satisfied that the public interest requires that it should not be so restricted, in which case the warrant may direct that it may be served at any time. The warrant shall designate the magistrate or judge to whom it shall be returned. For purposes of this section, daytime shall mean the hours from 7 a.m. to 8 p.m. according to local time.

29-814.05.
Search warrant; issuance on telephonic statement; duplicate original; contents; procedure.
(1) If the magistrate or judge is satisfied that probable cause exists for the issuance of a search warrant, as the result of a telephonic statement taken under section29-814.03, and if the magistrate or judge is further satisfied that sufficient reason exists to issue such warrant by telephone, the magistrate or judge shall authorize the officer requesting the warrant to complete a duplicate original warrant which shall contain a description of the person or place to be searched, a description of the person or property to be seized, a command to the officer to conduct the search for the purposes specified, the date and time of issuance, a statement that the grounds or proper cause for its issuance is by telephonic statement, the name or names of the person or persons whose statement has been taken in support of the warrant, and the name of the judge to whom it is to be returned. The magistrate or judge shall authorize the officer to sign his or her name to the duplicate original warrant and to also sign the name of the officer thereto. A duplicate original warrant shall be deemed to be a search warrant for purposes of Chapter 29, article 8.
(2) At the time the magistrate or judge authorizes the officer to complete the duplicate original warrant under subsection (1) of this section, the magistrate or judge shall immediately complete and sign the original warrant which shall contain the information which is required for a duplicate original warrant under subsection (1) of this section. The magistrate or judge shall also enter on the face of the original warrant the exact time when the warrant was ordered to be issued.
(3) The duplicate original warrant shall be returned according to section29-815. Upon the duplicate original warrant being returned, the magistrate or judge shall sign it and shall file it, together with the original warrant, in the same manner as that required under section29-816.
(4) A search warrant issued pursuant to a telephonic statement shall be invalid unless the duplicate original warrant is signed by the issuing magistrate or judge pursuant to subsection (3) of this section.
(5) A search warrant issued under this section may be executed immediately upon issuance.

29-814.06.
Search warrant; issuance; original statement lost, destroyed, or unintelligible; effect.
If the original of the oral or telephonic statement, taken pursuant to section29-814.02or29-814.03, shall be lost, destroyed, or a critical portion thereof is unintelligible, a search warrant issued pursuant to such oral or telephonic statement shall be deemed to be invalid.

29-815.
Search warrant; executed and returned; inventory required.
(1) The warrant must be executed and returned within ten days after its date. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property or shall leave the copy and the receipt at the place from which the property was taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken if they are present, or in the presence of at least one credible witness other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The judge or magistrate shall deliver a copy of the inventory upon request to the person from whom or from whose premises the property was taken and to the applicant for the warrant.
(2) The return and inventory required by subsection (1) of this section may be submitted to the magistrate or judge in person or by facsimile or other electronic means.

29-816.
Search warrant; return; inventory; filing; received in evidence; when.
The judge or magistrate who has issued the search warrant shall attach to the warrant a copy of the return, inventory, and all other papers in connection therewith and shall file them with the clerk of the district court for the county in which the property was seized. Copy of such warrant, return, inventory, and all other such papers so filed with such clerk, when certified as a true copy by such clerk shall be received in evidence in all proceedings where relevant without further foundation. The clerk of the district court shall file and index such warrant, together with the return thereon, the inventory, and other papers in connection therewith as a separate criminal proceeding. No fee shall be charged or collected for such service.

29-817.

Search warrant; sections, how construed; property, defined; confidential issuance; violation; penalty.
Sections29-812to29-821do not modify any act inconsistent with it relating to search warrants, their issuance, and the execution of search warrants and acts relating to disposition of seized property in circumstances for which special provision is made. The term property is used in sections29-812to29-821to include documents, books, papers, and any other tangible objects. Nothing in sections29-812to29-821shall be construed as restricting or in any way affecting the constitutional right of any officer to make reasonable searches and seizures as an incident to a lawful arrest nor to restrict or in any way affect reasonable searches and seizures authorized or consented to by the person being searched or in charge of the premises being searched, or in any other manner or way authorized or permitted to be made under the Constitution of the United States and the Constitution of the State of Nebraska.
All search warrants shall be issued with all practicable secrecy and the complaint, affidavit, or testimony upon which it is based shall not be filed with the clerk of the court or made public in any way until the warrant is executed. Whoever discloses, prior to its execution, that a warrant has been applied for or issued, except so far as may be necessary to its execution, shall be guilty of a Class III misdemeanor, or he may be punished as for a criminal contempt of court.

29-818.
Seized property; custody.
Except for animals as provided in section28-1012.01, property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer seizing the same, unless otherwise directed by the judge or magistrate, and shall be so kept so long as necessary for the purpose of being produced as evidence in any trial. Property seized may not be taken from the officer having it in custody by replevin or other writ so long as it is or may be required as evidence in any trial, nor may it be so taken in any event where a complaint has been filed in connection with which the property was or may be used as evidence, and the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the property or funds and to determine rights therein, including questions respecting the title, possession, control, and disposition thereof. This section shall not preempt, and shall not be construed to preempt, any ordinance of a city of the metropolitan or primary class.

29-819.
Seized property; transfer to another jurisdiction; when.
Where seized property is no longer required as evidence in the prosecution of any complaint or information the court which has jurisdiction of such property may transfer the same to the jurisdiction of any other court, including courts of another state or federal courts, where it is shown to the satisfaction of the court that such property is required as evidence in any prosecution in such other court.

29-820.
Seized property;
disposition.
(1) Unless other disposition is specifically
provided by law, when property seized or held is no longer required as evidence,
it shall be disposed of by the law enforcement agency on such showing as the
law enforcement agency may deem adequate, as follows:
(a) Property stolen, embezzled, obtained by false pretenses,
or otherwise obtained unlawfully from the rightful owner thereof shall be
restored to the owner;
(b) Money shall be restored to the owner unless it was used
in unlawful gambling or lotteries or it was used or intended to be used to
facilitate a violation of Chapter 28, article 4, in which case the money shall
be forfeited and disposed of as required by Article VII, section 7, of the
Constitution of Nebraska;
(c) Property which is unclaimed or the ownership of which
is unknown shall be sold at a public auction held by the officer having custody
thereof and the net proceeds disposed of as provided in subdivision (b) of
this subsection, as shall any money which is unclaimed or the ownership of
which is unknown;
(d) Except as provided in subsection
(2) of this section, articles of contraband shall be destroyed;
(e) Firearms, ammunition, explosives,
bombs, and like devices which have been used in the commission of crime shall
be destroyed; and
(f) Firearms
which have come into the law enforcement agency's possession through a seizure
or otherwise and (i) have not been used in the commission of crime, (ii) have
not been defaced or altered in any manner that violates any state or federal

law, (iii) may have a lawful use and be lawfully possessed, and (iv) are not subject to section29-440shall be restored to the owner.
(2) When the following property is seized or held and is no longer required as evidence, such property shall be disposed of on order of the court as the court may deem adequate:
Goods which are declared to be contraband but may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed, or distributed by the public.
(3) When any animal as defined by section28-1008is seized or held and is no longer required as evidence, such animal may be disposed of in such manner as the court may direct. The court may consider adoption alternatives through humane societies or comparable institutions and the protection of such animal's welfare. For a humane society or comparable institution to be considered as an adoption alternative under this subsection, it must first be licensed by the Department of Agriculture as having passed the inspection requirements in the Commercial Dog and Cat Operator Inspection Act and paid the fee for inspection under the act. The court may prohibit an adopting or purchasing party from selling such animal for a period not to exceed one year.
(4) Unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.

29-821.
Sections; supplemental to other laws.
The provisions of sections29-812to29-821relating to the disposition of seized property shall not be exclusive, but shall be supplemental to other laws on the subject.

29-822.
Motion to suppress; filing; time; failure to file; effect; exception.
Any person aggrieved by an unlawful search and seizure may move for return of the property so seized and to suppress its use as evidence. The motion shall be filed in the district court where a felony is charged and may be made at any time after the information or indictment is filed, and must be filed at least ten days before trial or at the time of arraignment, whichever is the later, unless otherwise permitted by the court for good cause shown. Where the charge is other than a felony, the motion shall be filed in the court where the complaint is pending, and must be filed at least ten days before trial or at the time of the plea to the complaint, whichever is the later, unless otherwise permitted by the court for good cause shown. Unless claims of unlawful search and seizure are raised by motion before trial as herein provided, all objections to use of the property as evidence on the ground that it was obtained by an unlawful search and seizure shall be deemed waived;Provided,that the court may entertain such motions to suppress after the commencement of trial where the defendant is surprised by the possession of such evidence by the state, and also may in its discretion then entertain the motion where the defendant was not aware of the grounds for the motion before commencement of the trial. In the event that the trial court entertains any such motion after the commencement of trial, the defendant shall be deemed to have waived any jeopardy which may have attached.

29-823.
Motion to suppress; issues of fact; trial.
Issues of fact arising on motions to suppress shall be tried by the court without a jury, in a summary manner, on affidavits or otherwise, as the court may direct. No evidence shall be suppressed because of technical irregularities not affecting the substantial rights of the accused.

29-824.
Motion to suppress; appeal; review; appeal after conviction.
(1) In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion for the return of seized property and to suppress evidence in the manner provided in sections29-824to29-826.
(2) If such motion has been granted in district court, the Attorney General or the county attorney or prosecuting attorney with the consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.
(3) If such motion has been granted in the county court, the Attorney General or the county attorney or prosecuting attorney may file his or her application with the clerk of the district court in the district in which the motion has been granted asking for a summary review of the order granting the motion. The review shall be made by a judge of the district court upon such notice, briefs, and

arguments as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review, and upon any trial on the general issue thereafter the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

29-825.
Motion to suppress; appeal; application.
The application for review provided in section29-824shall be accompanied by a copy of the order of the trial court granting the motion to suppress and a bill of exceptions containing all of the evidence, including affidavits, considered by the trial court in its ruling on the motion, and so certified by the trial court. The application shall be filed with the Clerk of the Supreme Court, if the trial court is the district court, or with the clerk of the district court, if the trial court is the county court, within such time as may be ordered by the trial court, which in fixing such time shall take into consideration the length of time required to prepare the bill of exceptions, and shall also consider whether the defendant is in jail or whether he or she is on bail, but in no event shall more than thirty days be given in which to file such application.

29-826.
Motion to suppress; appeal; time limit; order for custody.
In making an order granting a motion to suppress and to return property, the trial court shall in such order fix a time, not exceeding ten days, in which the county attorney or other prosecuting attorney may file a notice with the clerk of such court of his or her intention to seek a review of the order. Upon the filing of such notice the trial court shall fix the time in which the application for review shall be filed with the appellate court, and shall make an appropriate order for custody of the property pending completion of the review.

29-828.
Search for weapons; when authorized.
Where the circumstances reasonably indicate to an officer of the law that a search of an individual for weapons is indicated in order to protect the life of such officer such search for weapons may lawfully be made.

29-829.
Stop and search of person for dangerous weapon; when authorized; peace officer, defined.
A peace officer may stop any person in a public place whom he reasonably suspects of committing, who has committed, or who is about to commit a crime and may demand of him his name, address and an explanation of his actions. When a peace officer has stopped a person for questioning pursuant to this section and reasonably suspects he is in danger of life or limb, he may search such person for a dangerous weapon. If the peace officer finds such a weapon or any other thing the possession of which may constitute a crime, he may take and keep it until the completion of questioning, at which time he shall either return it, if lawfully possessed, or arrest such person. For purposes of this section, peace officer shall include credentialed conservation officers of the Game and Parks Commission.

29-830.
Inspection warrant, defined.
An inspection warrant is an order in writing in the name of the people, signed by a judge of a court of record, directed to a peace officer as defined in section29-831, and commanding him to conduct any inspection required or authorized by state or local law or regulation relating to health, welfare, fire or safety.

29-831.
Peace officer, defined.
As used in sections29-830to29-835, unless the context otherwise requires:
All state, county, city and village officers and their agents and employees, charged by statute or municipal ordinance with powers or duties involving inspection of real or personal property, building premises and contents, including but not limited by enumeration to housing, electrical, plumbing, heating, gas, fire, health, food, zoning, pollution, water, and weights and measures inspections, shall be peace officers for the purpose of applying for, obtaining and executing inspection warrants.

29-832.
Inspection warrant; when issued.
Inspection warrants shall be issued only upon showing that consent to entry for inspection purposes has been refused. In emergency situations neither consent nor a warrant shall be required.

29-833.
Inspection warrant; issuance; procedure.
An inspection warrant shall be issued only by a judge of a court of record upon reasonable cause, supported by affidavit describing the place and purpose of inspection. The judge may examine the applicant and other witnesses, on oath, to determine sufficient

cause for inspection.

29-834.
Inspection warrants; laws applicable.
All general laws pertaining to search warrants, including but not limited to the filing costs involved and the conditions and time for return, shall be applicable to inspection warrants, unless in conflict with sections29-830to29-833.

29-835.
Violations; penalty.
Any person who willfully refuses to permit, interferes with, or prevents any inspection authorized by inspection warrant shall be guilty of a Class III misdemeanor.

29-901.
Bail; personal recognizance; appointment of counsel; conditions; pretrial release program; conditions.
(1) Except as provided in subsection (2) of this section, any bailable defendant shall be ordered released from custody pending judgment on his or her personal recognizance unless the judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community.
(2)(a) This subsection applies to any bailable defendant who is charged with one or more Class IIIA, IV, or V misdemeanors or violations of city or county ordinances, except when:
(i) The victim is an intimate partner as defined in section28-323; or
(ii) The defendant is charged with one or more violations of section60-6,196or60-6,197or city or village ordinances enacted in conformance with section60-6,196or60-6,197.
(b) Any bailable defendant described in this subsection shall be ordered released from custody pending judgment on his or her personal recognizance or under other conditions of release, other than payment of a bond, unless:
(i) The defendant has previously failed to appear in the instant case or any other case in the previous six months;
(ii) The judge determines in the exercise of his or her discretion that such a release will not reasonably assure the appearance of the defendant as required or that such a release could jeopardize the safety and maintenance of evidence or the safety of the defendant, victims, witnesses, or other persons; and
(iii) The defendant was arrested pursuant to a warrant.
(3) The court shall consider all methods of bond and conditions of release to avoid pretrial incarceration. If the judge determines that the defendant shall not be released on his or her personal recognizance, the judge shall consider the defendant's financial ability to pay a bond and shall impose the least onerous of the following conditions that will reasonably assure the defendant's appearance or that will eliminate or minimize the risk of harm to others or the public at large:
(a) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant;
(b) Place restrictions on the travel, association, or place of abode of the defendant during the period of such release; or
(c) Require, at the option of any bailable defendant, either of the following:
(i) The execution of an appearance bond in a specified amount and the deposit with the clerk of the court in cash of a sum not to exceed ten percent of the amount of the bond, ninety percent of such deposit to be returned to the defendant upon the performance of the appearance or appearances and ten percent to be retained by the clerk as appearance bond costs, except that when no charge is subsequently filed against the defendant or if the charge or charges which are filed are dropped before the appearance of the defendant which the bond was to assure, the entire deposit shall be returned to the defendant. If the bond is subsequently reduced by the court after the original bond has been posted, no additional appearance bond costs shall be retained by the clerk. The difference in the appearance bond costs between the original bond and the reduced bond shall be returned to the defendant. In no event shall the deposit be less than twenty-five dollars. Whenever jurisdiction is transferred from a court requiring an appearance bond under this subdivision to another state court, the transferring court shall transfer the ninety percent of the deposit remaining after the appearance bond costs have been retained. No further costs shall be levied or collected by the court acquiring jurisdiction; or
(ii) The execution of a bail bond with such surety or sureties as shall seem proper to the judge or, in lieu of such surety or sureties, at the option of such person, a cash deposit of such sum so fixed, conditioned for his or her appearance before the proper court, to answer the offense with which he or she may be charged and to appear at such times thereafter as may be ordered by the proper court. The cash deposit shall be returned to the defendant upon the performance of all appearances.
(4) If the court requires the defendant to execute an appearance bond requiring the defendant to post money or requires the defendant to execute a bail bond, the court shall appoint counsel for the defendant if the court finds the defendant is financially unable to pay the amount required and is indigent.
(5) If the amount of bail is deemed insufficient by the court before which the offense is pending, the court may order an increase of such bail and the defendant shall provide the additional undertaking, written or cash, to secure his or her release. All recognizances in criminal cases shall be in writing and be continuous from term to term until final judgment of the court in such cases and shall also extend, when the court has suspended execution of sentence for a limited time, as provided in section29-2202, or, when the court has suspended execution of sentence to enable the defendant to apply for a writ of error to the Supreme Court or Court of Appeals, as provided in section29-2301, until the period of suspension has expired. When two or more indictments or informations

are returned against the same person at the same term of court, the recognizance given may be made to include all offenses charged therein. Each surety on such recognizance shall be required to justify under oath in a sum twice the amount of such recognizance and give the description of real estate owned by him or her of a value above encumbrance equal to the amount of such justification and shall name all other cases pending in which he or she is a surety. No one shall be accepted as surety on recognizance aggregating a sum in excess of his or her equity in the real estate, but such recognizance shall not constitute a lien on the real estate described therein until judgment is entered thereon against such surety.
(6) In order to assure compliance with the conditions of release referred to in subsection (3) of this section, the court may order a defendant to be supervised by a person, an organization, or a pretrial services program approved by the county board. A court shall waive any fees or costs associated with the conditions of release or supervision if the court finds the defendant is unable to pay for such costs. Eligibility for release or supervision by such pretrial release program shall under no circumstances be conditioned upon the defendant's ability to pay. While under supervision of an approved entity, and in addition to the conditions of release referred to in subsection (3) of this section, the court may impose the following conditions:
(a) Periodic telephone contact by the defendant with the organization or pretrial services program;
(b) Periodic office visits by the defendant to the organization or pretrial services program;
(c) Periodic visits to the defendant's home by the organization or pretrial services program;
(d) Mental health or substance abuse treatment for the defendant, including residential treatment, if the defendant consents or agrees to the treatment;
(e) Periodic alcohol or drug testing of the defendant;
(f) Domestic violence counseling for the defendant, if the defendant consents or agrees to the counseling;
(g) Electronic or global-positioning monitoring of the defendant;
(h) Participation in a 24/7 sobriety program under the 24/7 Sobriety Program Act; and
(i) Any other supervision techniques shown by research to increase court appearance and public safety rates for defendants released on bond.
(7) The incriminating results of any drug or alcohol test or any information learned by a representative of an organization or program shall not be admissible in any proceeding, except for a proceeding relating to revocation or amendment of conditions of bond release.

29-901.01.
Conditions of release; how determined.
In determining which condition or conditions of release shall reasonably assure appearance and deter possible threats to the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community, the judge shall, on the basis of available information, consider the defendantâ■■s financial ability to pay in setting the amount of bond. The judge may also take into account the nature and circumstances of the offense charged, including any information to indicate that the defendant might engage in additional criminal activity or pose a threat to himself or herself, yet to be collected evidence, alleged victims, potential witnesses, or members of the general public, the defendant's family ties, employment, the length of the defendant's residence in the community, the defendant's record of criminal convictions, and the defendant's record of appearances at court proceedings or of flight to avoid prosecution or of failure to appear at court proceedings.

29-901.02.
Release; order; contents.
Any judge who shall authorize the release of a defendant under section29-901shall issue a written order containing a statement of the condition or conditions imposed, shall inform the defendant of the penalties for violating any of the conditions of such release, and shall advise the defendant that a warrant for his arrest shall be issued immediately upon such violation.

29-901.03.
Conditions of release; review; procedure.
When a defendant first appears before a judge pursuant to section29-901, he shall be advised of his right to obtain review of the conditions of release imposed if he is unable to fulfill such conditions and remains in custody for more than twenty-four hours thereafter. Any defendant who shall remain in custody for more than twenty-four hours after a judge other than a district court judge imposes bail or any other condition of release, as a result of his inability to fulfill such condition or conditions, may request a review by the judge who imposed the conditions and, upon such request, the defendant shall be brought before the judge at the first regular court day. If the defendant is indigent and unable to retain legal counsel, the judge shall appoint an attorney to represent the defendant for the purpose of such review. Unless the conditions of release are amended and the defendant is thereupon released, the judge shall set forth in writing the reasons for requiring such condition or conditions. Any defendant who shall be ordered released by a judge other than a district court judge on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judge who imposed the condition in the same manner as a defendant who remains in full-time custody. In the event that the judge who imposed the condition or conditions of release is not available, any other judge in the district or of the same court may review such conditions.

29-901.04.

Conditions of release; amendment; review.
Any judge who shall order the release of a defendant on any condition specified in section29-901may at any time amend his order to impose additional or different conditions of release, but if the imposition of different or additional conditions results in the detention of the defendant as a result of his inability to meet such conditions, the provisions of section29-901.03shall apply.

29-901.05.
Bail; uniform schedule; how adopted; payment; procedure.
(1) It shall be the duty of the judges of the county court in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor offenses and such other offenses as the judges deem necessary. It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedule does not list all misdemeanor and other offenses specifically, it shall contain a general clause for misdemeanors and a separate one for any other offenses providing for designated amounts of bail as the judges of the county determine to be appropriate for all such offenses. The schedule of bail may be revised from time to time by the judges of the county, and the presiding county court judge at each county seat shall call not more than two meetings nor less than one meeting each year of all judges of the county court in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.
(2) When bail has been set by a judge for a particular offense or offender, any sheriff or other peace officer may take bail in accordance with the provisions of section29-901and release the offender to appear in accordance with the conditions of the bail bond, the notice to appear, or the summons. Such officer shall give a receipt to the offender for the bail so taken and within a reasonable time deposit such bail with the clerk of the court having jurisdiction of the offense.

29-901.06.
Bailable defendant; duty of court to inform of rights and duties.
When a bailable defendant appears at any judicial proceeding in which such defendant's bail is being considered, the judge at such proceeding shall inform the defendant of the condition or conditions imposed on his release, the penalties for violating any of the conditions of such release, and any options or alternatives available to such defendant.

29-902.
Bail; proceeding for taking.
For taking such bail, the judge may, by his special warrant under his hand and seal, require the sheriff or jailer to bring such accused before him at the courthouse of the proper county at such time as in such warrant the judge may direct.

29-902.01.
Presiding judge of certain county courts; designate a judge on call; custodial officer; duties.
(1) The presiding judge of the county court in each county having a population of four hundred thousand or more inhabitants as determined by the most recent federal decennial census shall, as often as is necessary, meet and designate on a schedule not less than one judge of the county court to be reasonably available on call for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may be deemed appropriate, at all times when a court is not in session in the county.
(2) The officer in charge of a jail, or a person such officer designates, in which an arrested person is held in custody shall assist the arrested person or such person's attorney in contacting the judge on call as soon as possible for the purpose of obtaining release on bail.

29-903.
Bail; amount; pretrial release agency; release recommendation; release without bond; when.
In fixing the amount of bail, the judge admitting to the same shall be governed in the amount and quality of bail required by the direction of the district court in all cases where such court shall have made any order or direction in that behalf. In the event that the district court shall designate an official pretrial release agency for the district, the judge may give consideration to a report and recommendation of such agency and in the event that such agency should recommend the release of the prisoner on his own recognizance, the court may order release of such prisoner without the necessity of posting a cash deposit or requiring the sureties set out in section29-901.

29-904.
Recognizance; deposit with clerk; discharge of prisoner.
In all cases when a judge or examining court shall recognize a prisoner under the provisions of the three sections29-901,29-902, and29-903, he shall forthwith deposit with the clerk of the proper court the recognizance so taken, and also a warrant directed to the jailer requiring him to discharge the prisoner.

29-905.
Surrender of accused by surety to court; discharge of surety; new recognizance; conditions.

When any person, who is surety in a recognizance for the appearance of any defendant before any court in this state, desires to surrender the defendant, he shall, by delivering the defendant in open court, be discharged from any further responsibility on such recognizance; and the defendant shall be committed by the court to the jail of the county, unless he shall give a new recognizance, with good and sufficient sureties in such amount as the court may determine, conditioned as the original recognizance.

29-906.
Surrender of accused by surety to sheriff; authority.
In all cases of bail for the appearance of any person or persons charged with any criminal offense, the surety or sureties of such person or persons may, at any time before judgment is rendered against him or them, seize and surrender such person or persons charged as aforesaid to the sheriff of the county wherein the recognizance shall be taken.

29-907.
Surrender of accused by surety to sheriff; duty of sheriff; discharge of surety.
It shall be the duty of such sheriff, on such surrender and the delivery to him of a certified copy of the recognizance by which such surety or sureties are bound, to take such person or persons so charged as aforesaid into custody, and by writing acknowledge such surrender, and thereupon the surety or sureties shall be discharged from any such recognizance, upon payment of all costs occasioned thereby.

29-908.
Bail, recognizance, or conditional release; failure to appear; penalties.
Whoever is charged with a felony and is released from custody under bail, recognizance, or a conditioned release and willfully fails to appear before the court granting such release when legally required or to surrender himself within three days thereafter, shall be guilty of a Class IV felony, in addition to any other penalties or forfeitures provided by law.
Whoever is charged with a misdemeanor or violation of city or village ordinance, conviction of which would carry a jail sentence of more than ninety days, who is released from custody under bail or recognizance or conditioned release and who willfully fails to appear before the court granting such release when legally required to surrender himself or within three days thereafter, shall be guilty of a Class II misdemeanor, in addition to any other penalties or forfeitures provided by law.

29-909.
Pretrial release agency; authority to designate; recommendations; recognizance; when.
The district courts of this state are authorized to designate an official pretrial release agency for a district, or for any county within a district, whenever the court is satisfied that such agency can render competent and effective assistance to the court in making its determination of the terms and conditions under which any court should release a prisoner from jail prior to trial. When such a pretrial release agency has been designated, the judge of any court within the district or county in which such agency has been authorized to operate may give consideration to a report and recommendation of such agency and in the event that such agency should recommend the release of the prisoner on his own recognizance, the court may order the release of the prisoner without the necessity of posting a cash deposit or requiring any surety set out in section29-901. Nothing in this section shall restrict any court from releasing a prisoner on his own recognizance, whether or not he has received a report or recommendation from a pretrial release agency, if the judge determines that such type of release would adequately serve the ends of justice.

29-910.
Pretrial release agency; designation; order; contents.
In the event the district court shall designate an official pretrial release agency, an order designating such agency shall be filed with the clerk of each district court in such district and shall affect all courts within such district. The order shall set out the name of the agency, its sponsoring agencies, if any, and the terms and conditions under which such agency shall operate.

29-1001.
Prisoner; where confined.
Whenever it shall be lawful and necessary to confine any prisoner in custody previous to conviction upon a criminal accusation, or in custody for contempt or alleged contempt of court, or upon an attachment by order of a court or judge, or otherwise in lawful custody, or upon conviction for any offense, the officer or person having him in such custody may convey him to and confine him in the jail of any county in this state, or other secure and convenient place of confinement in this state, to be procured by such officer or person having such prisoner in custody.

29-1007.
Custody awaiting trial; deadline; release after hearing.
A defendant charged with any offense or offenses shall not be held in custody awaiting trial on such offense or offenses for a period of time longer than the maximum possible sentence of imprisonment authorized for such offense or offenses. On the next judicial day after expiration of such deadline, the defendant shall be released on such defendant's personal recognizance, subject to conditions of release the court may impose after a hearing.

29-1105.
Recognizance forfeited; recovery notwithstanding defects.
No action brought on any recognizance shall be barred or defeated, nor shall judgment thereon be reversed by reason of any neglect or omission to note or record the default, nor by reason of any defect in the form of the recognizance if it sufficiently appears from the tenor thereof at what court the party or witness was bound to appear and that the court or officer before whom it was taken was authorized by law to require and take such recognizance.

29-1106.
Recognizance forfeited; when.
When there is a breach of condition of a recognizance, the court shall declare a forfeiture of the bail.

29-1107.
Recognizance forfeited; set aside; conditions.
The court may direct that a forfeiture of the recognizance be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture.

29-1108.
Recognizance forfeited; motion; notice; judgment; cash deposit, disposition.
When a forfeiture of a recognizance has not been set aside, the court in which the proceeding is pending shall on motion enter a judgment of default and execution may issue thereon. Where a cash deposit has been made in lieu of a surety or sureties as provided in section29-901, the cash deposit shall upon forfeiture of the recognizance be paid into the county treasury upon the entry of order of forfeiture of the bond after first deducting all court costs due and owing such court. By entering into a bond, the obligors submit to the jurisdiction of the court, and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. The liability upon the bond may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies thereof to the obligors to their last-known addresses.

29-1109.
Recognizance forfeited; judgment; remission; conditions.
After entry of such judgment on the recognizance, the court may remit it in whole or in part under the conditions applying to the setting aside of forfeiture as provided in section29-1107.

29-1110.
Recognizance forfeited; satisfaction; forfeiture set aside or remitted; exoneration of surety.
When the conditions of the recognizance have been satisfied or the forfeiture thereof has been set aside or remitted, the court shall exonerate the obligors and release any bail. A surety may be exonerated by a deposit of cash in the amount of the recognizance or by a timely surrender of the defendant into custody.

29-1201.
Prisoner held without indictment; discharge or recognizance; when.
Any person held in jail charged with an indictable offense shall be discharged if he or she is not indicted at the term of court at which he or she is held to answer, unless such person is committed to jail on such charge after the rising and final report of the grand jury for that term, in which case the court may discharge such person, or require such person to enter into recognizance with sufficient security for his or her appearance before such court to answer such charge at the next term. However, such person so held in jail without indictment shall not be discharged if it appears to the satisfaction of the court that the witnesses on the part of the state have been enticed or kept away or are detained and prevented from attending court by sickness or some inevitable accident.

29-1205.
Right of accused to a speedy trial; preferences.
To effectuate the right of the accused to a speedy trial and the interest of the public in prompt disposition of criminal cases, insofar as is practicable:
(1) The trial of criminal cases shall be given preference over civil cases; and
(2) The trial of defendants in custody and defendants whose pretrial liberty is reasonably believed to present unusual risks shall be given preference over other criminal cases. It shall be the duty of the county attorney to bring to the attention of the trial court any cases falling within this subdivision, and he shall generally advise the court of facts relevant in determining the order of cases to be tried.

29-1206.
Continuance; how granted.

Applications for continuances shall be made in accordance with section25-1148, but in criminal cases in the district court the court shall grant a continuance only upon a showing of good cause and only for so long as is necessary, taking into account not only the request or consent of the prosecution or defense, but also the public interest in prompt disposition of the case.

29-1207.
Trial within
six months; time; how computed.
(1) Every person
indicted or informed against for any offense shall be brought to trial within
six months, and such time shall be computed as provided in this section.
(2) Such six-month period shall commence to run from the date
the indictment is returned or the information filed, unless the offense is
a misdemeanor offense involving intimate partners, as that term is defined
in section28-323, in which case the six-month period shall commence from
the date the defendant is arrested on a complaint filed as part of a warrant
for arrest.
(3) If a defendant is to be tried again following a mistrial,
an order for a new trial, or an appeal or collateral attack, such period shall
commence to run from the date of the mistrial, order granting a new trial,
or the mandate on remand.
(4) The following periods shall be excluded in computing the
time for trial:
(a) The period of delay resulting from other proceedings concerning
the defendant, including, but not limited to, an examination and hearing on
competency and the period during which he or she is incompetent to stand trial;
the time from filing until final disposition of pretrial motions of the defendant,
including motions to suppress evidence, motions to quash the indictment or
information, demurrers and pleas in abatement, and motions for a change of
venue; and the time consumed in the trial of other charges against the defendant;
(b) The period of delay resulting from a continuance granted
at the request or with the consent of the defendant or his or her counsel.
A defendant without counsel shall not be deemed to have consented to a continuance
unless he or she has been advised by the court of his or her right to a speedy
trial and the effect of his or her consent.
A defendant who has sought and obtained a continuance which is indefinite
has an affirmative duty to end the continuance by giving notice of request
for trial or the court can end the continuance by setting a trial date. When
the court ends an indefinite continuance by setting a trial date, the excludable
period resulting from the indefinite continuance ends on the date for which
trial commences. A defendant is deemed to have waived his or her right to
speedy trial when the period of delay resulting from a continuance granted
at the request of the defendant or his or her counsel extends the trial date
beyond the statutory six-month period;
(c) The period of delay resulting from a continuance granted
at the request of the prosecuting attorney, if:
(i) The continuance is granted because of the unavailability
of evidence material to the state's case, when the prosecuting attorney has
exercised due diligence to obtain such evidence and there are reasonable grounds
to believe that such evidence will be available at the later date; or
(ii) The continuance is granted to allow the prosecuting attorney
additional time to prepare the state's case and additional time is justified
because of the exceptional circumstances of the case;
(d) The period of delay resulting from the absence or unavailability
of the defendant;
(e) A reasonable period of delay when the defendant is joined
for trial with a codefendant as to whom the time for trial has not run and
there is good cause for not granting a severance. In all other cases, the
defendant shall be granted a severance so that he or she may be tried within
the time limits applicable to him or her; and
(f) Other periods of delay not specifically enumerated in

this section, but only if the court finds that they are for good cause.

29-1208.
Discharge from
offense charged; when.
If a defendant is not brought
to trial before the running of the time for trial as provided for in section29-1207, as extended
by excluded periods, he or
she shall be entitled to his or
her absolute discharge from the offense charged and for any other
offense required by law to be joined with that offense.

29-1209.
Failure of defendant to move for discharge prior to trial or entry of plea; effect.
Failure of the defendant to move for discharge prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to speedy trial.

29-1301.
Venue; change; when allowed.
All criminal cases shall be tried in the county where the offense was committed, except as otherwise provided in section25-412.03or sections29-1301.01to29-1301.04, or unless it shall appear to the court by affidavits that a fair and impartial trial cannot be had therein. In such case the court, upon motion of the defendant, shall transfer the proceeding to any other district or county in the state as determined by the court.

29-1301.01.
Venue; crime committed in different counties.
If any person shall commit an offense against the person of another, such accused person may be tried in the county in which the offense is committed, or in any county into or out of which the person upon whom the offense was committed may, in the prosecution of the offense, have been brought, or in which an act is done by the accused in instigating, procuring, promoting, or aiding in the commission of the offense, or in aiding, abetting, or procuring another to commit such offense.

29-1301.02.
Venue; crime committed on moving means of transportation.
When an offense is committed in this state, on board a vessel navigating a river, bay, slough, lake, or canal, or lying therein, in the prosecution of its voyage, or on a railroad train, or car, motor vehicle, common carrier transporting passengers, or on an aircraft prosecuting its trip, the accused may be tried in any county through, on, or over which the vessel, train, car, motor vehicle, common carrier, or aircraft passes in the course of its voyage or trip, or in the county in which the voyage or trip terminates.

29-1301.03.
Venue; jurisdiction in two or more counties; effect of conviction or acquittal.
Where an offense is within the jurisdiction of two or more counties, a conviction or acquittal thereof in one county is a bar to a prosecution or indictment therefor in another.

29-1301.04.
Venue; crime committed using an electronic communication device.
(1) If a person uses an electronic communication device to commit any element of an offense, such person may be tried in the county where the electronic communication was initiated or where the electronic communication was received.
(2) For purposes of this section:
(a) Electronic communication has the same meaning as in section28-1310; and
(b) Electronic communication device has the same meaning as in section28-833.

29-1302.
Change of venue; how effected; costs; payment.
When the venue is changed, the clerk of the court in which the indictment was found shall file a certification of the case file and costs, which together with the original indictment, shall be transmitted to the clerk of the court to which the venue is changed, and the trial shall be conducted in all respects as if the offender had been indicted in the county to which the venue has been changed. All costs, fees, charges, and expenses accruing from a change of venue, together with all costs, fees, charges, and expenses made or incurred in the trial of, or in keeping, guarding, and maintaining the accused shall be paid by the county in which the indictment was found. The clerk of the trial court shall make a statement of such costs, fees, charges, and expenses and certify and transmit the same to the clerk of the district court where the indictment was found, to be entered upon the register of actions and collected and paid as

if a change of venue had not been had.

29-1303.
Change of venue; transfer of prisoner.
When a court has ordered a change of venue, a warrant shall be issued by the clerk, directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he is to be tried, there to be safely kept by the jailer thereof until discharged by due course of law.

29-1304.
Change of venue; witnesses recognized to appear.
When a change of venue is allowed, the court shall recognize the witnesses on the part of the state to appear before the court in which the prisoner is to be tried.

29-1305.
Venue; crime committed on county line.
When an offense shall be committed on a county line, the trial may be in either county divided by such line; and where any offense shall be committed against the person of another, and the person committing the offense shall be in one county, and the person receiving the injury shall be in another county, the trial may be had in either of such counties.

29-1306.
Venue; death occurring in another county or state.
If any person shall give any mortal blow or administer any poison to another, in any county within this state, with intent to kill, and the party so stricken or poisoned thereof shall die in any other county or state, the person giving such mortal blow or administering such poison may be tried and convicted of murder or manslaughter, as the case may be, in the county where such mortal blow was given or poison administered.

29-1307.
Venue; receiver of stolen property.
Whenever any person shall be liable to prosecution as the receiver of any personal property that shall have been feloniously stolen, taken or embezzled, he may be indicted in any county where he received or had such property, notwithstanding the theft was committed in another county.

29-1401.
Grand jury; when called; death while being apprehended or in custody; procedures.
(1) The district courts are hereby vested with power to call grand juries.
(2) A grand jury may be called and summoned in the manner provided by law on such day of a regular term of the district court in each year in each county of the state as the district court may direct and at such other times and upon such notice as the district court may deem necessary.
(3) District courts shall call a grand jury in each case that a petition meets the requirements of section32-628, includes a recital as to the reason for requesting the convening of the grand jury and a specific reference to the statute or statutes which are alleged to have been violated, and is signed not more than ninety days prior to the date of filing under section29-1401.02by not less than ten percent of the registered voters of the county who cast votes for the office of Governor in such county at the most recent general election held for such office.
(4) District courts shall call a grand jury in each case upon certification by the county coroner or coroner's physician that a person has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel. In each case subject to this subsection:
(a) Law enforcement personnel from the jurisdiction in which the death occurred shall immediately secure the scene, preserve all evidence, and investigate the matter as in any other homicide. The case shall be treated as an open, ongoing matter until all evidence, reports, and other relevant material which has been assembled are transferred to a prosecuting attorney selected pursuant to subdivision (b) of this subsection;
(b) The county attorney or a member of his or her staff shall be the prosecuting attorney. Except as provided in subdivision (d) of this subsection, the prosecuting attorney shall, as soon as practicable, select a team of three peace officers trained to investigate homicides. At least two of such investigators shall be from agencies other than the agency under which the death occurred. The team shall examine all evidence concerning the cause of death and present the findings of its investigation to the prosecuting attorney;
(c) A grand jury shall be impaneled within thirty days after the certification by the county coroner or coroner's physician, unless the court extends such time period upon the showing of a compelling reason; and
(d) In those cases in which the death has been certified by a licensed practicing physician to be from natural causes, the county attorney or a member of his or her staff may present such finding to a grand jury without selecting a three-member team of peace officers to investigate.

29-1401.02.

Grand jury by petition; procedure; failure to call; filing.
The procedure for calling a grand jury by petition of the registered voters of the county shall be as follows:
(1) The petitions shall be filed in the office of the clerk of the district court, comply with the requirements in section29-1401, and be filed without a filing fee;
(2) Upon receipt of such petitions, the clerk of the district court shall forthwith certify the petitions so filed to the county clerk or election commissioner in the county in which the signers of such petitions are registered to vote and shall request that the signatures on such petitions be validated according to the list of registered voters;
(3) The county clerk or election commissioner shall, within thirty days after receipt of such petitions, determine the number of valid signatures appearing on such petitions and certify the findings along with the total vote cast for Governor at the most recent election for such office in such county to the presiding judge of the district court in which the petitions were filed;
(4) The presiding judge of the district court shall, upon receipt of the certificate from the county clerk or election commissioner, examine the petitions and within fifteen days after the receipt thereof shall determine: (a) Whether the requisite number of valid signatures appear on such petitions; and (b) whether the formal requirements as to the form of the petition have been satisfied;
(5) The determination of sufficiency of the petitions by the presiding judge shall be based solely upon the certification of valid signatures by the county clerk or election commissioner and upon the presiding judge's personal examination of the form of the petitions. No additional evidence shall be considered by the presiding judge in making the determination of sufficiency and under no circumstances shall any petitioner be required to testify or otherwise present evidence relating to allegations contained in the petitions;
(6) Upon a determination that the requisite number of valid signatures appeared on the petitions and that the petitions otherwise were sufficient as to form, the presiding judge shall call a grand jury forthwith;
(7) If the presiding judge of the district court fails to make a determination as to the sufficiency of the petitions and fails to call a grand jury within fifteen days after the date of delivery of the petitions to the presiding judge, the clerk of the district court shall immediately call a grand jury pursuant to law, notwithstanding the fact that the presiding judge of the district court failed to determine sufficiency of the petitions and did not call the grand jury; and
(8) If the presiding judge or clerk of the district court fails to call a grand jury, the petitioners may file an immediate request with the Chief Justice of the Supreme Court, or in his or her absence, with any judge thereof, and request that the Chief Justice or judge review the petitions and certifications and call a grand jury. If the Chief Justice or judge of the Supreme Court determines sufficiency of the petitions according to law, the Chief Justice or judge shall order the clerk of the district court to call a grand jury.

29-1402.
Grand jury; convening; no limitation on right to prosecute by information.
The convening of a grand jury shall in no way limit the right of prosecution on information or complaint during the time the grand jury is in session.

29-1403.
Foreman; appointment.
When the grand jury shall be impaneled the court shall appoint one of the number foreman.

29-1404.
Foreperson; oath or affirmation; form.
(1) Except as provided in subsection (2) of this section, when the foreperson shall be appointed, an oath or affirmation shall be administered to him or her in the following words: Saving yourself and fellow jurors, you, as foreperson of this grand inquest, shall diligently inquire and true presentment make, of all such matters and things as shall be given you in charge or otherwise come to your knowledge, touching the present service. The counsel of the state, your own and your fellows, you shall keep secret, unless called on in a court of justice to make disclosures. You shall present no person through malice, hatred, or ill will, nor shall you leave any person unpresented through fear, favor, or affection, or for any reward or hope thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding.
(2) For grand juries impaneled pursuant to subsection (4) of section29-1401, when the foreperson shall be appointed, an oath or affirmation shall be administered to him or her in the following words: Saving yourself and fellow jurors, you, as foreperson of this grand inquest, shall diligently inquire and true presentment make, of all such matters and things as shall be given you in charge or otherwise come to your knowledge, touching the present service. The counsel of the state, your own and your fellows, you shall keep secret during the course of the impaneled grand jury's investigation and deliberations, unless called on in a court of justice to make disclosures. You shall present no person through malice, hatred, or ill will, nor shall you leave any person unpresented through fear, favor, or affection, or for any reward or hope thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding.

29-1405.
Jurors; oath or affirmation; form.
Thereupon the following oath or affirmation shall be administered to the other grand jurors: The same oath which A. B., your foreman, hath now taken before you on his part, you, and each of you, shall well and truly observe and keep on your respective

parts.

29-1406.
Judge; charge to jury; instruction as to powers and duties.
(1) The grand jury, after being sworn, shall be charged as to their duty by the judge, who shall call their attention particularly to the obligation of secrecy which their oaths impose, and to such offenses as he or she is by law required to specially charge.
(2) Upon impanelment of each grand jury, the court shall give to such grand jury adequate and reasonable written notice of and shall assure that the grand jury reasonably understands the nature of:
(a) Its duty to inquire into offenses against the criminal laws of the State of Nebraska alleged to have been committed or, in the case of a grand jury impaneled pursuant to subsection (4) of section29-1401, its duty to inquire into offenses against the criminal laws of the State of Nebraska regarding the death of a person who has died while being apprehended or while in the custody of a law enforcement officer or detention personnel;
(b) Its right to call and interrogate witnesses;
(c) Its right to request the production of documents or other evidence;
(d) The subject matter of the investigation and the criminal statutes or other statutes involved, if these are known at the time the grand jury is impaneled;
(e) The duty of the grand jury by an affirmative vote of twelve or more members of the grand jury to determine, based on the evidence presented before it, whether or not there is probable cause for finding indictments and to determine the violations to be included in any such indictments;
(f) The requirement that the grand jury may not return an indictment in cases of perjury unless at least two witnesses to the same fact present evidence establishing probable cause to return such an indictment; and
(g) In the case of a grand jury impaneled pursuant to subsection (4) of section29-1401, if the grand jury returns a no true bill:
(i) The grand jury shall create a grand jury report with the assistance of the prosecuting attorney. The grand jury report shall briefly provide an explanation of the grand jury's findings and any recommendations the grand jury determines to be appropriate based upon the grand jury's investigation and deliberations; and
(ii) The no true bill and the grand jury report shall be filed with the court, where they shall be available for public review, along with the grand jury transcript provided for in subsection (3) of section29-1407.01.

29-1407.
Grand jury; duties.
After the charge of the court, the grand jury shall retire with the officer appointed to attend to them, and shall proceed to inquire of and present all offenses whatever committed within the limits of the county in and for which they were impaneled and sworn or affirmed.

29-1407.01.
Grand jury proceedings; reporter; duties; transcript; exhibits; statements; availability.
(1) A certified or authorized reporter shall be present at all grand jury sessions. All grand jury proceedings and testimony from commencement to adjournment shall be reported. Except as otherwise provided in this section, no copies of transcripts of, or exhibits from, such proceedings shall be made available.
(2) Except as provided in subsection (3) of this section:
(a) The reporter's stenography notes and tape recordings shall be preserved and sealed and any transcripts which may be prepared shall be preserved, sealed, and filed with the court;
(b) No release or destruction of the notes or transcripts shall occur without prior court approval; and
(c) No copies of such transcript or exhibits shall be made available.
(3)(a) This subsection applies to a grand jury impaneled pursuant to subsection (4) of section29-1401.
(b) A transcript, including any exhibits of the grand jury proceedings, and a copy of such transcript and copies of such exhibits shall be prepared at court expense and shall be filed with the court. Such transcript shall not include the names of grand jurors or their deliberations.
(c) If the grand jury returns a no true bill, a copy of the transcript, including a copy of any exhibits, shall be available for public review upon written request to the clerk of the district court. Such review shall be made at a reasonable time set by the clerk of the district court. Except as otherwise provided in this subdivision, no copies of such transcript or exhibits shall be made available.
(d)(i) If the grand jury returns a true bill, once a trial court is assigned and the criminal case docketed, any of the parties to the criminal case, within five days of the criminal case being docketed, may file a motion for a protective order requesting a hearing before the trial court to request a delay of the public review of the transcript, including any exhibits, of the grand jury proceedings. Except as otherwise provided in this subdivision, no copies of such transcript or exhibits shall be made available.
(ii) If after a hearing the trial court grants the request for a protective order, then any public review of the transcript, including any exhibits, of the grand jury proceedings shall not take place until the conclusion of the criminal prosecution. Conclusion of the criminal prosecution means an acquittal, a dismissal, or, if there is a conviction, when the direct appeal process has concluded. Once the criminal prosecution has concluded, a copy of the transcript, including a copy of any exhibits, shall be available for public review upon written request to the clerk of the district court. Such review shall be made at a reasonable time set by the clerk of the

district court. Except as otherwise provided in this subdivision, no copies of such transcript or exhibits shall be made available.
(iii) If after a hearing the trial court denies the request for a protective order, then a copy of the transcript, including a copy of any exhibits, shall be available for public review once the trial court's order is filed and upon written request to the clerk of the district court. Such review shall be made at a reasonable time set by the clerk of the district court. Except as otherwise provided in this subdivision, no copies of such transcript or exhibits shall be made available.
(iv) If no party to the criminal case files a motion for a protective order within the time provided in subdivision (3)(d)(i) of this section, then a copy of the transcript, including a copy of any exhibits, shall be available for public review upon written request to the clerk of the district court. Such review shall be made at a reasonable time set by the clerk of the district court. Except as otherwise provided in this subdivision, no copies of such transcript or exhibits shall be made available.
(4) Upon application by the prosecutor or by any witness after notice to the prosecutor, the court, for good cause, may enter an order to furnish to that witness a transcript of his or her own grand jury testimony or exhibits relating thereto.
(5) Any witness summoned to testify before a grand jury, or an attorney for such witness with the witness's written approval, shall be entitled, prior to testifying, to examine and copy at the witness's expense any statement in the possession of the prosecuting attorney or the grand jury which such witness has made that relates to the subject matter under inquiry by the grand jury. If a witness is proceeding in forma pauperis, he or she shall be furnished, upon request, a copy of such transcript and shall not pay a fee.

29-1408.
County attorney; powers; special prosecutor; when appointed.
The county attorney or the assistant county attorney shall be allowed at all times to appear before the grand jury for the purpose of giving information relative to any matter cognizable by such jury, or giving such jury advice upon any legal matter the jury may require, and such county attorney or assistant county attorney may interrogate witnesses before the jury when the grand jurors, the county attorney, or the assistant county attorney shall deem it necessary; except that no person shall be permitted to remain in the room with such jury while the grand jurors are expressing their views or giving their votes on any matter before the jury;Provided,whenever it shall be made to appear to the judge or judges of the district court that investigation should be made regarding official acts of county officials, the foreman shall forthwith notify the Governor of the state, who shall forthwith appoint a special prosecutor to appear and act in the place of the county attorney or the assistant county attorney in all matters relating thereto before such grand jury in like manner as though county attorney; and the county attorney or the assistant county attorney shall be excluded from the presence of the grand jury during all proceedings which relate to the subject matter for which the special prosecutor was appointed; except that nothing in this section shall prevent the county attorney or assistant county attorney from appearing as a witness before a grand jury for which a special prosecutor has been appointed.

29-1409.
Subpoenas; issuance; advisement of rights; form; effect.
(1) Whenever required by the grand jury, or the prosecuting attorney, the clerk of the court in which such jury is impaneled shall issue subpoenas and other process to bring witnesses to testify before such grand jury.
(2) At the option of the prosecuting attorney, a grand jury subpoena may contain an advisement of rights. If the prosecuting attorney determines that an advisement is necessary, the grand jury subpoena shall contain the following prominently displayed on the front of the subpoena:
NOTICE
(a) You have the right to retain an attorney to represent you and to advise you regarding your grand jury appearance.
(b) Anything you say to the grand jury may be used against you in a court of law.
(c) You have the right to refuse to answer questions if you feel the answers would tend to incriminate you or to implicate you in any illegal activity.
(d) If you cannot afford or obtain an attorney, you may consult with the public defender's office, or request the court to appoint an attorney to represent you.
(3) Any witness who is not advised of his or her rights pursuant to subsection (2) of this section shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she testifies or any evidence he or she produces, nor shall any such testimony or evidence be used as evidence in any criminal proceeding, except for perjury, against him or her in any court.

29-1410.
Witness; oath or affirmation; administration.
Before any witness shall be examined by the grand jury, an oath or affirmation shall be administered to him by the clerk truly to testify of such matters and things as may be lawfully inquired of before the jury, a certificate whereof the clerk shall make and deliver to such witness, who shall present the same to the foreman of the grand jury when he is admitted for examination.

29-1410.01.
Request to testify or appear; denial; how treated.
Any person may approach the prosecuting attorney or the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. The prosecuting attorney or the grand jury shall keep a record of all denials of such requests to

that prosecuting attorney or grand jury, including the reasons for not allowing such person to testify or appear. If the person making such request is dissatisfied with the decision of the prosecuting attorney or the grand jury, such person may petition the court for hearing on the denial by the prosecuting attorney or the grand jury. If the court grants the hearing, then the court may permit the person to testify or appear before the grand jury if the court finds that such testimony or appearance would serve the interests of justice.

29-1411.
Witness; privilege against self-incrimination; immunity; right to counsel; refusal to answer; procedure.
(1) In any proceeding before the grand jury, if the prosecuting attorney has written notice in advance of the appearance of a witness that such witness intends to exercise his or her privilege against self-incrimination, such witness shall not be compelled to appear before the grand jury unless a grant of immunity has been obtained.
(2) Any witness subpoenaed to appear and testify before a grand jury or to produce books, papers, documents, or other objects before such grand jury shall be entitled to assistance of counsel during any time that such witness is being questioned in the presence of such grand jury, and counsel may be present in the grand jury room with his or her client during such questioning. Counsel for the witness shall be permitted only to counsel with the witness and shall not make objections, arguments, or address the grand jury. Such counsel may be retained by the witness or may, for any person financially unable to obtain adequate assistance, be appointed in the same manner as if that person were eligible for appointed counsel. An attorney present in the grand jury room shall take an oath of secrecy. If the court, at an in camera hearing, determines that counsel was disruptive, then the court may order counsel to remain outside the courtroom when advising his or her client. No attorney shall be permitted to provide counsel in the grand jury room to more than one witness in the same criminal investigation, except with the permission of the grand jury.
(3) If any witness appearing before a grand jury shall refuse to answer any interrogatories during the course of his or her examination, the fact shall be communicated to the court in writing, in which the question refused to be answered shall be stated, together with the excuse for the refusal, if any be given by the person interrogated. The court shall thereupon determine whether the witness is bound to answer or not, and the grand jury shall be immediately informed of the decision.

29-1412.
Witness; refusal to testify or provide other information; contempt; right to counsel; penalty; hearing; confinement; limitation.
(1)(a) Whenever a witness in any proceeding before any grand jury refuses, without just cause shown, to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording, or other material, the prosecuting attorney may submit an application to the court for an order directing the witness to show why the witness should not be held in contempt. After submission of such application and a hearing at which the witness may be represented by counsel, the court may, if the court finds that such refusal was without just cause, hold the witness in contempt and order the witness to be confined or to pay a fine of not to exceed five hundred dollars. Such confinement shall continue until such time as the witness is willing to give such testimony or provide such information, except that the court may release the witness from confinement if the court determines that further confinement will not cause the witness to give such testimony or provide such information. No period of such confinement shall exceed the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, and in no event shall such confinement exceed six months.
(b) If a witness has been confined in accordance with subsection (1)(a) of this section, he or she may, upon petition filed with the court, request a hearing to be held within ten days to review the contempt order at which hearing he or she shall have the right to be represented by counsel. The court, at the hearing, may rescind, modify, or affirm the order.
(c) In any proceeding conducted under this section, counsel may be appointed for a person financially unable to obtain adequate assistance.
(2) No person who has been confined or fined by a court for refusal to testify or provide other information concerning any criminal incident or incidents in any proceeding before a grand jury impaneled before any district court shall again be confined or fined for a subsequent refusal to testify or provide other information concerning the same criminal incident or incidents before any grand jury.

29-1412.01.
Grand jury; subpoena to testify or produce documents; not required to comply; when.
No person subpoenaed to testify or to produce books, papers, documents, or other objects in any proceeding before any grand jury shall be required to testify or to produce such objects, or be confined as provided in section29-1412, for his or her failure to so testify or produce such object if, upon filing a motion and, upon an evidentiary hearing before the court which issued such subpoena or a court having jurisdiction under this section, the court finds that:
(1) A primary purpose or effect of requiring such person to so testify or to produce such objects before the grand jury is or will be to secure testimony for trial for which the defendant has already been charged by information, indictment, or criminal complaint;
(2) Compliance with a subpoena would be unreasonable or oppressive;
(3) A primary purpose of the issuance of the subpoena is to harass the witness;
(4) The witness has already been confined or fined under this section for his or her refusal to testify before any grand jury investigating the same transaction, set of transactions, event, or events; or
(5) The witness has not been advised of his or her rights as specified in subsection (2) of section29-1409.

29-1413.

Vacancy; how filled.
In case of the sickness, death, discharge or nonattendance of any grand juror, after the grand jury shall be affirmed or sworn, it shall be lawful for the court, at its discretion to cause another to be sworn or affirmed in his stead.

29-1414.
Disclosure of indictment; when prohibited.
No grand juror or officer of the court shall disclose that an indictment has been found against any person not in custody or under bail, except by the issuing of process, until the indictment is filed.

29-1415.
Disclosure of juror's vote or opinion; prohibited.
No grand juror shall be allowed to state or testify in any court in what manner he or other members of the grand jury voted on any question before them, or what opinion was expressed by any juror in relation to such question.

29-1416.
Indictment; how found; endorsement; no true bill; effect.
(1) At least twelve of the grand jurors must concur in the finding of an indictment; when so found the foreman shall endorse on such indictment the words A true bill, and subscribe his or her name thereto as foreman.
(2) Once a grand jury has returned a no true bill based upon a transaction, set of transactions, event, or events, a grand jury inquiry into the same transaction or events shall not be initiated unless the court finds, upon a proper showing by the prosecuting attorney, that the prosecuting attorney has discovered additional evidence relevant to such inquiry.

29-1417.
County jail; examination; report.
The grand jury may at each term of the court at which they may be in attendance, visit the county jail, and examine and report its condition, as required by law.

29-1418.
Indictments; presentation; filing; finding of probable cause; dismissal; motions.
(1) Indictments returned by a grand jury shall be presented by their foreman to the court and shall be filed with the clerk, who shall endorse thereon the day of their filing and shall enter each case upon the register of actions and the date when the parties indicted have been arrested.
(2) Any grand jury may indict a person for an offense when the evidence before such grand jury provides probable cause to believe that such person committed such offense.
(3) The district court before which the indicted defendant is to be tried shall dismiss any indictment of the grand jury if such district court finds, upon the filing of a motion by the indicted defendant based upon the grand jury record without argument or further evidence, that the grand jury finding of probable cause is not supported by the record.
(4) Any other motions testing the validity of the indictment may be heard by the court based only on the record and argument of counsel, unless there is cause shown for the need for additional evidence.

29-1419.
Trial of indictments; recognizances; undisposed indictments; trial by special prosecutor; when.
The court shall assign such indictments for trial at as early a time in such term as is practicable. And the recognizances of parties and witnesses shall, in all such causes, be taken for their appearance at the time so assigned; and in case of the continuance of any cause to the next term of court, such recognizances shall be for the appearance of the parties and witnesses on such day thereof as the court may direct. At the end of the term the clerk shall deliver the indictments undisposed of to the prosecuting attorney for safekeeping;Provided, however,that where a special prosecutor shall have been appointed by the Governor of the state for the assistance of such grand jury, then the trials of indictments growing out of matters concerning which he has been appointed shall be conducted by such special prosecutor so appointed in all respects as though such special prosecutor were such county attorney; and all provisions relating to the acts of county attorneys shall be deemed to apply to such special prosecutor.

29-1420.
Report; made public; when; transfer of evidence.
(1) Except as provided in subdivision (2)(g) of section29-1406, the report of the grand jury shall not be made public except when the report is filed, including indictments, or when required by statute or except that all of the report or a portion thereof may be released if the judge of the district court finds that such a release will exonerate a person or persons who have requested such a release.
(2) A district judge under whose direction a grand jury has been impaneled may, upon good cause shown, transfer to a court of competent jurisdiction in another county or jurisdiction any evidence gathered by the grand jury that offenses have been committed in such other county or jurisdiction.

29-1501.

Indictment; when sufficient; irregularities.
No indictment shall be deemed invalid, nor shall the trial, judgment or other proceedings be stayed, arrested or in any manner affected (1) by the omission of the words with force and arms, or any words of similar import; (2) by omitting to charge any offense to have been contrary to a statute or statutes; or (3) for the omission of the words as appears by the record nor for omitting to state the time at which the offense was committed in any case where time is not of the essence of the offense; nor for stating the time imperfectly; nor for want of a statement of the value or price of any matter or thing, or the amount of damages, or injury in any case where the value or price, or the amount of damages or injury is not of the essence of the offense; nor for the want of an allegation of the time or place of any material fact, when the time and place have once been stated in the indictment; nor that dates and numbers are represented by figures; nor for an omission to allege that the grand jurors were impaneled, sworn or charged; nor for any surplusage or repugnant allegation when there is sufficient matter alleged to indicate the crime or person charged; nor for want of the averment of any matter not necessary to be proved; nor for any other defect or imperfection which does not tend to the prejudice of the substantial rights of the defendant upon the merits.

29-1502.
Variance in name or description; effect.
Whenever on trial of any indictment for any offense there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof in the given name or surname, or both given name and surname, or other description whatever of any person whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, such variance shall not be deemed ground for an acquittal of the defendant, unless the court before which the trial shall be had shall find that such variance is material to the merits of the case or may be prejudicial to the defendant.

29-1503.
Forgery; instruments; how described.
In any indictment for falsely making, altering, forging, printing, photographing, uttering, disposing of or putting off any instrument, it shall be sufficient to set forth the purport and value thereof.

29-1504.
Offenses other than forgery; instruments; how described.
In all cases other than those mentioned in section29-1503, whenever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof.

29-1505.
Counterfeiting; instruments or means; how described.
In any indictment for engraving or making the whole or any part of any instrument, matter or thing, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter or thing shall have been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter or thing shall have been made or printed, it shall be sufficient to describe such instruments, matter or thing by any name or designation by which the same may be usually known.

29-1506.
Intent to defraud; how alleged; proof.
It shall be sufficient in any indictment where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud without alleging an intent to defraud any particular person or body corporate, and on the trial of any such indictment, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with intent to defraud.

29-1507.
Ownership by more than one person; how alleged.
When any offense is committed upon or in relation to any property belonging to several partners, limited liability company members, or owners, and an indictment for such offense is returned, the allegation of ownership therein shall be sufficient if it alleges that such property belonged to any one or more of such partners, limited liability company members, or owners, without naming all of them.

29-1508.
Joinder of offenses with larceny; finding of guilty on any count.
An indictment for larceny may contain also a count for obtaining the same property by false pretenses, or a count for embezzlement thereof, and for receiving or concealing the same property, knowing it to have been stolen; and the jury may convict of either offense, and may find all or any of the persons indicted guilty of either of the offenses charged in the indictment.

29-1509.

Money; how described; proof.
In every indictment in which it shall be necessary to make any averment as to any money or bank bills or notes, United States treasury notes, postal and fractional currency, or other bills, bonds or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money or bills, notes, currency or bonds simply as money, without specifying any particular coin, note, bill or bond; and such allegation shall be sustained by proof of any amount of coin or of any such note, bill, currency or bond, although the particular species of coin of which such amount was composed, or the particular nature of such note, bill, currency or bond shall not be proved.

29-1510.
Election cases; allegation of legality; sufficiency.
When an offense shall be committed in relation to any election and an indictment for such offense is returned, the allegation of the legality and regularity of such election shall be sufficient if it alleges that such election was authorized by law, without stating the names of the officers holding the election, or the persons voted for, or the offices to be filled at such election.

29-1511.
Perjury and subornation; allegations; sufficiency.
In every indictment for perjury or subornation of perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant, and before what court the oath or affirmation was taken, averring such court or authority to have full power to administer the same, together with the proper averment or counts to falsify the matter or matters wherein the perjury is assigned, without setting forth any part of any record or proceeding, in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or other authority before whom the perjury was committed.

29-1512.
Manslaughter; allegations; sufficiency.
In any indictment for manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death was caused; but it shall be sufficient to charge that the defendant did unlawfully kill and slay the deceased.

29-1601.
Prosecutions on information; authorized.
The several courts of this state shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon information, for crimes, misdemeanors and offenses, to issue writs and process, and do all other acts therein, as they possess and may exercise in cases of the like prosecutions upon indictments.

29-1602.
Information; by whom filed and subscribed; names of witnesses; endorsement.
All informations shall be filed in the court having jurisdiction of the offense specified therein, by the prosecuting attorney of the proper county as informant. The prosecuting attorney shall subscribe his or her name thereto and endorse thereon the names of the witnesses known to him or her at the time of filing. After the information has been filed, the prosecuting attorney shall endorse on the information the names of such other witnesses as shall then be known to him or her as the court in its discretion may prescribe, except that if a notice of aggravation is contained in the information as provided in section29-1603, the prosecuting attorney may endorse additional witnesses at any time up to and including the thirtieth day prior to the trial of guilt.

29-1603.
Allegations; how made; joinder of offenses; rights of defendant.
(1) All informations shall be in writing and signed by the county attorney, complainant, or some other person, and the offenses charged therein shall be stated with the same fullness and precision in matters of substance as is required in indictments in like cases.
(2)(a) Any information charging a violation of section28-303and in which the death penalty is sought shall contain a notice of aggravation which alleges one or more aggravating circumstances, as such aggravating circumstances are provided in section29-2523. The notice of aggravation shall be filed as provided in section29-1602. It shall constitute sufficient notice to describe the alleged aggravating circumstances in the language provided in section29-2523.
(b) The state shall be permitted to add to or amend a notice of aggravation at any time up to and including the thirtieth day prior to the trial of guilt.
(c) The existence or contents of a notice of aggravation shall not be disclosed to the jury until after the verdict is rendered in the trial of guilt.
(3) Different offenses and different degrees of the same offense may be joined in one information, in all cases in which the same might by different counts be joined in one indictment; and in all cases a defendant or defendants shall have the same right, as to proceedings therein, as the defendant or defendants would have if prosecuted for the same offense upon indictment.

29-1604.

Information; procedure; law applicable.
The provisions of the criminal code in relation to indictments, and all other provisions of law, applying to prosecutions upon indictments to writs and process therein, and the issuing and service thereof, to motions, pleadings, trials and punishments or the execution of any sentence, and to all other proceedings in cases of indictments, whether in the court of original or appellate jurisdiction, shall in the same manner and to the same extent, as nearly as may be, apply to informations, and all prosecutions and proceedings thereon.

29-1605.
Commitment and bail; law applicable.
Any person who may, according to law, be committed to jail or become recognized or held to bail with sureties for his appearance in court to answer to any indictment, may in like manner be committed to jail or become recognized and held to bail for his appearance, to answer to any information or indictment, as the case may be.

29-1606.
Persons committed or held to bail; preliminary hearing; failure of county attorney to file information; written statement required; power of court.
It shall be the duty of the county attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case on preliminary examination, as provided by law, touching the commission of any offense wherein the offender shall be committed to jail, or become recognized or held to bail. If the prosecuting attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe, and file with the clerk of the court a statement in writing, containing his reasons, in fact and in law, for not filing an information in such case; and such statement shall be filed at and during the term of court at which the offender shall be held for his appearance;Provided,in such case such court may examine the statement, together with the evidence filed in the case, and if, upon such examination, the court shall not be satisfied with the statement, the county attorney shall be directed by the court to file the proper information and bring the case to trial.

29-1607.
Information; preliminary examination; required; when.
No information shall be filed against any person for any offense until such person shall have had a preliminary examination therefor, as provided by law, unless such person shall waive his or her right to such examination, except as otherwise provided in the Uniform Criminal Extradition Act. The preliminary examination shall be conducted as soon as the nature and the circumstances of the case will permit.

29-1608.
Indictment, complaint, or information against corporation; summons; service; return day; procedure.
Whenever an indictment is presented, or complaint or information filed against a corporation, a summons commanding the sheriff to notify the accused thereof, and returnable on the third day after its date, shall issue on the praecipe of the prosecuting attorney. Such summons, together with a copy of the indictment, information, or complaint, shall be served and returned in the manner provided for service of summons upon such corporation in a civil action. The corporation on or before the return day of a summons duly served may appear by one of its officers, or by counsel, and answer to the indictment, information, or complaint by motion, demurrer, or plea. Upon its failure to make such appearance and answer, the court clerk shall enter a plea of not guilty; and upon such appearance being made, or plea entered, the corporation shall be deemed thenceforth continuously present in the court until the case is finally disposed of.

29-1701.
Warrant and arrest on indictment or presentment.
A warrant may be issued in term time or in vacation of the court, on an indictment found or presentment made in any county, and when directed to the sheriff of the county where such indictment was found, or presentment made, it shall be lawful for such officer to pursue and arrest the accused named in such warrant, in any county of this state where he may be found, and commit him to jail, or hold him to bail, as provided in this code.

29-1702.
Accused a nonresident of the county; how arrested.
When the party accused shall reside out of the county in which such indictment was found, it shall be lawful to issue a warrant thereon, directed to the sheriff of the county where the accused shall reside or may be found. It shall be the duty of such officer to arrest the accused and convey him to the county from which such writ was issued, and there commit him to the jail of such county, or hold him to bail, as provided in section29-1701.

29-1703.
Misdemeanors; recognizance for appearance; authority of sheriff to take.
When any sheriff or other officer shall be charged with the execution of a warrant issued on any indictment for a misdemeanor, he

shall, during the vacation of the court from which the writ issued, have authority to take the recognizance of the person so indicted, together with sufficient sureties, resident and freeholders in the county from which such writ issued, in a sum of not less than fifty dollars nor more than five hundred dollars, conditioned for the appearance of such person on the first day of the next term of such court.

29-1704.
Misdemeanors; recognizance; return.
The sheriff or other officer shall return such writ according to the command thereof, with the name of the surety or sureties, together with the recognizance taken as aforesaid; and the recognizance so taken and returned shall be filed and recorded by the clerk of the court to which the same was returned, and may be proceeded on in the same way as if such recognizance had been taken in the court during term time.

29-1705.
Felonies; recognizance ordered by court; authority.
When any person has been indicted for a felony and the person so indicted has not been arrested or recognized to appear before the court, the court may make an entry of the cause upon the record and may order the amount in which the party indicted may be recognized for his or her appearance by any officer charged with the duty of arresting him or her.

29-1706.
Felonies; recognizance; amount; endorsement on warrant.
The clerk issuing a warrant on such an indictment shall endorse thereon the sum in which the recognizance of the accused was ordered as aforesaid to be taken.

29-1707.
Felonies; recognizance; conditions; return.
The officer charged with the execution of the warrant aforesaid shall take the recognizance of the party accused in the sum ordered as aforesaid, together with good and sufficient sureties, conditioned for the appearance of the accused at the return of the writ before the court out of which the same issued.
Such officer shall return such recognizance to the court to be recorded and proceeded on as provided in this code.

29-1708.
Recognizance; signature; certificate.
All recognizances taken during vacation of any court, by any judge or other officer thereof authorized to take them, shall be signed by the parties and certified to by the officer taking the same.

29-1709.
Indicted convicts; custody.
Whenever any convict in a Department of Correctional Services adult correctional facility is indicted for any offense committed while confined therein, such convict shall remain in the custody of the warden of the facility subject to the order of the district court of the county where the facility in which such convict is confined is situated.

29-1802.
Indictment; record; service of copy on defendant; arraignment, when had.
The clerk of the district court shall, upon the filing of any indictment with him or her and after the person indicted is in custody or let to bail, cause the same to be entered on the record of the court, and in case of the loss of the original, such record or a certified copy thereof shall be used in place thereof upon the trial of the cause. Within twenty-four hours after the filing of an indictment for felony, and in every other case on request, the clerk shall make and deliver to the sheriff and the defendant or his or her counsel a copy of the indictment, and the sheriff on receiving such copy shall serve the same upon the defendant. No one shall be, without his or her assent, arraigned or called on to answer to any indictment until one day has elapsed after receiving in person or by counsel or having an opportunity to receive a copy of such indictment.

29-1806.
Exceptions to indictment; time allowed.
The court shall allow the accused a reasonable time to examine the indictment and prepare exceptions thereto.

29-1807.
Exceptions to indictment; how made.
The accused may except to an indictment by (1) a motion to quash, (2) a plea in abatement, or (3) a demurrer.

29-1808.

Motion to quash; when made.
A motion to quash may be made in all cases when there is a defect apparent upon the face of the record, including defects in the form of the indictment or in the manner in which an offense is charged.

29-1809.
Plea in abatement; when made.
A plea in abatement may be made when there is a defect in the record which is shown by facts extrinsic thereto.

29-1810.
Demurrer to indictment; when made.
The accused may demur when the facts stated in the indictment do not constitute an offense punishable by the laws of this state, or when the intent is not alleged, when proof of it is necessary to make out the offense charged.

29-1811.
Indictment defective; accused committed or held to bail.
When a motion to quash, or a plea in abatement, has been adjudged in favor of the accused, he may be committed or held to bail in such sum as the court may require for his appearance at the first day of the next term of said court.

29-1812.
Defects; when considered waived.
The accused shall be taken to have waived all defects which may be excepted to by a motion to quash, or a plea in abatement, by demurring to an indictment or pleading in bar or the general issue.

29-1813.
Plea in abatement; misnomer; procedure.
If the accused shall plead in abatement that he is not indicted by his true name, he must plead what his true name is, which shall be entered on the minutes of the court, and after such entry the trial and all other proceedings on the indictment shall be had against him by that name, referring also to the name by which he is indicted, in the same manner in all respects as if he had been indicted by his true name.

29-1814.
Demurrer or reply to plea in abatement; when made.
To any plea in abatement the county attorney may demur if it is not sufficient in substance, or he may reply setting forth any facts which may show that there is no defect in the record as charged in the plea.

29-1815.
Plea after overruling of demurrer to indictment.
After a demurrer to an indictment has been overruled, the accused may plead not guilty, or in bar.

29-1816.
Arraignment of accused; when considered waived; accused younger than eighteen years of age; move court to waive jurisdiction to juvenile court; findings for decision; transfer to juvenile court; effect; appeal; admission, confession, or statement made by the accused; inadmissible; when.
(1)(a) The accused may be arraigned in county court or district court:
(i) If the accused was eighteen years of age or older when the alleged offense was committed;
(ii) If the accused was younger than eighteen years of age and was fourteen years of age or older when an alleged offense punishable as a Class I, IA, IB, IC, ID, II, or IIA felony was committed; or
(iii) If the alleged offense is a traffic offense as defined in section43-245.
(b) Arraignment in county court or district court shall be by reading to the accused the complaint or information, unless the reading is waived by the accused when the nature of the charge is made known to him or her. The accused shall then be asked whether he or she is guilty or not guilty of the offense charged. If the accused appears in person and by counsel and goes to trial before a jury regularly impaneled and sworn, he or she shall be deemed to have waived arraignment and a plea of not guilty shall be deemed to have been made.
(2) At the time of the arraignment, the county court or district court shall advise the accused, if the accused was younger than eighteen years of age at the time the alleged offense was committed, that the accused may move the county court or district court at any time not later than thirty days after arraignment, unless otherwise permitted by the court for good cause shown, to waive jurisdiction in such case to the juvenile court for further proceedings under the Nebraska Juvenile Code. This subsection does not apply if the case was transferred to county court or district court from juvenile court.
(3) For motions to transfer a case from the county court or district court to juvenile court:
(a) The county court or district court shall schedule a hearing on such motion within fifteen days. The customary rules of evidence

shall not be followed at such hearing. The accused shall be represented by an attorney. The criteria set forth in section43-276shall be considered at such hearing. After considering all the evidence and reasons presented by both parties, the case shall be transferred to juvenile court unless a sound basis exists for retaining the case in county court or district court; and
(b) The county court or district court shall make a decision on such motion within thirty days after the hearing and shall set forth findings for the reason for its decision. If the county court or district court determines that the accused should be transferred to the juvenile court, the complete file in the county court or district court shall be transferred to the juvenile court and the complaint, indictment, or information may be used in place of a petition therein. The county court or district court making a transfer shall order the accused to be taken forthwith to the juvenile court and designate where the juvenile shall be kept pending determination by the juvenile court. The juvenile court shall then proceed as provided in the Nebraska Juvenile Code.
(4) An order granting or denying transfer of the case from county or district court to juvenile court shall be considered a final order for the purposes of appeal. Upon entry of an order, any party may appeal to the Court of Appeals within ten days. Such review shall be advanced on the court docket without an extension of time granted to any party except upon a showing of exceptional cause. Appeals shall be submitted, assigned, and scheduled for oral argument as soon as the appellee's brief is due to be filed. The Court of Appeals shall conduct its review in an expedited manner and shall render the judgment and opinion, if any, as speedily as possible. During the pendency of an appeal from an order transferring the case to juvenile court, the juvenile court may enter temporary orders in the best interests of the juvenile.
(5)(a) Except as provided in subdivision (5)(b) of this section, any admission, confession, or statement made by the accused to a psychiatrist, psychologist, therapist, or licensed mental health practitioner for purposes of a motion to transfer a case from county court or district court to juvenile court shall be inadmissible in any criminal or civil proceeding.
(b) Subdivision (5)(a) of this section does not prevent any such admission, confession, or statement from being:
(i) Admissible in proceedings relating to such motion to transfer;
(ii) Admissible in disposition proceedings of such accused under the Nebraska Juvenile Code if the case is transferred to juvenile court;
(iii) Included in any presentence investigation report for such accused if the case is not transferred to juvenile court; and
(iv) Admissible in such case to impeach such accused during cross-examination if the accused testifies at trial or during juvenile court proceedings and such testimony is materially inconsistent with a prior statement made by the accused to a psychiatrist, psychologist, therapist, or licensed mental health practitioner for purposes of the motion to transfer such case.
(6) When the accused was younger than eighteen years of age when an alleged offense was committed, the county attorney or city attorney shall proceed under section43-274.

29-1816.01.
Arraignment of accused; record of proceedings; filing; evidence.
On the arraignment in the district court of any person accused of a felony, the court may require the official reporter of the court to make a record of the proceedings in such court incident to such arraignment and the disposition of the charge made against the accused including sentence in the event of conviction. The court may further require the court reporter to prepare a transcript of the report of such proceedings, authenticate the transcript with an appropriate certificate to be attached thereto, and cause the same to be filed in the office of the clerk of the court. Such transcript shall be kept in a special file and not removed from the office of the clerk of the district court, except on an order of a judge of the court expressly authorizing removal. In the event that the transcript is so made, authenticated and filed, it, or a duly certified copy thereof, shall become and be competent and lawful evidence and admissible as such in any of the courts of this state.

29-1817.
Plea in bar; allegations; reply to plea; how issues tried.
The accused may then offer a plea in bar to the indictment that he has before had judgment of acquittal, or been convicted, or been pardoned for the same offense; and to this plea the county attorney may reply that there is no record of such acquittal or conviction, or that there has been no pardon. On the trial of such issue to the court or to a jury, if the court desires to submit such issue to a jury, the accused must produce the record of such conviction or acquittal, or the pardon, and prove that he is the same person charged in the record or mentioned in the pardon; and shall be permitted to adduce such other evidence as may be necessary to establish the identity of the offense.

29-1818.
Plea in bar or abatement; verification by accused required.
No plea in bar or abatement shall be received by the court unless it be in writing, signed by the accused, and sworn to before some competent officer.

29-1819.
Pleas of guilty, not guilty, or nolo contendere; when required; failure to plead; effect.
If the issue on the plea in bar be found against the defendant, or if upon arraignment the accused offers no plea in bar, he shall plead guilty, not guilty, or nolo contendere; but if he pleads evasively or stands mute, he shall be taken to have pleaded not guilty.

29-1819.01.

Plea of nolo contendere; acceptance by court; when.
The accused may, at any time before conviction, enter a plea of nolo contendere with the consent of the court. The court may refuse to accept the plea, and shall not accept the plea without first determining that the plea is made voluntarily with an understanding of the nature of the charge.

29-1819.02.
Plea of guilty or nolo contendere; advisement required; effect.
(1) Prior to acceptance of a plea of guilty or nolo contendere to any offense punishable as a crime under state law, except offenses designated as infractions under state law, the court shall administer the following advisement on the record to the defendant:
IF YOU ARE NOT A UNITED STATES CITIZEN, YOU ARE HEREBY ADVISED THAT CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE BEEN CHARGED MAY HAVE THE CONSEQUENCES OF REMOVAL FROM THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.
(2) Upon request, the court shall allow the defendant additional time to consider the appropriateness of the plea in light of the advisement as described in this section. If, on or after July 20, 2002, the court fails to advise the defendant as required by this section and the defendant shows that conviction of the offense to which the defendant pleaded guilty or nolo contendere may have the consequences for the defendant of removal from the United States, or denial of naturalization pursuant to the laws of the United States, the court, on the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty. Absent a record that the court provided the advisement required by this section, the defendant shall be presumed not to have received the required advisement.
(3) With respect to pleas accepted prior to July 20, 2002, it is not the intent of the Legislature that a court's failure to provide the advisement required by subsection (1) of this section should require the vacation of judgment and withdrawal of the plea or constitute grounds for finding a prior conviction invalid. Nothing in this section, however, shall be deemed to inhibit a court, in the sound exercise of its discretion, from vacating a judgment and permitting a defendant to withdraw a plea.

29-1819.03.
Plea of guilty or nolo contendere; legislative findings and intent.
The Legislature finds and declares that in many instances involving an individual who is not a citizen of the United States and who is charged with an offense punishable as a crime under state law, a plea of guilty or nolo contendere is entered without the defendant knowing that a conviction of such offense is grounds for removal from the United States, or denial of naturalization pursuant to the laws of the United States. Therefor, it is the intent of the Legislature in enacting this section and section29-1819.02to promote fairness to such accused individuals by requiring in such cases that acceptance of a guilty plea or plea of nolo contendere be preceded by an appropriate warning of the special consequences for such a defendant which may result from the plea. It is also the intent of the Legislature that the court in such cases shall grant the defendant a reasonable amount of time to negotiate with the prosecuting agency in the event the defendant or the defendant's counsel was unaware of the possibility of removal from the United States, or denial of naturalization as a result of conviction. It is further the intent of the Legislature that at the time of the plea no defendant shall be required to disclose his or her legal status to the court.

29-1820.
Plea of guilty; record; accused; custody.
If the accused pleads guilty the plea shall be recorded on the indictment, and the accused may be placed in the custody of the sheriff until sentence.

29-1821.
Plea of not guilty; record; day of trial; designation; continuance; when.
If the accused pleads not guilty, the plea shall be entered on the indictment, and the prosecuting attorney shall, under the direction of the court, designate a day for trial, which shall be a day of the term at which the plea is made, unless the court, for good reasons, continues the case to a subsequent term.

29-1822.
Mental incompetency of accused after crime commission; effect; death penalty; stay of execution.
(1) A person who becomes mentally incompetent after the commission of an offense shall not be tried for the offense until such disability is removed as provided in section29-1823.
(2) If, after a verdict of guilty, but before judgment is pronounced, a defendant becomes mentally incompetent, then no judgment shall be given until such disability is removed.
(3) If a defendant is sentenced to death and, after judgment, but before execution of the sentence, such person becomes mentally incompetent, execution of the sentence shall be stayed until such disability is removed.

29-1823.
Mental incompetency of defendant before or during trial; determination by judge; effect; costs; hearing; commitment proceeding; treatment; department; duties; motion to discharge; considerations; reimbursement to counties for lodging.

(1) If at any time prior to or during trial it appears that the defendant has become mentally incompetent to stand trial, such disability may be called to the attention of the district or county court by the county attorney or city attorney, by the defendant, or by any person for the defendant. The judge of the district or county court of the county where the defendant is to be tried shall have the authority to determine whether or not the defendant is competent to stand trial. The judge may also cause such medical, psychiatric, or psychological examination of the defendant to be made as he or she deems warranted and hold such hearing as he or she deems necessary. The cost of the examination, when ordered by the court, shall be the expense of the county in which the crime is charged. The judge may allow any physician, psychiatrist, or psychologist a reasonable fee for his or her services, which amount, when determined by the judge, shall be certified to the county board which shall cause payment to be made. Should the judge determine after a hearing that the defendant is mentally incompetent to stand trial and that there is a substantial probability that the defendant will become competent within the reasonably foreseeable future, the judge shall order the defendant to be committed to the Department of Health and Human Services to provide appropriate treatment to restore competency. This may include commitment to a state hospital for the mentally ill, another appropriate state-owned or state-operated facility, or a contract facility or provider pursuant to an alternative treatment plan proposed by the department and approved by the court under subsection (2) of this section until such time as the disability may be removed.
(2)(a) If the department determines that treatment by a contract facility or provider is appropriate, the department shall file a report outlining its determination and such alternative treatment plan with the court. Within twenty-one days after the filing of such report, the court shall hold a hearing to determine whether such treatment is appropriate. The court may approve or deny such alternative treatment plan.
(b) A defendant shall not be eligible for treatment by a contract facility or provider under this subsection if the judge determines that the public's safety would be at risk.
(3) Within sixty days after entry of the order committing the defendant to the department, and every sixty days thereafter until either the disability is removed or other disposition of the defendant has been made, the court shall hold a hearing to determine (a) whether the defendant is competent to stand trial or (b) whether or not there is a substantial probability that the defendant will become competent within the reasonably foreseeable future.
(4) If it is determined that there is not a substantial probability that the defendant will become competent within the reasonably foreseeable future, then the state shall either (a) commence the applicable civil commitment proceeding that would be required to commit any other person for an indefinite period of time or (b) release the defendant. If during the period of time between the sixty-day review hearings set forth in subsection (3) of this section it is the opinion of the department that the defendant is competent to stand trial, the department shall file a report outlining its opinion with the court and within seven days after such report being filed the court shall hold a hearing to determine whether or not the defendant is competent to stand trial. The state shall pay the cost of maintenance and care of the defendant during the period of time ordered by the court for treatment to remove the disability.
(5) The defendant, by and through counsel, may move to be discharged from the offenses charged in the complaint or information for the reason that there is not a substantial probability that the defendant will become competent within the reasonably foreseeable future.
(6) In determining whether there is a substantial probability that a defendant will become competent in the reasonably foreseeable future, the court shall take into consideration the likely length of any sentence that would be imposed upon the defendant. If the court discharges the defendant, the court shall state whether such discharge is with or without prejudice.
(7)(a) If a judge orders a defendant to be committed to the Department of Health and Human Services to receive treatment to restore competency and such defendant remains lodged in the county jail, the department shall reimburse the county for lodging the defendant.
(b) Costs of lodging the defendant shall include the daily rate of lodging the defendant, food, medical services, transportation, and any other necessary costs incurred by the county to lodge the defendant.
(c) The daily rate of lodging the defendant shall be one hundred dollars per day for each day or portion thereof after the first thirty days that the defendant is lodged in the county jail after a determination by a judge that the defendant is required to be restored to competency. On July 1, 2023, and each July 1 thereafter, the department shall adjust the amount to be reimbursed to the county jails by an amount equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve months ending on June 30 of such year.
(d) For purposes of this section, medical services has the same meaning as provided in subsection (2) of section47-701.

29-1824.
Competency restoration treatment; network of contract facilities and providers; department; powers.
The Department of Health and Human Services may establish a network of contract facilities and providers to provide competency restoration treatment pursuant to alternative treatment plans under section29-1823. The department may create criteria for participation in such network and establish training in competency restoration treatment for participating contract facilities and providers.

29-1901.
Subpoenas in traffic and criminal cases; provisions applicable.
(1) The statutes governing subpoenas in civil actions and proceedings shall also govern subpoenas in traffic and criminal cases,

except that subsections (1), (3), and (4) of section25-1228shall not apply to those cases. The payment of compensation and mileage to witnesses in those cases shall be governed by section29-1903.
(2) A trial subpoena in a traffic and criminal case shall contain the statement specified in subsection (5) of section25-1223.

29-1902.
Return of subpoenas.
If the subpoena be served by such special deputy, it shall be his duty, after serving the same, to return thereon the manner in which the same was served; and also to make oath or affirmation to the truth of such return, before some person competent to administer oaths, which shall be endorsed on such writ; and the same shall be returned according to the command thereof by the person serving the same through the post office or otherwise.

29-1903.
Traffic, criminal, and juvenile cases; witness fees and mileage.
(1) The amount of the witness fee and mileage in traffic, criminal, and juvenile cases is governed by section33-139.
(2) A witness in a traffic, criminal, or juvenile case shall be entitled to a witness fee and mileage after appearing in court in response to a subpoena. The clerk of the court shall immediately submit a claim for payment of witness fees and mileage on behalf of all such witnesses to the county clerk in cases involving a violation of state law or to the city clerk in cases involving a violation of a city ordinance. All witness fees and mileage paid by a defendant as part of the court costs ordered by the court to be paid shall be reimbursed to the county or city treasurer as appropriate.
(3) Any person accused of crime amounting to a misdemeanor or felony shall have compulsory process to enforce the attendance of witnesses in his or her behalf.

29-1904.
Depositions; certain witnesses; application by defendant; when granted; interrogatories; notice to county attorney.
Where any issue of fact is joined on any indictment, and any material witness for the defendant resides out of the state, or, residing within the state, is sick or infirm or is about to leave the state, such defendant may apply in writing to the court in term time, or the judge thereof in vacation, for a commission to examine such witness upon interrogatories thereto annexed, and such court or judge may grant the same, and order what and for how long a time notice shall be given the prosecuting attorney before the witness shall be examined.

29-1905.
Depositions; how taken.
The proceedings in taking the examination of such witness and returning it to court shall be governed in all respects as the taking of depositions in all civil cases.

29-1906.
Terms, defined.
(1) The word witness as used in sections29-1906to29-1911shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding; (2) the word state shall include any territory of the United States and the District of Columbia; (3) the word summons shall include a subpoena, order or other notice requiring the appearance of a witness.

29-1907.
Person in this state required as witness in another state; procedure to secure attendance; fees; failure to testify; punishment.
If a judge of a court of record in any state, which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his or her presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing. If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him or her protection from arrest and the service of civil and criminal process, he or she shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein. If the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his or her attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him or her for such hearing; and the judge at the hearing being satisfied of the

desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability, may, in lieu of issuing subpoena or summons, order that the witness be forthwith taken into custody and delivered to an officer of the requesting state. If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person an amount equal to the rate authorized in section81-1176for mileage for state employees for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day that he or she is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he or she shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

29-1908.
Person in another state required as witness in this state; procedure to secure attendance; fees; failure to testify; punishment.
If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Such certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his or her attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found. If the witness is summoned to attend and testify in this state he or she shall be tendered an amount equal to the rate authorized in section81-1176for mileage for state employees for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he or she is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he or she shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

29-1909.
Witness from another state; not subject to arrest or civil process while in this state.
If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not while in this state pursuant to such summons be subject to arrest for the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

29-1910.
Sections, how construed.
Sections29-1906to29-1911shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them. They shall be construed as supplemental to and cumulative with section29-1904.

29-1911.
Act, how cited.
Sections29-1906to29-1911may be cited as the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings.

29-1912.
Request by defendant to inspect and make copies of evidence; granted; when; findings; possibility of harm; effect.
(1) When a defendant is charged with a felony or when a defendant is charged with a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty, he or she may request the court where the case is to be tried, at any time after the filing of the indictment, information, or complaint, to order the prosecuting attorney to permit the defendant to inspect and copy or photograph:
(a) The defendant's statement, if any. For purposes of this subdivision, statement includes any of the following which relate to the investigation of the underlying charge or charges in the case and which were developed or received by law enforcement agencies:
(i) Written or recorded statements;
(ii) Written summaries of oral statements; and
(iii) The substance of oral statements;
(b) The defendant's prior criminal record, if any;
(c) The defendant's recorded testimony before a grand jury;
(d) The names and addresses of witnesses on whose evidence the charge is based;
(e) The results and reports, in any form, of physical or mental examinations, and of scientific tests, or experiments made in connection with the particular case, or copies thereof;

(f) Documents, papers, books, accounts, letters, photographs, objects, or other tangible things of whatsoever kind or nature which could be used as evidence by the prosecuting authority; and
(g) Reports developed or received by law enforcement agencies when such reports directly relate to the investigation of the underlying charge or charges in the case.
(2) The court may issue such an order pursuant to the provisions of this section. In the exercise of its judicial discretion, the court shall consider, among other things, whether:
(a) The request is material to the preparation of the defense;
(b) The request is not made primarily for the purpose of harassing the prosecution or its witnesses;
(c) The request, if granted, would not unreasonably delay the trial of the offense and an earlier request by the defendant could not have reasonably been made;
(d) There is no substantial likelihood that the request, if granted, would preclude a just determination of the issues at the trial of the offense; or
(e) The request, if granted, would not result in the possibility of bodily harm to, or coercion of, witnesses.
(3) Whenever the court refuses to grant an order pursuant to the provisions of this section, it shall render its findings in writing together with the facts upon which the findings are based.
(4) Whenever the prosecuting attorney believes that the granting of an order under the provisions of this section will result in the possibility of bodily harm to witnesses or that witnesses will be coerced, the court may permit him or her to make such a showing in the form of a written statement to be inspected by the court alone. The statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal by the defendant.
(5) This section does not apply to jailhouse informants as defined in section29-4701. Sections29-4701to29-4706govern jailhouse informants.

29-1913.
Discovery; evidence of prosecuting authority; test or analysis by defense; when allowed; when inadmissible.
(1) When in any felony prosecution or any prosecution for a misdemeanor or a violation of a city or village ordinance for which imprisonment is a possible penalty, the evidence of the prosecuting authority consists of scientific tests or analyses of ballistics, firearms identification, fingerprints, blood, semen, or other stains, upon motion of the defendant the court where the case is to be tried may order the prosecuting attorney to make available to the defense such evidence necessary to allow the defense to conduct like tests or analyses with its own experts. The order shall specify the time, place, and manner of making such tests or analyses by the defense. Such an order shall not be entered if the tests or analyses by the defense cannot be made because of the natural deterioration of the evidence.
(2) If the evidence necessary to conduct the tests or analyses by the defense is unavailable because of the neglect or intentional alteration by representatives of the prosecuting authority, other than alterations necessary to conduct the initial tests, the tests or analyses by the prosecuting authority shall not be admitted into evidence.

29-1914.
Discovery order; limitation.
Whenever an order is issued pursuant to the provisions of section29-1912or29-1913, it shall be limited to items or information that:
(1) Directly relate to the investigation of the underlying charge or charges in the case;
(2) Are within the possession, custody, or control of the state or local subdivisions of government; and
(3) Are known to exist by the prosecution or that, by the exercise of due diligence, may become known to the prosecution.

29-1915.
Discovery order; specify time, place, and manner of inspections and making copies.
An order issued pursuant to the provisions of sections29-1912to29-1921shall specify the time, place, and manner of making the inspections and of making copies or photographs and may prescribe such terms and conditions as are just.

29-1916.
Discovery order; reciprocity to prosecution; waiver of privilege of self-incrimination.
(1) Whenever the court issues an order pursuant to the provisions of sections29-1912and29-1913, the court may condition its order by requiring the defendant to grant the prosecution like access to comparable items or information included within the defendant's request which:
(a) Are in the possession, custody, or control of the defendant;
(b) The defendant intends to produce at the trial; and
(c) Are material to the preparation of the prosecution's case.
(2) Whenever a defendant is granted an order under sections29-1912to29-1921, the defendant shall be deemed to have waived the privilege of self-incrimination for the purposes of the operation of this section.

29-1917.
Deposition of witness or sexual assault victim; when; procedure; use at trial.

(1) Except as provided in section29-1926, at any time after the filing of an indictment or information in a felony prosecution, the prosecuting attorney or the defendant may request the court to allow the taking of a deposition of any person other than the defendant who may be a witness in the trial of the offense. The court may order the taking of the deposition when it finds the testimony of the witness:
(a) May be material or relevant to the issue to be determined at the trial of the offense; or
(b) May be of assistance to the parties in the preparation of their respective cases.
(2) An order granting the taking of a deposition shall include the time and place for taking such deposition and such other conditions as the court determines to be just.
(3) Except as provided in subsection (4) of this section, the proceedings in taking the deposition of a witness pursuant to this section and returning it to the court shall be governed in all respects as the taking of depositions in civil cases, including section25-1223.
(4)(a) A sexual assault victim may request to have an advocate of the victim's choosing present during a deposition under this section. The prosecuting attorney shall inform the victim that the victim may make such request as soon as reasonably practicable prior to the deposition. If the victim wishes to have an advocate present, the victim shall, if reasonably practicable, inform the prosecuting attorney if an advocate will be present, and, if known, the advocate's identity and contact information. If so informed by the victim, the prosecuting attorney shall notify the defendant as soon as reasonably practicable.
(b) An advocate present at a deposition under this section shall not interfere with the deposition or provide legal advice.
(c) For purposes of this subsection, the terms sexual assault victim, victim, and advocate have the same meanings as in section29-4309.
(5) A deposition taken pursuant to this section may be used at the trial by any party solely for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

29-1918.
Discovery of additional evidence; notify other party and court.
If, subsequent to compliance with an order for discovery under the provisions of sections29-1912to29-1921, and prior to or during trial, a party discovers additional material which the party would have been under a duty to disclose or produce at the time of such previous compliance, the party shall promptly notify the other party or the other party's attorney and the court of the existence of the additional material. Such notice shall be given at the time of the discovery of such additional material.

29-1919.
Discovery; failure to comply; effect.
If, at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with sections29-1912to29-1921or an order issued pursuant to sections29-1912to29-1921, the court may:
(1) Order such party to permit the discovery or inspection of materials not previously disclosed;
(2) Grant a continuance;
(3) Prohibit the party from calling a witness not disclosed or introducing in evidence the material not disclosed; or
(4) Enter such other order as it deems just under the circumstances.

29-1920.
Indigent defendant; costs; how taxed.
Whenever a defendant is adjudged indigent, the reasonable costs incurred in the operation of the provisions of sections29-1912to29-1921shall be taxed as costs against the prosecuting authority.

29-1921.
Attorney-client privilege protected.
Nothing in sections29-1912to29-1921shall be construed to authorize any disclosure which would violate the attorney-client privilege.

29-1922.
Motion to produce statement of defendant and names of eyewitnesses; filing; order.
Any defendant may file a motion to produce any statement made by the defendant, or furnish the name of every eyewitness who has identified the defendant at a lineup or showup. The motion shall be filed in the court where the case is to be tried and may be made at any time after the information, indictment, or complaint is filed, and must be filed at least ten days before trial or at the time of arraignment, whichever is the later, unless otherwise permitted by the court for good cause shown. Upon a showing that the items requested by the defendant may be material to the preparation of his or her defense and that the request is reasonable, the court shall entertain such motion and upon sufficient showing may at any time order that the discovery or the inspection be denied, restricted, or deferred or may specify the time, place, and manner of the making of the examination and the taking of copies of items requested and may prescribe such other terms and conditions as are just.

29-1923.
Additional statement of defendant or name of eyewitness; prosecutor; notification required; failure to comply; effect.

If, subsequent to compliance with an order issued pursuant to section29-1922, and prior to or during trial, the prosecuting authority discovers any additional statement made by the defendant or the name of any eyewitness who has identified the defendant at a lineup or showup previously requested or ordered which is subject to discovery or inspection under section29-1922, he or she shall promptly notify the defendant or his or her attorney or the court of the existence of this additional material. Such notice shall be given at the time of the discovery of such additional material. If at any time during the course of the proceedings it is brought to the attention of the court that the prosecuting authority has failed to comply with this section or with an order issued pursuant to section29-1922, the court may order the prosecuting authority to permit the discovery or inspection of materials or witnesses not previously disclosed, grant a continuance, or prohibit the prosecuting authority from introducing in evidence the material or the testimony of the witness or witnesses not disclosed, or it may enter such other order as it deems just under the circumstances.

29-1924.
Statement, defined.
For purposes of sections29-1922and29-1923, statement made by the defendant includes any of the following statements made by the defendant which relate to the investigation of the underlying charge or charges in the case and which were developed or received by law enforcement agencies:
(1) Written or recorded statements;
(2) Written summaries of oral statements; and
(3) The substance of oral statements.

29-1925.
Child victim or child witness; testimony; legislative intent.
The Legislature recognizes that obtaining testimony in a criminal prosecution from a child victim of or a child witness to a felony offense may be a delicate matter and may require some special considerations. It is the intent of the Legislature to promote, facilitate, and preserve the testimony of such child victim or child witness in a criminal prosecution to the fullest extent possible consistent with the constitutional right to confrontation guaranteed by the Sixth Amendment of the Constitution of the United States and Article I, section 11, of the Nebraska Constitution.

29-1926.
Child victim or child witness; video deposition and in camera testimony; conditions; use; findings by court; release; procedure; violation; penalty.
(1)(a) Upon request of the prosecuting or defense attorney and upon a showing of compelling need, the court shall order the taking of a video deposition of a child victim of or child witness to any offense punishable as a felony. The deposition ordinarily shall be in lieu of courtroom or in camera testimony by the child. If the court orders a video deposition, the court shall:
(i) Designate the time and place for taking the deposition. The deposition may be conducted in the courtroom, the judge's chambers, or any other location suitable for video recording;
(ii) Assure adequate time for the defense attorney to complete discovery before taking the deposition; and
(iii) Preside over the taking of the video deposition in the same manner as if the child were called as a witness for the prosecution during the course of the trial.
(b) Unless otherwise required by the court, the deposition shall be conducted in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court, including the parent or guardian of the child victim or child witness, an advocate as defined in section29-4309, or a counselor or other person with whom the child is familiar. Such parent, guardian, advocate, counselor, or other person shall be allowed to sit with or near the child unless the court determines that such person would be disruptive to the child's testimony.
(c) At any time subsequent to the taking of the original video deposition and upon sufficient cause shown, the court shall order the taking of additional video depositions to be admitted at the time of the trial.
(d) If the child testifies at trial in person rather than by video deposition, the taking of the child's testimony may, upon request of the prosecuting attorney and upon a showing of compelling need, be conducted in camera.
(e) Unless otherwise required by the court, the child shall testify in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court, including the parent or guardian of the child victim or child witness, an advocate as defined in section29-4309, or a counselor or other person with whom the child is familiar. Such parent, guardian, advocate, counselor, or other person shall be allowed to sit with or near the child unless the court determines that such person would be disruptive to the child's testimony. Unless waived by the defendant, all persons in the room shall be visible on camera except the camera operator.
(f) If deemed necessary to preserve the constitutionality of the child's testimony, the court may direct that during the testimony the child shall at all times be in a position to see the defendant live or on camera.
(g) For purposes of this section, child means a person eleven years of age or younger at the time the motion to take the deposition is made or at the time of the taking of in camera testimony at trial.
(h) Nothing in this section shall restrict the court from conducting the pretrial deposition or in camera proceedings in any manner deemed likely to facilitate and preserve a child's testimony to the fullest extent possible, consistent with the right to confrontation guaranteed in the Sixth Amendment of the Constitution of the United States and Article I, section 11, of the Nebraska Constitution.

In deciding whether there is a compelling need that child testimony accommodation is required by pretrial video deposition, in camera live testimony, in camera video testimony, or any other accommodation, the court shall make particularized findings on the record of:
(i) The nature of the offense;
(ii) The significance of the child's testimony to the case;
(iii) The likelihood of obtaining the child's testimony without modification of trial procedure or with a different modification involving less substantial digression from trial procedure than the modification under consideration;
(iv) The child's age;
(v) The child's psychological maturity and understanding; and
(vi) The nature, degree, and duration of potential injury to the child from testifying.
(i) The court may order an independent examination by a psychologist or psychiatrist if the defense attorney requests the opportunity to rebut the showing of compelling need produced by the prosecuting attorney. Such examination shall be conducted in the child's county of residence.
(j) After a finding of compelling need by the court, neither party may call the child witness to testify as a live witness at the trial before the jury unless that party demonstrates that the compelling need no longer exists.
(k) Nothing in this section shall limit the right of access of the media or the public to open court.
(l) Nothing in this section shall preclude discovery by the defendant as set forth in section29-1912.
(m) The Supreme Court may adopt and promulgate rules of procedure to administer this section, which rules shall not be in conflict with laws governing such matters.
(2)(a) No custodian of a video recording of a child victim or child witness alleging, explaining, denying, or describing an act of sexual assault pursuant to section28-319,28-319.01, or28-320.01or child abuse pursuant to section28-707as part of an investigation or evaluation of the abuse or assault shall release or use a video recording or copies of a video recording or consent, by commission or omission, to the release or use of a video recording or copies of a video recording to or by any other party without a court order, notwithstanding the fact that the child victim or child witness has consented to the release or use of the video recording or that the release or use is authorized under law, except as provided in section28-730or pursuant to an investigation under the Office of Inspector General of Nebraska Child Welfare Act. Any custodian may release or consent to the release or use of a video recording or copies of a video recording to law enforcement agencies or agencies authorized to prosecute such abuse or assault cases on behalf of the state.
(b) The court order may govern the purposes for which the video recording may be used, the reproduction of the video recording, the release of the video recording to other persons, the retention and return of copies of the video recording, and any other requirements reasonably necessary for the protection of the privacy and best interests of the child victim or child witness.
(c)(i) Pursuant to section29-1912, the defendant described in the video recording may petition the district court in the county where the alleged offense took place or where the custodian of the video recording resides for an order requiring the custodian of the video recording to provide a physical copy to the defendant or the defendant's attorney. Such order shall include a protective order prohibiting further distribution of the video recording without a court order.
(ii) Upon obtaining the copy of the video recording pursuant to subdivision (2)(c)(i) of this section, the defendant or the defendant's attorney may request that the recording be transcribed by filing a motion with the court identifying the court reporter or transcriber and the address or location where the transcription will occur. Upon receipt of such request, the court shall enter an order authorizing the distribution of a copy of the video recording to such reporter or transcriber and requiring the copy of the video recording be returned by the reporter or transcriber upon completion of the transcription. Such order may include a protective order related to the distribution of the video recording or information contained in the video recording, including an order that identifying information of the child victim or child witness be redacted from the transcript prepared pursuant to this subsection. Upon return of such copy, the defendant or the defendant's attorney shall certify to the court and the parties that such copy has been returned.
(iii) After obtaining the copy of the video recording pursuant to subdivision (2)(c)(i) of this section, the defendant or the defendant's attorney may file a motion with the court requesting permission to release such copy to an expert or investigator. If the defendant or the defendant's attorney believes that including the name or identifying information of such expert or investigator will prejudice the defendant, the court shall permit the defendant or the defendant's attorney to include such information in the form of a written statement to be inspected by the court alone. The statement shall be sealed and preserved in the records of the court. Upon granting such motion, the court shall enter an order authorizing the distribution of a copy of the video recording to such expert or investigator and requiring the copy of the video recording be returned by the expert or investigator upon the completion of services of the expert or investigator. The order shall not include the name or identifying information of the expert or investigator. Such order may include a protective order related to the distribution of the video recording or information contained in the video recording. Upon return of such copy, the defendant or the defendant's attorney shall certify to the court and the parties that such copy has been returned. Such certification shall not include the name or identifying information of the expert or the investigator.
(d) Any person who releases or uses a video recording except as provided in this section shall be guilty of a Class I misdemeanor.

29-1927.
Admission of evidence of alibi; notice required; waiver.
No evidence offered by a defendant for the purpose of establishing an alibi to an offense shall be admitted in the trial of the case unless notice of intention to rely upon an alibi is given to the county attorney and filed with the court at least thirty days before trial,

except that such notice shall be waived by the presiding judge if necessary in the interests of justice.

29-2001.
Trial; presence of accused required; exceptions.
No person indicted for a felony shall be tried unless personally present during the trial. Persons indicted for a misdemeanor may, at their own request, by leave of the court be put on trial in their absence. The request shall be in writing and entered on the record of the court.

29-2002.
Joinder of offenses; joint trial; separate trials; when permitted; procedure.
(1) Two or more offenses may be charged in the same indictment, information, or complaint in a separate count for each offense if the offenses charged, whether felonies or misdemeanors, or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.
(2) The court may order two or more indictments, informations, or complaints, or any combination thereof, to be tried together if the offenses could have been joined in a single indictment, information, or complaint or if the defendants, if there is more than one, are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The procedure shall be the same as if the prosecution were under such single indictment, information, or complaint.
(3) If it appears that a defendant or the state would be prejudiced by a joinder of offenses in an indictment, information, or complaint or by such joinder of offenses in separate indictments, informations, or complaints for trial together, the court may order an election for separate trials of counts, indictments, informations, or complaints, grant a severance of defendants, or provide whatever other relief justice requires.

29-2003.
Joint indictment; special venire; when required; how drawn.
When two or more persons have been charged together in the same indictment or information with a crime, and one or more have demanded a separate trial and had the same, and when the court is satisfied by reason of the same evidence being required in the further trial of parties to the same indictment or information, that the petit jurors from the jury panel and bystanders are incompetent, because of having heard the evidence, to sit in further causes in the same indictment or information, then the court may require the jury commissioner to draw in the same manner as described in section25-1656such number of names as the court may direct as a separate jury panel from which a jury may be selected, which panel shall be notified and summoned for the day and hour as ordered by the court. The jurors whose names are so drawn shall be summoned to forthwith appear before the court, and, after having been examined, such as are found qualified and have no lawful excuse for not serving as jurors shall constitute a special venire from which the court shall proceed to have a jury impaneled for the trial of the cause. The court may repeat the exercise of this power until all the parties charged in the same indictment or information have been tried.

29-2004.
Jury; how drawn and selected; alternate jurors.
(1) All parties may stipulate that the jury may be selected up to thirty-one days prior to the date of trial. The stipulation must be unanimous among all parties and evidenced by a joint stipulation to the county court.
(2) In all cases, except as may be otherwise expressly provided, the accused shall be tried by a jury drawn, summoned, and impaneled according to provisions of the code of civil procedure, except that whenever in the opinion of the court the trial is likely to be a protracted one, the court may, immediately after the jury is impaneled and sworn, direct the calling of additional jurors, to be known as alternate jurors.
(3)(a) The court may impanel up to six alternate jurors to replace any jurors who are unable to perform or who are disqualified from performing their duties.
(b) Alternate jurors must have the same qualifications and shall be selected and sworn in the same manner as any other juror.
(c) Unless a party objects, alternate jurors shall replace jurors in the same sequence in which the alternates were selected. An alternate juror who replaces a juror has the same authority as the other jurors.
(4) The alternate jurors shall take the proper oath or affirmation and shall be seated near the regular jurors with equal facilities for seeing and hearing the proceedings in the cause, and shall attend at all times upon the trial of the cause in company with the regular jurors. They shall obey all orders and admonitions of the court, and if the regular jurors are ordered to be kept in the custody of an officer during the trial of the cause, the alternate jurors shall also be kept with the other jurors.
(5)(a) The court may retain alternate jurors after the jury retires to deliberate, except that if an information charging a violation of section28-303and in which the death penalty is sought contains a notice of aggravation, the alternate jurors shall be retained as provided in section29-2520.
(b) The court shall ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court shall instruct the jury to begin its deliberations anew.
(6)(a) Each party is entitled to the following number of additional peremptory challenges to prospective alternate jurors:
(i) One additional peremptory challenge is permitted when one or two alternates are impaneled;

(ii) Two additional peremptory challenges are permitted when three or four alternates are impaneled; and
(iii) Three additional peremptory challenges are permitted when five or six alternates are impaneled.
(b) The additional peremptory challenges provided in this subsection may only be used to remove alternate jurors.
(7) In construing and applying this section, courts shall consider Federal Rule of Criminal Procedure 24 and case law interpreting such rule.

29-2005.
Peremptory challenges.
Except as otherwise provided in section29-2004for peremptory challenges to alternate jurors:
(1) Every person arraigned for any crime punishable with death, or imprisonment for life, shall be admitted on his or her trial to a peremptory challenge of twelve jurors, and no more;
(2) Every person arraigned for any offense that may be punishable by imprisonment for a term exceeding eighteen months and less than life, shall be admitted to a peremptory challenge of six jurors;
(3) In all other criminal trials, the defendant shall be allowed a peremptory challenge of three jurors; and
(4) The attorney prosecuting on behalf of the state shall be admitted to a peremptory challenge of twelve jurors in all cases when the offense is punishable with death or imprisonment for life, six jurors when the offense is punishable by imprisonment for a term exceeding eighteen months and less than life, and three jurors in all other cases.

29-2006.
Challenges for cause.
The following shall be good causes for challenge to any person called as a juror or alternate juror, on the trial of any indictment: (1) That he was a member of the grand jury which found the indictment; (2) that he has formed or expressed an opinion as to the guilt or innocence of the accused;Provided,if a juror or alternate juror shall state that he has formed or expressed an opinion as to the guilt or innocence of the accused, the court shall thereupon proceed to examine, on oath, such juror or alternate juror as to the ground of such opinion; and if it shall appear to have been founded upon reading newspaper statements, communications, comments or reports, or upon rumor or hearsay, and not upon conversations with witnesses of the transactions or reading reports of their testimony or hearing them testify, and the juror or alternate juror shall say on oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that such juror or alternate juror is impartial and will render such verdict, may, in its discretion, admit such juror or alternate juror as competent to serve in such case; (3) in indictments for an offense the punishment whereof is capital, that his opinions are such as to preclude him from finding the accused guilty of an offense punishable with death; (4) that he is a relation within the fifth degree to the person alleged to be injured or attempted to be injured, or to the person on whose complaint the prosecution was instituted, or to the defendant; (5) that he has served on the petit jury which was sworn in the same cause against the same defendant and which jury either rendered a verdict which was set aside or was discharged, after hearing the evidence; (6) that he has served as a juror in a civil case brought against the defendant for the same act; (7) that he has been in good faith subpoenaed as a witness in the case; (8) that he is a habitual drunkard; (9) the same challenges shall be allowed in criminal prosecutions that are allowed to parties in civil cases.

29-2007.
Challenges for cause; how tried.
All challenges for cause shall be tried by the court, on the oath of the person challenged, or on other evidence, and such challenge shall be made before the jury is sworn, and not afterward.

29-2008.
Defendants tried together; number of peremptory challenges allowed.
If two or more persons be put on trial at the same time, each must be allowed his separate peremptory challenge, and in such cases the attorney prosecuting on behalf of the state shall be allowed such peremptory challenges for each of such defendants as are allowed by law.

29-2009.
Jurors; oath; form.
When all challenges have been made, the following oath shall be administered: You shall well and truly try, and true deliverance make, between the State of Nebraska and the prisoner at the bar (giving his name), so help you God.

29-2010.
Juror; affirmation; form.
Any juror shall be allowed to make affirmation, and the words this you do as you shall answer under the pains and penalties of perjury shall be substituted instead of the words so help you God.

29-2011.
Jurors; permitted to take notes; use; destruction.

Jurors shall be permitted, but not required, to take notes. The notes may be used during the jury's deliberations and shall be treated as confidential between the juror making them and the other jurors. The trial judge shall ensure the confidentiality of the notes during the course of the trial and the jury's deliberations and shall instruct the bailiff to immediately mutilate and destroy such notes upon return of the verdict.

29-2011.02.
Witnesses; refusal to testify or provide information; court order for testimony or information; limitation on use.
Whenever a witness refuses, on the basis of the privilege against self-incrimination, to testify or to provide other information in a criminal proceeding or investigation before a court, a grand jury, the Auditor of Public Accounts, the Legislative Council, or a standing committee or a special legislative investigative or oversight committee of the Legislature, the court, on motion of the county attorney, other prosecuting attorney, Auditor of Public Accounts, chairperson of the Executive Board of the Legislative Council, or chairperson of a standing or special committee of the Legislature, may order the witness to testify or to provide other information. The witness may not refuse to comply with such an order of the court on the basis of the privilege against self-incrimination, but no testimony or other information compelled under the court's order or any information directly or indirectly derived from such testimony or other information may be used against the witness in any criminal case except in a prosecution for perjury, giving a false statement, or failing to comply with the order of the court.

29-2011.03.
Order for testimony or information of witness; request; when.
The county attorney, other prosecuting attorney, Auditor of Public Accounts, or chairperson of the Executive Board of the Legislative Council or chairperson of a standing committee or a special legislative investigative or oversight committee of the Legislature upon an affirmative vote of a majority of the board or committee, may request an order pursuant to section29-2011.02when in such person's judgment:
(1) The testimony or other information from such individual may be necessary to the public interest; and
(2) Such individual has refused or is likely to refuse to testify or provide other information on the basis of the privilege against self-incrimination.

29-2012.
Joint defendants; discharge of one or more; when authorized; effect.
When two or more persons shall be indicted together, the court may, at any time before the defendant has gone into his defense, direct any one of the defendants to be discharged that he may be a witness for the state. An accused may, also, when there is not sufficient evidence to put him upon his defense, be discharged by the court; or, if not discharged by the court, shall be entitled to the immediate verdict of the jury, for the purpose of giving evidence for others accused with him. Such order of discharge in either case shall be a bar to another prosecution for the same offense.

29-2014.
Conspiracy; overt acts; allegations required; proof.
In trials for conspiracy, in cases where an overt act is required by law to consummate the offense, no conviction shall be had unless one or more overt acts be expressly alleged in the indictment, nor unless one or more of the acts so alleged be proved on trial; but other overt acts not alleged in the indictment may be given in evidence on the part of the prosecution.

29-2016.
Trial; order of procedure.
After the jury has been impaneled and sworn, the trial shall proceed in the following order: (1) The counsel for the state must state the case of the prosecution and may briefly state the evidence by which he expects to sustain it; (2) the defendant or his counsel must then state his defense and may briefly state the evidence he expects to offer in support of it; (3) the state must first produce its evidence; the defendant will then produce his evidence; (4) the state will then be confined to rebutting evidence, unless the court for good reason in furtherance of justice, shall permit it to offer evidence in chief; (5) when the evidence is concluded, either party may request instructions to the jury on the points of law, which shall be given or refused by the court, which instructions shall be reduced to writing if either require it; (6) when the evidence is concluded, unless the case is submitted without argument, the counsel for the state shall commence, the defendant or his counsel follow, and the counsel for the state conclude the argument to the jury; (7) the court after the argument is concluded shall immediately and before proceeding with other business charge the jury, which charge or any charge given after the conclusion of the argument shall be reduced to writing by the court, if either party requests it before the argument to the jury is commenced; and such charge or charges or any other charge or instruction provided for in this section, when so written and given, shall in no case be orally qualified, modified or in any manner explained to the jury by the court; and all written charges and instructions shall be taken by the jury in their retirement and returned with their verdict into court, and shall remain on file with the papers of the case.

29-2017.
Jury; view place of occurrence of material fact; restrictions.

Whenever in the opinion of the court it is proper for the jury to have a view of the place in which any material fact occurred, it may order them to be conducted in a body, under charge of the bailiff, to the place which shall be shown to them by the bailiff, an individual appointed by the court, or both. While the jury are thus absent, no person other than the bailiff or individual appointed by the court shall speak to them on any subject connected with the trial.

29-2018.
Mistake in charging offense; prior to verdict; procedure.
When it shall appear at any time before the verdict that a mistake has been made in charging the proper offense, the accused shall not be discharged if there appears to be good cause to detain him in custody; but the court must recognize him to answer to the offense on the first day of the next term of such court, and shall, if necessary, likewise recognize the witnesses to appear and testify.

29-2019.
Mistake in charging offense; jury; discharge prior to verdict.
When a jury has been impaneled in a case contemplated by section29-2018, such jury may be discharged without prejudice to the prosecution.

29-2020.
Bill of exceptions by defendant; request; procedure; exception in capital cases.
Except as provided in section29-2525for cases when the punishment is capital, in all criminal cases when a defendant feels aggrieved by any opinion or decision of the court, he or she may order a bill of exceptions. The ordering, preparing, signing, filing, correcting, and amending of the bill of exceptions shall be governed by the rules established in such matters in civil cases.

29-2022.
Jury; conduct after submission.
When a case is finally submitted to the jury, they must be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict or are discharged by the court. The officer having them in charge shall not suffer any communication to be made to them, or make any himself, except to ask them whether they have agreed upon a verdict, unless by order of the court; nor shall he communicate to anyone, before the verdict is delivered, any matter in relation to the state of their deliberations. If the jury are permitted to separate during the trial, they shall be admonished by the court that it is their duty not to converse with or suffer themselves to be addressed by any other person on the subject of the trial, nor to listen to any conversation on the subject; and it is their duty not to form or express an opinion thereon until the cause is finally submitted to them.

29-2023.
Jury; discharged before verdict; effect; record.
In case a jury is discharged on account of sickness of a juror, or other accident or calamity requiring their discharge, or after they have been kept so long together that there is no probability of agreeing, the court shall, upon directing the discharge, order that the reasons for such discharge be entered upon the record and such discharge shall be without prejudice to the prosecution.

29-2024.
Verdict; poll.
When the jury have agreed upon their verdict they must be conducted into court by the officer having them in charge. Before the verdict is accepted the jury may be polled at the request of either the prosecuting attorney or the defendant.

29-2025.
Lesser included offense; attempt to commit; form of verdict.
Upon an indictment for an offense consisting of different degrees the jury may find the defendant not guilty of the degree charged, and guilty of any degree inferior thereto; and upon an indictment for any offense the jury may find the defendant not guilty of the offense but guilty of an attempt to commit the same, where such an attempt is an offense.

29-2026.01.
Verdict; finding of value of property; when required.
When the indictment charges an offense against the property of another by larceny, embezzlement or obtaining under false pretenses, the jury, on conviction, shall ascertain and declare in its verdict the value of the property stolen, embezzled, or falsely obtained.

29-2027.
Verdict in trials for murder; conviction by confession; sentencing procedure.
In all trials for murder the jury before whom such trial is had, if they find the prisoner guilty thereof, shall ascertain in their verdict whether it is murder in the first or second degree or manslaughter; and if such person is convicted by confession in open court, the court shall proceed by examination of witnesses in open court, to determine the degree of the crime, and shall pronounce sentence

accordingly or as provided in sections29-2519to29-2524for murder in the first degree.

29-2028.
Sexual assault; testimony; corroboration not required.
The testimony of a person who is a victim of a sexual assault as defined in sections28-319to28-320.01shall not require corroboration.

29-2101.
New trial; grounds.
A new trial, after a verdict of conviction, may be granted, on the application of the defendant, for any of the following grounds affecting materially his or her substantial rights: (1) Irregularity in the proceedings of the court, of the prosecuting attorney, or of the witnesses for the state or in any order of the court or abuse of discretion by which the defendant was prevented from having a fair trial; (2) misconduct of the jury, of the prosecuting attorney, or of the witnesses for the state; (3) accident or surprise which ordinary prudence could not have guarded against; (4) the verdict is not sustained by sufficient evidence or is contrary to law; (5) newly discovered evidence material for the defendant which he or she could not with reasonable diligence have discovered and produced at the trial; (6) newly discovered exculpatory DNA or similar forensic testing evidence obtained under the DNA Testing Act; or (7) error of law occurring at the trial.

29-2102.
New trial; affidavits; when required; motion; hearing.
(1) The grounds set forth in subdivisions (2), (3), and (6) of section29-2101shall be supported by affidavits showing the truth of such grounds, and the grounds may be controverted by affidavits. The ground set forth in subdivision (5) of section29-2101shall be supported by evidence of the truth of the ground in the form of affidavits, depositions, or oral testimony.
(2) If the motion for new trial and supporting documents fail to set forth sufficient facts, the court may, on its own motion, dismiss the motion without a hearing. If the motion for new trial and supporting documents set forth facts which, if true, would materially affect the substantial rights of the defendant, the court shall cause notice of the motion to be served on the prosecuting attorney, grant a hearing on the motion, and determine the issues and make findings of fact and conclusions of law with respect thereto.
(3) In considering a motion for new trial based on the grounds set forth in subdivision (5) of section29-2101, if the court finds that there is evidence materially affecting the substantial rights of the defendant which he or she could not with reasonable diligence have discovered and produced at trial, the court may, upon the motion of any party and following a hearing, vacate and set aside the judgment and release the person from custody or grant a new trial as appropriate.

29-2103.
New trial; motion; how and when made.
(1) A motion for new trial shall be made by written application and may be filed either during or after the term of the court at which the verdict was rendered.
(2) A motion for a new trial shall state the grounds under section29-2101which are the basis for the motion and shall be supported by evidence as provided in section29-2102.
(3) A motion for new trial based on the grounds set forth in subdivision (1), (2), (3), (4), or (7) of section29-2101shall be filed within ten days after the verdict was rendered unless such filing is unavoidably prevented, and the grounds for such motion may be stated by directly incorporating the appropriate language of section29-2101without further particularity.
(4) A motion for new trial based on the grounds set forth in subdivision (5) of section29-2101shall be filed within a reasonable time after the discovery of the new evidence and cannot be filed more than five years after the date of the verdict, unless the motion and supporting documents show the new evidence could not with reasonable diligence have been discovered and produced at trial and such evidence is so substantial that a different result may have occurred.
(5) A motion for new trial based on the grounds set forth in subdivision (6) of section29-2101shall be filed within ninety days after a final order is issued under section29-4123or within ninety days after the hearing if no final order is entered, whichever occurs first.

29-2104.
Arrest of judgment; grounds.
A motion in arrest of judgment may be granted by the court for either of the following causes: (1) That the grand jury which found the indictment had no legal authority to inquire into the offense charged, by reason of it not being within the jurisdiction of the court; or (2) that the facts stated in the indictment do not constitute an offense.

29-2105.
Arrest of judgment; defect of form insufficient.
No judgment can be arrested for a defect of form.

29-2106.
Arrest of judgment; effect.

The effect of allowing a motion in arrest of judgment shall be to place the defendant in the same position with respect to the prosecution as before the indictment was found. If, from the evidence on the trial, there shall be sufficient reason to believe him guilty of an offense, the court shall order him to enter into a recognizance with sufficient security, conditioned for his appearance at the first day of the next term of the same court; otherwise the defendant shall be discharged.

29-2201.
Verdict of guilty; accused to be notified before sentence.
Before the sentence is pronounced, the defendant must be informed by the court of the verdict of the jury, and asked whether he has anything to say why judgment should not be passed against him.

29-2202.
Verdict of guilty; judgment; when pronounced; suspension of sentence; when; bail.
Except as provided in sections29-2292to29-2294or29-4801to29-4804, if the defendant has nothing to say, or if he or she shows no good and sufficient cause why judgment should not be pronounced, the court shall proceed to pronounce judgment as provided by law. The court, in its discretion, may for any cause deemed by it good and sufficient, suspend execution of sentence for a period not to exceed ninety days from the date judgment is pronounced. If the defendant is not at liberty under bail, he or she may be admitted to bail during the period of suspension of sentence as provided in section29-901.

29-2203.
Defense of not responsible by reason
of insanity; how pleaded; burden of proof; notice before trial; examination
of defendant; acquittal; further proceedings.
(1) Any person prosecuted
for an offense may plead that he or she is not responsible by reason of insanity
at the time of the offense and in such case the burden shall be upon the defendant
to prove the defense of not responsible by reason of insanity by a preponderance
of the evidence. No evidence offered by the defendant for the purpose of establishing
his or her insanity shall be admitted in the trial of the case unless notice
of intention to rely upon the insanity defense is given to the county attorney
and filed with the court not later than sixty days before trial.
(2) Upon the filing of the notice the court, on motion of the state, may order the
defendant to be examined at a time and place designated in the order, by one
or more qualified experts, appointed by the court, to inquire into the sanity
or insanity of the defendant at the time of the commission of the alleged
offense. The court may order that the examination be conducted at one of the
regional centers or at any appropriate facility. The presence of counsel at
the examination shall be within the discretion of the court. The results of
such examination shall be sent to the court and to the prosecuting attorney.
In misdemeanor or felony cases, the defendant may request the court to order
the prosecuting attorney to permit the defendant to inspect and copy the results
of such examination pursuant to the procedures set forth in sections29-1912to29-1921. In the interest of justice and good cause shown the court may
waive the requirements provided in this section.
(3) If the trier of fact acquits the defendant on the grounds of insanity, the verdict
shall reflect whether the trier acquits him or her on that ground alone or
on other grounds as well. When the defendant is acquitted solely on the ground
of insanity, the court shall have exclusive jurisdiction over the defendant
for disposition consistent with the terms of this section and sections29-3701to29-3704.
(4) For purposes of this section, insanity does not include any temporary condition that was proximately
caused by the voluntary ingestion, inhalation, injection, or absorption of
intoxicating liquor, any drug or other mentally debilitating substance, or
any combination thereof.

29-2204.
Sentence for felony other than Class III, IIIA, or IV felony; court; duties; study of offender; when; defendant under eighteen years of age; disposition.
(1) Except when a term of life imprisonment is required by law, in imposing a sentence upon an offender for any class of felony other than a Class III, IIIA, or IV felony, the court shall fix the minimum and the maximum terms of the sentence to be served within the limits provided by law. The maximum term shall not be greater than the maximum limit provided by law, and:
(a) The minimum term fixed by the court shall be any term of years less than the maximum term imposed by the court; or

(b) The minimum term shall be the minimum limit provided by law.
(2) When a maximum term of life is imposed by the court for a Class IB felony, the minimum term fixed by the court shall be:
(a) Any term of years not less than the minimum limit provided by law; or
(b) A term of life imprisonment.
(3) When a maximum term of life is imposed by the court for a Class IA felony, the minimum term fixed by the court shall be:
(a) A term of life imprisonment; or
(b) Any term of years not less than the minimum limit provided by law after consideration of the mitigating factors in section28-105.02, if the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted.
(4) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section29-2261, the court may commit an offender to the Department of Correctional Services. During that time, the department shall conduct a complete study of the offender as provided in section29-2204.03.
(5) Except when a term of life is required by law, whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.
(6)(a) When imposing an indeterminate sentence upon an offender under this section, the court shall:
(i) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and
(ii) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.
(b) If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term.
(c) If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

29-2204.02.
Sentence for Class III, IIIA, or IV felony; court; duties; defendant under eighteen years of age; disposition.
(1) Except when a term of probation is required by law as provided in subsection (2) of this section or except as otherwise provided in subsection (4) of this section, in imposing a sentence upon an offender for a Class III, IIIA, or IV felony, the court shall:
(a) Impose a determinate sentence of imprisonment within the applicable range in section28-105; and
(b) Impose a sentence of post-release supervision, under the jurisdiction of the Office of Probation Administration, within the applicable range in section28-105.
(2) If the criminal offense is a Class IV felony, the court shall impose a sentence of probation unless:
(a) The defendant is concurrently or consecutively sentenced to imprisonment for any felony other than another Class IV felony;
(b) The defendant has been deemed a habitual criminal pursuant to section29-2221; or
(c) There are substantial and compelling reasons why the defendant cannot effectively and safely be supervised in the community, including, but not limited to, the criteria in subsections (2) and (3) of section29-2260. Unless other reasons are found to be present, that the offender has not previously succeeded on probation is not, standing alone, a substantial and compelling reason.
(3) If a sentence of probation is not imposed, the court shall state its reasoning on the record, advise the defendant of his or her right to appeal the sentence, and impose a sentence as provided in subsection (1) of this section.
(4) For any sentence of imprisonment for a Class III, IIIA, or IV felony for an offense committed on or after August 30, 2015, imposed consecutively or concurrently with (a) a sentence for a Class III, IIIA, or IV felony for an offense committed prior to August 30, 2015, or (b) a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony, the court shall impose an indeterminate sentence within the applicable range in section28-105that does not include a period of post-release supervision, in accordance with the process set forth in section29-2204.
(5) For any sentence of imprisonment for a misdemeanor imposed consecutively or concurrently with a sentence of imprisonment for a Class III, IIIA, or IV felony for an offense committed on or after August 30, 2015, the court shall impose a determinate sentence within the applicable range in section28-106unless the person is also committed to the Department of Correctional Services in accordance with section29-2204for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony committed prior to August 30, 2015, or (b) a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony.
(6) If the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.
(7)(a) When imposing a determinate sentence upon an offender under this section, the court shall:
(i) Advise the offender on the record the time the offender will serve on his or her term of imprisonment before his or her term of post-release supervision assuming that no good time for which the offender will be eligible is lost;
(ii) Advise the offender on the record the time the offender will serve on his or her term of post-release supervision; and
(iii) When imposing a sentence following revocation of post-release supervision, advise the offender on the record the time the

offender will serve on his or her term of imprisonment, including credit for time served, assuming that no good time for which the offender will be eligible is lost.
(b) If a period of post-release supervision is required but not imposed by the sentencing court, the term of post-release supervision shall be the minimum provided by law.
(c) If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.
(d) If the offender has been sentenced to two or more determinate sentences and one or more terms of post-release supervision, the offender shall serve all determinate sentences before being released on post-release supervision.

29-2204.03.
Study of offender; commitment to Department of Correctional Services; written report; costs.
(1) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs.
(2) By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with section29-2204or29-2204.02. The term of the sentence shall run from the date of original commitment under this section.
(3) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this section shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

29-2206.
Fine and costs; commitment until paid; installments; deduction from bond; suspension or revocation of motor vehicle operator's license.
(1)(a) In all cases in which courts or magistrates have now or may hereafter have the power to punish offenses, either in whole or in part, by requiring the offender to pay fines or costs, or both, such courts or magistrates may make it a part of the sentence that the party stand committed and be imprisoned in the jail of the proper county until the fines or costs are paid or secured to be paid or the offender is otherwise discharged according to law if the court or magistrate determines that the offender has the financial ability to pay such fines or costs. The court or magistrate may make such determination at the sentencing hearing or at a separate hearing prior to sentencing. A separate hearing shall not be required. In making such determination, the court or magistrate may consider the information or evidence adduced in an earlier proceeding pursuant to section29-3902,29-3903,29-3906, or29-3916. At any such hearing, the offender shall have the opportunity to present information as to his or her income, assets, debts, or other matters affecting his or her financial ability to pay. Following such hearing and prior to imposing sentence, the court or magistrate shall determine the offender's financial ability to pay the fines or costs, including his or her financial ability to pay in installments under subsection (2) of this section.
(b) If the court or magistrate determines that the offender is financially able to pay the fines or costs and the offender refuses to pay, the court or magistrate may:
(i) Make it a part of the sentence that the offender stand committed and be imprisoned in the jail of the proper county until the fines or costs are paid or secured to be paid or the offender is otherwise discharged according to law; or
(ii) Order the offender, in lieu of paying such fines or costs, to complete community service for a specified number of hours pursuant to sections29-2277to29-2279.
(c) If the court or magistrate determines that the offender is financially unable to pay the fines or costs, the court or magistrate:
(i) Shall either:
(A) Impose a sentence without such fines or costs; or
(B) Enter an order pursuant to subdivision (1)(d) of this section discharging the offender of such fines or costs; and
(ii) May order, as a term of the offender's sentence or as a condition of probation, that he or she complete community service for a specified number of hours pursuant to sections29-2277to29-2279.
(d) An order discharging the offender of any fines or costs shall be set forth in or accompanied by a judgment entry. Such order shall operate as a complete release of such fines or costs.
(2) If the court or magistrate determines, pursuant to subsection (1) of this section, that an offender is financially unable to pay such fines or costs in one lump sum but is financially capable of paying in installments, the court or magistrate shall make arrangements suitable to the court or magistrate and to the offender by which the offender may pay in installments. The court or magistrate shall enter an order specifying the terms of such arrangements and the dates on which payments are to be made. When the judgment of

conviction provides for the suspension or revocation of a motor vehicle operator's license and the court authorizes the payment of fines or costs by installments, the revocation or suspension shall be effective as of the date of judgment.
(3) As an alternative to a lump-sum payment or as an alternative or in conjunction with installment payments, the court or magistrate may deduct costs from a bond posted by the offender to the extent that such bond is not otherwise encumbered by a valid lien, levy, execution, or assignment to counsel of record or the person who posted the bond. As an alternative to a lump-sum payment or as an alternative or in conjunction with installment payments, the court or magistrate may, with the consent of the offender, deduct fines from a bond posted by the offender to the extent that such bond is not otherwise encumbered by a valid lien, levy, execution, or assignment to counsel of record or the person who posted the bond.

29-2206.01.
Fine and costs; payment of installments; violation; penalty; hearing.
Installments provided for in section29-2206shall be paid pursuant to the order entered by the court or magistrate. Any person who fails to comply with the terms of such order shall be liable for punishment for contempt, unless such person has the leave of the court or magistrate in regard to such noncompliance or such person requests a hearing pursuant to section29-2412and establishes at such hearing that he or she is financially unable to pay.

29-2207.
Judgment for
costs upon conviction; requirement.
In every case
of conviction of any person for any felony or misdemeanor, it shall be the
duty of the court or magistrate to render judgment for the costs of prosecution
against the person convicted and
remit the assessment as provided in section33-157.

29-2208.
Fines or costs; person financially unable to pay; hearing; determination; court or magistrate; powers; order; operate as release.
(1) A person who has been ordered to pay fines or costs and who has not been arrested or brought into custody as described in subdivision (1)(a) of section29-2412but who believes himself or herself to be financially unable to pay such fines or costs may request a hearing to determine such person's financial ability to pay such fines or costs. The hearing shall be scheduled on the first regularly scheduled court date following the date of the request. Pending the hearing, the person shall not be arrested or brought into custody for failure to pay such fines or costs or failure to appear before a court or magistrate on the due date of such fines or costs.
(2) At the hearing, the person shall have the opportunity to present information as to his or her income, assets, debts, or other matters affecting his or her financial ability to pay. Following the hearing, the court or magistrate shall determine the person's financial ability to pay the fines or costs, including his or her financial ability to pay in installments as described in section29-2206.
(3) If the court or magistrate determines that the person is financially able to pay the fines or costs and the person refuses to pay, the court or magistrate may:
(a) Deny the person's request for relief; or
(b) Enter an order pursuant to subsection (5) of this section discharging the person of such fines or costs and order the person to complete community service for a specified number of hours pursuant to sections29-2277to29-2279.
(4) If the court or magistrate determines that the person is financially unable to pay the fines or costs, the court or magistrate:
(a) Shall either:
(i) Enter an order pursuant to subsection (5) of this section discharging the person of such fines or costs; or
(ii) If the person is subject to an order to pay installments pursuant to section29-2206, the court or magistrate shall either enter an order pursuant to subsection (5) of this section discharging the person of such obligation or make any necessary modifications to the order specifying the terms of the installment payments as justice may require and that will enable the person to pay the fines or costs; and
(b) May order the person to complete community service for a specified number of hours pursuant to sections29-2277to29-2279.
(5) An order discharging the person of fines or costs shall be set forth in or accompanied by a judgment entry. Such order shall operate as a complete release of such fines or costs.

29-2221.
Habitual criminal, defined; procedure for determination; hearing; penalties; effect of pardon.
(1) Whoever has been twice convicted of a crime, sentenced, and committed to prison, in this or any other state or by the United States or once in this state and once at least in any other state or by the United States, for terms of not less than one year each shall, upon conviction of a felony committed in this state, be deemed to be a habitual criminal and shall be punished by imprisonment in a Department of Correctional Services adult correctional facility for a mandatory minimum term of ten years and a maximum term of not more than sixty years, except that:
(a) If the felony committed is in violation of section28-303,28-304,28-308,28-313,28-319,28-319.01,28-502,28-929, or28-1222, and at least one of the habitual criminal's prior felony convictions was for a violation of one of the sections listed in this subdivision or

of a similar statute in another state or of the United States, the mandatory minimum term shall be twenty-five years and the maximum term not more than sixty years;
(b) If the felony committed is in violation of subsection (3) of section28-306and at least one of the prior convictions is in violation of subsection (3) of section28-306and the other is in violation of one of the sections set forth in subdivision (a) of this subsection or if the felony committed is in violation of one of the sections set forth in subdivision (a) of this subsection and both of the prior convictions are in violation of subsection (3) of section28-306, the mandatory minimum term shall be twenty-five years and the maximum term not more than sixty years;
(c) If the felony committed and at least one of the prior felony convictions do not involve sexual contact, sexual penetration, the threat to inflict serious bodily injury or death on another person, the infliction of serious bodily injury on another person, a deadly or dangerous weapon, or a firearm, the mandatory minimum term shall be three years and the maximum term not more than the maximum term for the felony committed or twenty years, whichever is greater. For this subdivision (1)(c) to apply, no prior felony conviction may be a violation described in subdivision (1)(a) of this section; and
(d) If a greater punishment is otherwise provided by statute, the law creating the greater punishment shall govern.
(2) When punishment of an accused as a habitual criminal is sought, the facts with reference thereto shall be charged in the indictment or information which contains the charge of the felony upon which the accused is prosecuted, but the fact that the accused is charged with being a habitual criminal shall not be an issue upon the trial of the felony charge and shall not in any manner be disclosed to the jury. If the accused is convicted of a felony, before sentence is imposed a hearing shall be had before the court alone as to whether such person has been previously convicted of prior felonies. The court shall fix a time for the hearing and notice thereof shall be given to the accused at least three days prior thereto. At the hearing, if the court finds from the evidence submitted that the accused has been convicted two or more times of felonies and sentences imposed therefor by the courts of this or any other state or by the United States, the court shall sentence such person so convicted as a habitual criminal.
(3) If the person so convicted shows to the satisfaction of the court before which the conviction was had that he or she was released from imprisonment upon either of such sentences upon a pardon granted for the reason that he or she was innocent, such conviction and sentence shall not be considered as such under this section and section29-2222.

29-2222.
Hearing; copy of former judgment as evidence.
At the hearing of any person charged with being a habitual criminal, a duly authenticated copy of the former judgment and commitment, from any court in which such judgment and commitment was had, for any of such crimes formerly committed by the party so charged, shall be competent and prima facie evidence of such former judgment and commitment.

29-2243.
Probation officers; performance metrics.
The office shall establish performance metrics for probation officers. Such metrics should measure efficacy in providing rehabilitative and reentry services to probationers. Such metrics should:
(1) Reflect a balanced approach that considers both compliance and enforcement measures as well as outcomes related to rehabilitation, reintegration, and public safety;
(2) Include indicators of progress for probationers, such as successful completion of treatment programs, educational attainment, employment status, and compliance with conditions of supervision;
(3) Emphasize the importance of providing supportive services, fostering positive relationships with probationers, and promoting successful community reentry; and
(4) Be aligned with best practices, stakeholder input, and the evolving goals and priorities of the criminal justice system.

29-2244.
Assistant probation officers; pilot program; purpose; report.
(1) The probation administrator shall create a pilot program to hire additional assistant probation officers as provided in this section.
(2) The pilot program shall be limited to a single probation district.
(3) Assistant probation officers hired under this section shall assist probation officers in the supervision of high-risk caseloads.
(4) The purpose of the pilot program is to determine whether additional support for probation officers results in probationers completing their terms of probation with fewer violations.
(5) On or before June 1, 2024, the probation administrator shall electronically submit a report to the Judiciary Committee of the Legislature regarding the pilot program. The report shall include the total number of persons admitted into the pilot program, including demographic information, criminal history, and top needs according to the results of a risk assessment; conditions of supervision; the total number of violations of supervision conditions; the number of supervision discharges by type of discharge; and recidivism rates.

29-2245.
Probationer incentive program; pilot program; report.
(1) The probation administrator shall create a pilot program to establish a probationer incentive program as provided in this section.
(2) The pilot program shall be limited to a single probation district. Such district shall be chosen by the State Court Administrator.

(3) The pilot program shall establish an incentive fund to be used for the purchase of gift cards, vouchers, and other tangible rewards for probationers who are succeeding at probation, in order to encourage continued success and reduce recidivism. The incentives shall be awarded at the discretion of probation officers, subject to policies and guidelines of the office.
(4) On or before June 1, 2024, the probation administrator shall electronically submit a report to the Judiciary Committee of the Legislature regarding the pilot program.

29-2246.
Terms, defined.
For purposes of the Nebraska Probation Administration Act and sections43-2,123.01and83-1,102to83-1,104, unless the context otherwise requires:
(1) Association means the Nebraska District Court Judges Association;
(2) Court means a district court, county court, or juvenile court as defined in section43-245;
(3) Office means the Office of Probation Administration;
(4) Probation means a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision. Probation includes post-release supervision and supervision ordered by a court pursuant to a deferred judgment under section29-2292or29-4803;
(5) Probationer means a person sentenced to probation or post-release supervision;
(6) Probation officer means an employee of the system who supervises probationers and conducts presentence, predisposition, or other investigations as may be required by law or directed by a court in which he or she is serving or performs such other duties as authorized pursuant to section29-2258, except unpaid volunteers from the community;
(7) Juvenile probation officer means any probation officer who supervises probationers of a separate juvenile court;
(8) Juvenile intake probation officer means an employee of the system who is called upon by a law enforcement officer in accordance with section43-250to make a decision regarding the furtherance of a juvenile's detention;
(9) Chief probation officer means the probation officer in charge of a probation district;
(10) System means the Nebraska Probation System;
(11) Administrator means the probation administrator;
(12) Non-probation-based program or service means a program or service established within the district, county, or juvenile courts and provided to individuals not sentenced to probation who have been charged with or convicted of a crime for the purpose of diverting the individual from incarceration or to provide treatment for issues related to the individual's criminogenic needs. Non-probation-based programs or services include, but are not limited to, problem solving courts established pursuant to section24-1302and the treatment of problems relating to substance abuse, mental health, sex offenses, or domestic violence;
(13) Post-release supervision means the portion of a split sentence following a period of incarceration under which a person found guilty of a crime upon verdict or plea is released by a court subject to conditions imposed by the court and subject to supervision by the office; and
(14) Rules and regulations means policies and procedures written by the office and approved by the Supreme Court.

29-2247.
Nebraska District Court Judges Association; created; duties.
The Nebraska District Court Judges Association is hereby created which shall consist of all the active judges of the district courts of this state and their successors in office. The association shall:
(1) Meet at least once during each calendar year;
(2) Select from its membership officers thereof; and
(3) Adopt such bylaws and rules as may be necessary or proper for the conduct of its meetings, the exercise of its powers, and the performance of its duties and delegate to one or more of its members such powers as the association deems necessary to carry out its responsibilities.

29-2248.
Association; duties.
The association shall:
(1) Encourage development and implementation of uniform criteria for sentencing criminals;
(2) Participate in planning and presenting institutes and seminars for all judges in this state who sentence criminals or juveniles to discuss problems related to sentencing criminals or juveniles;
(3) Participate in planning and presenting orientation programs for new judges, such programs to include discussions of sentencing alternatives, procedures, and purposes;
(4) Visit from time to time correctional facilities of this state;
(5) Encourage creation and development of community resources of value to the probation system;
(6) Conduct such other programs of whatever nature of interest to its members;
(7) Exercise all powers and perform all duties necessary and proper to carry out its responsibilities; and
(8) Participate in planning and presenting institutes and seminars for all county employees who work in the judicial branch of

government.

29-2249.
Office of Probation Administration; created; personnel.
The Office of Probation Administration is hereby created within the judicial branch of government and directly responsible to the Supreme Court. The office shall consist of the probation administrator, the Nebraska Probation System, and such other employees as may be necessary to carry out the functions of the Nebraska Probation System.

29-2249.04.
Transferred employees; benefits.
Accrued leave and benefits for separate juvenile court probation employees and municipal court employees who have become state employees pursuant to law shall be subject to this section.
(1) The city or county shall transfer all accrued sick leave of such employees up to the maximum number of accumulated hours for sick leave allowed by the state for state probation officers and the city or county shall reimburse the state in an amount equal to twenty-five percent of the value of such accrued sick leave hours based on the straight-time rate of pay for the employee. For any accrued sick leave hours of an employee which are in excess of the amount that can be transferred, the city or county shall reimburse the employee for twenty-five percent of the value of the sick leave hours based on the straight-time rate of pay for the employee.
(2) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the city or county allowed by the state. The city or county shall reimburse the state in an amount equal to one hundred percent of the value of the hours of accrued annual leave transferred. The city or county shall reimburse the transferred employee in an amount equal to one hundred percent of the hours of any accrued annual leave in excess of the amount which may be transferred based on the employee's straight-time rate of pay at the time of transfer.
(3) Any employee transferred to the Office of Probation Administration shall not lose any accrual rate value for his or her sick leave or vacation leave as a result of such transfer. The employee may use each year's service with the city or county as credit in qualifying for accrual rates with the state's sick leave and vacation leave programs.
(4) When accrued sick leave and vacation leave for a transferred employee are at a greater rate value than allowed by the state's sick leave and vacation leave plans, the city or county shall pay to the state on July 1, 1985, an amount equal to the difference between the value of such benefits allowed by the city or county and by the state based on, at the time of transfer, twenty-five percent of the employee's straight-time rate of pay for the sick leave and one hundred percent of the employee's straight-time rate of pay for vacation leave. The state may receive reimbursement based on such difference in rate values not later than July 1, 1990.
(5) The transferred employee shall not receive any additional accrual rate value for state benefits until the employee meets the qualifications for the increased accrual rates pursuant to the state's requirements.
(6) The transferred employee shall participate in and be covered by the Nebraska State Insurance Program, sections84-1601to84-1615, on July 1, 1985.

29-2250.
Office of Probation Administration; duties.
The office shall:
(1) Supervise and administer the system;
(2) Establish probation policies and standards for the system, with the concurrence of the Supreme Court; and
(3) Supervise offenders placed on probation in another state who are within the state pursuant to the Interstate Compact for Adult Offender Supervision.

29-2251.
Probation administrator; appointment; qualifications.
The Supreme Court shall appoint a probation administrator who shall be a person with appropriate experience in the field of probation or with training in relevant disciplines at a recognized college or university and who shall serve at the pleasure of the Supreme Court.

29-2252.
Probation administrator; duties.
The administrator shall:
(1) Supervise and administer the office;
(2) Establish and maintain policies, standards, and procedures for the system, with the concurrence of the Supreme Court;
(3) Prescribe and furnish such forms for records and reports for the system as shall be deemed necessary for uniformity, efficiency, and statistical accuracy;
(4) Establish minimum qualifications for employment as a probation officer in this state and establish and maintain such additional qualifications as he or she deems appropriate for appointment to the system. Qualifications for probation officers shall be established in accordance with subsection (4) of section29-2253. An ex-offender released from a penal complex or a county jail may be appointed to a position of deputy probation or parole officer. Such ex-offender shall maintain a record free of arrests, except for

minor traffic violations, for one year immediately preceding his or her appointment;
(5) Establish and maintain advanced periodic inservice training requirements for the system;
(6) Cooperate with all agencies, public or private, which are concerned with treatment or welfare of persons on probation. All information provided to the Nebraska Commission on Law Enforcement and Criminal Justice for the purpose of providing access to such information to law enforcement agencies through the state's criminal justice information system shall be provided in a manner that allows such information to be readily accessible through the main interface of the system;
(7) Organize and conduct training programs for probation officers. Training shall include the proper use of a risk and needs assessment, risk-based supervision strategies, relationship skills, cognitive behavioral interventions, community-based resources, criminal risk factors, and targeting criminal risk factors to reduce recidivism and the proper use of a matrix of administrative sanctions, custodial sanctions, and rewards developed pursuant to subdivision (18) of this section. All probation officers employed on or after August 30, 2015, shall complete the training requirements set forth in this subdivision;
(8) Collect, develop, and maintain statistical information concerning probationers, probation practices, and the operation of the system and provide the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice with the information needed to compile the report required in section47-624;
(9) Interpret the probation program to the public with a view toward developing a broad base of public support;
(10) Conduct research for the purpose of evaluating and improving the effectiveness of the system. Subject to the availability of funding, the administrator shall contract with an independent contractor or academic institution for evaluation of existing community corrections facilities and programs operated by the office;
(11) Adopt and promulgate such rules and regulations as may be necessary or proper for the operation of the office or system. The administrator shall adopt and promulgate rules and regulations for transitioning individuals on probation across levels of supervision and discharging them from supervision consistent with evidence-based practices. The rules and regulations shall ensure supervision resources are prioritized for individuals who are high risk to reoffend, require transitioning individuals down levels of supervision intensity based on assessed risk and months of supervision without a reported major violation, and establish incentives for earning discharge from supervision based on compliance;
(12) Transmit a report during each even-numbered year to the Supreme Court on the operation of the office for the preceding two calendar years which shall include a historical analysis of probation officer workload, including participation in non-probation-based programs and services. The report shall be transmitted by the Supreme Court to the Governor and the Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically;
(13) Administer the payment by the state of all salaries, travel, and expenses authorized under section29-2259incident to the conduct and maintenance of the office;
(14) Use the funds provided under section29-2262.07to augment operational or personnel costs associated with the development, implementation, and evaluation of enhanced probation-based programs and non-probation-based programs and services in which probation personnel or probation resources are utilized pursuant to an interlocal agreement authorized by subdivision (16) of this section and to purchase services to provide such programs aimed at enhancing adult probationer or non-probation-based program participant supervision in the community and treatment needs of probationers and non-probation-based program participants. Enhanced probation-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs that address a probationer's vocational, educational, mental health, behavioral, or substance abuse treatment needs;
(15) Ensure that any risk or needs assessment instrument utilized by the system be periodically validated;
(16) Have the authority to enter into interlocal agreements in which probation resources or probation personnel may be utilized in conjunction with or as part of non-probation-based programs and services. Any such interlocal agreement shall comply with section29-2255;
(17) Collaborate with the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice and the Division of Parole Supervision to develop rules governing the participation of parolees in community corrections programs operated by the Office of Probation Administration;
(18) Develop a matrix of rewards for compliance and positive behaviors and graduated administrative sanctions and custodial sanctions for use in responding to and deterring substance abuse violations and technical violations. As applicable under sections29-2266.02and29-2266.03, custodial sanctions of up to thirty days in jail shall be designated as the most severe response to a violation in lieu of revocation and custodial sanctions of up to three days in jail shall be designated as the second most severe response;
(19) Adopt and promulgate rules and regulations for the creation of individualized post-release supervision plans, collaboratively with the Department of Correctional Services and county jails, for probationers sentenced to post-release supervision; and
(20) Exercise all powers and perform all duties necessary and proper to carry out his or her responsibilities.
Each member of the Legislature shall receive an electronic copy of the report required by subdivision (12) of this section by making a request for it to the administrator.

29-2252.01.
Probation administrator; report required.
On January 15 and July 15 of each fiscal year, the administrator shall provide a report to the budget division of the Department of Administrative Services, the Legislative Fiscal Analyst, and the Supreme Court which shall include, but not be limited to:

(1) The total number of felony cases supervised by the office in the previous six months for both regular and intensive supervision probation;
(2) The total number of misdemeanor cases supervised by the office in the previous six months for both regular and intensive supervision probation;
(3) The felony caseload per officer for both regular and intensive supervision probation on the last day of the reporting period;
(4) The misdemeanor caseload per officer for both regular and intensive supervision probation on the last day of the reporting period;
(5) The total number of juvenile cases supervised by the office in the previous six months for both regular and intensive supervision probation;
(6) The total number of predisposition investigations completed by the office in the previous six months;
(7) The total number of presentence investigations completed by the office in the previous six months;
(8) The total number of juvenile intake screening interviews conducted and detentions authorized by the office in the previous six months, using the detention screening instrument described in section43-260.01; and
(9) The total number of probationers with restitution judgments, the number of restitution payments made to clerks of the court, the average amount of payments, and the total amount of restitution collected.
The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

29-2253.
Probation administrator; probation districts; employees; appointment; principal office.
(1) The administrator, with the concurrence of the Supreme Court, shall divide the state into probation districts and may from time to time alter the boundaries of such districts in order to maintain the most economical, efficient, and effective utilization of the system.
(2) The administrator shall appoint temporary and permanent probation officers and employees for each probation district as may be required to provide adequate probation services.
(3) The administrator shall appoint a chief probation officer with the concurrence of the majority of all judges within a probation district.
(4) The administrator shall, with the concurrence of all of the separate juvenile court judges within each separate juvenile court, (a) appoint for each separate juvenile court a chief juvenile probation officer, any deputy juvenile probation officers required, and such other employees as may be required to provide adequate probation services for such court and (b) set the salaries of such officers and employees. The chief and deputy juvenile probation officers shall be selected with reference to experience and understanding of problems of family life and child welfare, juvenile delinquency, community organizations, and training in the recognition and treatment of behavior disorders.
(5) The administrator may direct a probation officer of one probation district to temporarily act as probation officer for a court in another probation district, and such probation officer while so serving shall have all the powers and responsibilities as if he or she were serving in the probation district to which he or she was originally appointed.
(6) The administrator, with the concurrence of the Supreme Court, shall designate the location of the principal office of the system within each probation district.

29-2254.
Interstate Compact for Adult Offender Supervision; administrators; duties.
The compact administrator appointed pursuant to the Interstate Compact for Adult Offender Supervision shall delegate to the probation administrator authority and responsibility for:
(1) Implementation and administration of the compact as it affects probationers; and
(2) Supervision of probationers either sentenced to probation within the state and supervised in another state or placed on probation in another state and supervised within this state pursuant to the compact.

29-2255.
Interlocal agreement;
costs; requirements.
Any interlocal agreement authorized
by subdivision (16) of section29-2252shall require the political subdivision
party to the agreement to provide sufficient resources to cover all costs
associated with the participation of probation personnel or use of probation
resources other than costs covered by funds provided pursuant to section29-2262.07or substance abuse treatment costs covered by funds appropriated for
such purpose.

29-2256.
Volunteers; use of.
Nothing in the Nebraska Probation Administration Act shall be construed to prohibit any court or probation office from utilizing

volunteers from the community for probation supervision. The volunteer program shall be supervised by a full-time probation officer who meets the minimum qualifications established by the office.

29-2257.
Nebraska Probation System; established; duties; salary equalization.
The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for juvenile intake services, for preadjudication juvenile supervision services under section43-254, for presentence and other probation investigations, for the direct supervision of persons placed on probation, and for non-probation-based programs and services authorized by an interlocal agreement pursuant to subdivision (16) of section29-2252. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.
This provision for salary equalization shall apply only to probation officers and support staff and shall not apply to chief probation officers, the probation administrator, the chief deputy administrator, the deputy probation administrator, or any other similarly established management positions.

29-2258.
District probation officer; duties; powers.
A district probation officer shall:
(1) Conduct juvenile intake interviews and investigations in accordance with sections43-253and43-260.01and supervise delivery of preadjudication juvenile services under subdivision (1)(f) of section43-254;
(2) Make presentence and other investigations, as may be required by law or directed by a court in which he or she is serving;
(3) Supervise probationers in accordance with the rules and regulations of the office and the directions of the sentencing court;
(4) Advise the sentencing court, in accordance with the Nebraska Probation Administration Act and such rules and regulations of the office, of violations of the conditions of probation by individual probationers;
(5) Advise the sentencing court, in accordance with the rules and regulations of the office and the direction of the court, when the situation of a probationer may require a modification of the conditions of probation or when a probationer's adjustment is such as to warrant termination of probation;
(6) Provide each probationer with a statement of the period and conditions of his or her probation;
(7) Whenever necessary, exercise the power of arrest as provided in sections29-2266.01and29-2266.02or exercise the power of temporary custody as provided in section43-286.01;
(8) Establish procedures for the direction and guidance of deputy probation officers under his or her jurisdiction and advise such officers in regard to the most effective performance of their duties;
(9) Supervise and evaluate deputy probation officers under his or her jurisdiction;
(10) Delegate such duties and responsibilities to a deputy probation officer as he or she deems appropriate;
(11) Make such reports as required by the administrator, the judges of the probation district in which he or she serves, or the Supreme Court;
(12) Keep accurate and complete accounts of all money or property collected or received from probationers and give receipts therefor;
(13) Cooperate fully with and render all reasonable assistance to other probation officers;
(14) In counties with a population of less than twenty-five thousand people, participate in pretrial diversion programs established pursuant to sections29-3601to29-3604and juvenile pretrial diversion programs established pursuant to sections43-260.02to43-260.07as requested by judges of the probation district in which he or she serves or as requested by a county attorney and approved by the judges of the probation district in which he or she serves, except that participation in such programs shall not require appointment of additional personnel and shall be consistent with the probation officer's current caseload;
(15) Participate, at the direction of the probation administrator pursuant to an interlocal agreement which meets the requirements of section29-2255, in non-probation-based programs and services;
(16) Perform such other duties not inconsistent with the Nebraska Probation Administration Act or the rules and regulations of the office as a court may from time to time direct; and
(17) Exercise all powers and perform all duties necessary and proper to carry out his or her responsibilities.

29-2259.
Probation administrator; office; salaries; expenses; office space; prepare budget; interpreter services.
(1) The salaries and expenses incident to the conduct and maintenance of the office shall be paid by the state. Other expenses shall be paid by the state as provided in sections81-1174to81-1177.
(2) The salaries and travel expenses of the probation service shall be paid by the state. Travel expenses shall be paid as provided in sections81-1174to81-1177.
(3) Except as provided in sections29-2262and29-2262.04, the costs of drug testing and equipment incident to the electronic surveillance of individuals on probation shall be paid by the state.
(4) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first

instance be paid by the county in which it is located, but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the Supreme Court based upon population, number of investigations, and probation cases handled or upon such other basis as the Supreme Court deems fair and equitable.
(5) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices other than salaries, travel expenses, and data processing and word processing hardware and software that is provided on the state computer network.
(6) The cost of interpreter services for deaf and hard of hearing persons and for persons unable to communicate the English language shall be paid by the state with money appropriated to the Supreme Court for that purpose or from other funds, including grant money, made available to the Supreme Court for such purpose. Interpreter services shall include auxiliary aids for deaf and hard of hearing persons as defined in section20-151and interpreters to assist persons unable to communicate the English language as defined in section25-2402. Interpreter services shall be provided under this section for the purposes of conducting a presentence investigation and for ongoing supervision by a probation officer of such persons placed on probation.
(7) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the Supreme Court and with its approval to the appropriate authority in accordance with law.

29-2259.01.
Probation
Cash Fund; created; use; investment.
(1) There
is hereby created the Probation Cash Fund. All money collected pursuant to subdivisions (2)(m) and (2)(o) of section29-2262shall
be remitted to the State Treasurer for credit to the fund.
(2) Expenditures from the money in the fund collected pursuant to subdivisions (2)(m) and (2)(o) of section29-2262shall include, but not be limited to, supplementing any state funds necessary to support the costs of the services for which the money was collected.
(3) Any money in the fund
available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(4) The State Treasurer shall transfer any remaining
money in the fund collected pursuant to subdivisions (4)(a) and (4)(b) of section60-4,115on January 1, 2012, to the Department of Motor Vehicles Ignition Interlock Fund.

29-2259.02.
State Probation
Contractual Services Cash Fund; created; use; investment.
The
State Probation Contractual Services Cash Fund is created. The fund shall consist only of payments received by the state pursuant to contractual agreements with local political subdivisions for probation services provided by the Office of Probation Administration. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, 2013, the fund shall only be used to pay for probation services provided by the Office of Probation Administration to local political subdivisions which enter into contractual agreements with the Office of Probation Administration. The fund shall be administered by the probation administrator. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

29-2260.
Certain juveniles; disposition; certain offenders; sentence of probation, when.
(1) Whenever a person is adjudicated to be as described in subdivision (1), (2), (3)(b), or (4) of section43-247, his or her disposition shall be governed by the Nebraska Juvenile Code.
(2) Whenever a court considers sentence for an offender convicted of either a misdemeanor or a felony for which mandatory or mandatory minimum imprisonment is not specifically required, the court may withhold sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character, and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because:

(a) The risk is substantial that during the period of probation the offender will engage in additional criminal conduct;
(b) The offender is in need of correctional treatment that can be provided most effectively by commitment to a correctional facility; or
(c) A lesser sentence will depreciate the seriousness of the offender's crime or promote disrespect for law.
(3) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of withholding sentence of imprisonment:
(a) The crime neither caused nor threatened serious harm;
(b) The offender did not contemplate that his or her crime would cause or threaten serious harm;
(c) The offender acted under strong provocation;
(d) Substantial grounds were present tending to excuse or justify the crime, though failing to establish a defense;
(e) The victim of the crime induced or facilitated commission of the crime;
(f) The offender has compensated or will compensate the victim of his or her crime for the damage or injury the victim sustained;
(g) The offender has no history of prior delinquency or criminal activity and has led a law-abiding life for a substantial period of time before the commission of the crime;
(h) The crime was the result of circumstances unlikely to recur;
(i) The character and attitudes of the offender indicate that he or she is unlikely to commit another crime;
(j) The offender is likely to respond affirmatively to probationary treatment; and
(k) Imprisonment of the offender would entail excessive hardship to his or her dependents.
(4) When an offender who has been convicted of a crime is not sentenced to imprisonment, the court may sentence him or her to probation.

29-2260.01.
Juvenile intake services; duties; intent.
It is the intent of the Legislature to ensure that a consistent and objective method of juvenile intake occur throughout the state for juveniles held in temporary custody by a law enforcement officer, in accordance with section43-250, to avoid either inappropriate or unnecessary detention of juveniles which may result in inordinately high detention rates, overcrowding of local detention facilities, excessive detention costs for counties, and adverse consequences for the juvenile, the juvenile's family, or the community. Juvenile intake services shall be administered by probation officers acting as juvenile probation intake officers and shall be available to all juvenile courts in the state, both county courts sitting as juvenile courts and separate juvenile courts. Such probation officers shall be appointed by the probation administrator and designated within respective probation districts based upon the need for such services as the probation administrator determines. In order to adequately provide juvenile intake services statewide and in accordance with the Juvenile Detention and Probation Services Implementation Team Interim Report and Recommendations filed with the Legislature December 15, 2000, it is the intent of the Legislature to appropriate funds to the system to provide seven additional probation officers to act in the capacity of juvenile probation intake officers.

29-2260.02.
Department of Health and Human
Services; administer Title IV-E state plan; Office of Probation Administration;
powers and duties.
The
Department of Health and Human Services, as the single state agency administering
the Title IV-E state plan, has the authority to enter into the agreement with
the Office of Probation Administration to act as a surrogate of the Department
of Health and Human Services to administer the Title IV-E state plan for children
it has placement and care authority of. The Department of Health and Human
Services as the public agency administering or supervising the administration
of the Title IV-E state plan in accordance with section 472(a)(2)(B)(ii) of
the federal Social Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal
reimbursement for allowable maintenance, administrative, and training expenses
in accordance with Title IV-E of the federal Social Security Act, Public Law96-272, Public Law 105-89, and Public Law 110-351, maintains the ultimate
responsibility to supervise the Office of Probation Administration's activities
regarding the Title IV-E requirements for eligible children served under the
agreement.
The Office of Probation Administration
has placement and care responsibility for juveniles in out-of-home placement,
also known as foster care, described in subdivision (1), (2), (3)(b), or (4)
of section43-247. Placement and care constitutes accountability for the day-to-day
care and protection of juveniles. The responsibility of having placement and
care includes the development of an individual case plan for the juvenile,

including periodic review of the appropriateness and suitability of the plan and the foster care placement, to ensure that proper care and services are provided to facilitate return to the juvenile's own home or to make an alternative placement. The case plan activities include such items as assessing family strength and needs, identifying and using community resources, and the periodic review and determination of continued appropriateness of placement. Placement and care does not include rights retained by the legal custodian, including, but not limited to, provisions and decisions surrounding education, morality, religion, discipline, and medical care.

29-2261.

Presentence investigation, when; contents; psychiatric examination; persons having access to records; reports authorized.

(1) Unless it is impractical to do so, when an offender has been convicted of a felony other than murder in the first degree, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation. When an offender has been convicted of murder in the first degree and (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section29-2520or (b)(i) the information contains a notice of aggravation as provided in section29-1603and (ii) the offender waives his or her right to a jury determination of the alleged aggravating circumstances, the court shall not commence the sentencing determination proceeding as provided in section29-2521without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.

(2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

(3) The presentence investigation and report shall include, when available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included. All local and state police agencies and Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer. Such investigation shall also include:

(a) Any written statements submitted to the county attorney by a victim; and

(b) Any written statements submitted to the probation officer by a victim.

(4) If there are no written statements submitted to the probation officer, he or she shall certify to the court that:

(a) He or she has attempted to contact the victim; and

(b) If he or she has contacted the victim, such officer offered to accept the written statements of the victim or to reduce such victim's oral statements to writing.

For purposes of subsections (3) and (4) of this section, the term victim shall be as defined in section29-119.

(5) Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a qualified psychiatrist to make the examination. The report of the examination shall be submitted to the court.

(6)(a) Any presentence report, substance abuse evaluation, or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge; probation officers to whom an offender's file is duly transferred; the probation administrator or his or her designee; alcohol and drug counselors, mental health practitioners, psychiatrists, and psychologists licensed or certified under the Uniform Credentialing Act to conduct substance abuse evaluations and treatment; or others entitled by law to receive such information, including personnel and mental health professionals for the Nebraska State Patrol specifically assigned to sex offender registration and community notification for the sole purpose of using such report, evaluation, or examination for assessing risk and for community notification of registered sex offenders.

(b) For purposes of this subsection, mental health professional means (i) a practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act, (ii) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section38-3111or as provided under similar provisions of the Psychology Interjurisdictional Compact, (iii) a practicing mental health professional licensed or certified in this state as provided in the Mental Health Practice Act, or (iv) a practicing professional counselor holding a privilege to practice in Nebraska under the Licensed Professional Counselors Interstate Compact.

(7) The court shall permit inspection of the presentence report, substance abuse evaluation, or psychiatric examination or parts of the report, evaluation, or examination, as determined by the court, by the prosecuting attorney and defense counsel. Such inspection shall be by electronic access only unless the court determines such access is not available to the prosecuting attorney or defense counsel. The State Court Administrator shall determine and develop the means of electronic access to such presentence reports, evaluations, and examinations. Upon application by the prosecuting attorney or defense counsel, the court may order that addresses, telephone numbers, and other contact information for victims or witnesses named in the report, evaluation, or examination be

redacted upon a showing by a preponderance of the evidence that such redaction is warranted in the interests of public safety. The court may permit inspection of the presentence report, substance abuse evaluation, or psychiatric examination or examination of parts of the report, evaluation, or examination by any other person having a proper interest therein whenever the court finds it is in the best interest of a particular offender. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.
(8) If an offender is sentenced to imprisonment, a copy of the report of any presentence investigation, substance abuse evaluation, or psychiatric examination shall be transmitted immediately to the Department of Correctional Services. Upon request, the department shall provide a copy of the report to the Board of Parole, the Division of Parole Supervision, and the Board of Pardons.
(9) Notwithstanding subsections (6) and (7) of this section, the Supreme Court or an agent of the Supreme Court acting under the direction and supervision of the Chief Justice shall have access to psychiatric examinations, substance abuse evaluations, and presentence investigations and reports for research purposes. The Supreme Court and its agent shall treat such information as confidential, and nothing identifying any individual shall be released.

29-2262.
Probation; conditions; court order; information accessible through criminal justice information system.
(1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a habitual criminal pursuant to section29-2221.
(2) The court may, as a condition of a sentence of probation, require the offender:
(a) To refrain from unlawful conduct;
(b) To be confined periodically in the county jail or to return to custody after specified hours but not to exceed the lesser of ninety days or the maximum jail term provided by law for the offense;
(c) To meet his or her family responsibilities;
(d) To devote himself or herself to a specific employment or occupation;
(e) To undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose;
(f) To pursue a prescribed secular course of study or vocational training;
(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;
(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;
(i) To possess no firearm or other dangerous weapon if convicted of a felony, or if convicted of any other offense, to possess no firearm or other dangerous weapon unless granted written permission by the court;
(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment and to agree to waive extradition if found in another jurisdiction;
(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;
(l) To pay a fine in one or more payments as ordered;
(m) To pay for tests to determine the presence of drugs or alcohol, psychological evaluations, offender assessment screens, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;
(n) To perform community service as outlined in sections29-2277to29-2279under the direction of his or her probation officer;
(o) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability;
(p) To participate in a community correctional facility or program as provided in the Community Corrections Act;
(q) To satisfy any other conditions reasonably related to the rehabilitation of the offender;
(r) To make restitution as described in sections29-2280and29-2281; or
(s) To pay for all costs imposed by the court, including court costs and the fees imposed pursuant to section29-2262.06.
(3) When jail time is imposed as a condition of probation under subdivision (2)(b) of this section, the court shall advise the offender on the record the time the offender will serve in jail assuming no good time for which the offender will be eligible under section47-502is lost and assuming none of the jail time imposed as a condition of probation is waived by the court.
(4) Jail time may only be imposed as a condition of probation under subdivision (2)(b) of this section if:
(a) The court would otherwise sentence the defendant to a term of imprisonment instead of probation; and
(b) The court makes a finding on the record that, while probation is appropriate, periodic confinement in the county jail as a condition of probation is necessary because a sentence of probation without a period of confinement would depreciate the seriousness of the offender's crime or promote disrespect for law.
(5) In all cases in which the offender is guilty of violating section28-416, a condition of probation shall be mandatory treatment and counseling as provided by such section.
(6) In all cases in which the offender is guilty of a crime covered by the DNA Identification Information Act, a condition of probation shall be the collecting of a DNA sample pursuant to the act and the paying of all costs associated with the collection of the DNA sample prior to release from probation.
(7) For any offender sentenced to probation, the court shall enter an order to provide the offender's (a) name, (b) probation officer, and (c) conditions of probation to the Nebraska Commission on Law Enforcement and Criminal Justice which shall provide access to such information to law enforcement agencies through the state's criminal justice information system.

29-2262.02.
Intensive supervision probation programs; legislative findings and intent.
The Legislature finds and declares that intensive supervision probation programs are an effective and desirable alternative to imprisonment. It is the Legislature's intent to encourage the establishment of programs for the intensive supervision of selected probationers. It is further the intent of the Legislature that such programs be formulated to protect the safety and welfare of the public in the community where the programs are operating and throughout the State of Nebraska.

29-2262.03.
Court; order of intensive supervision probation; when; laws applicable.
(1) Whenever the court considers the sentence for an offender convicted of any crime for which a term of imprisonment of six months or more is possible and mandatory minimum imprisonment is not specifically required, the court may withhold the sentence of imprisonment and sentence the offender to intensive supervision probation. The decision whether to sentence an offender to intensive supervision probation shall be guided by the criteria for withholding a sentence of imprisonment as set forth in subsection (2) of this section and subsections (2) and (3) of section29-2260.
(2) Intensive supervision probation shall be governed by the laws governing probation except as required by specific provisions of this section and sections29-2252.01,29-2262.02,29-2262.04, and29-2262.05.

29-2262.04.
Intensive supervision probation programs; contents; supervision required; electronic device or system; cost.
Selected offenders in intensive supervision probation programs shall receive the highest level of supervision that is provided to probationers. Such programs may include, but shall not be limited to, highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, and restitution and community service. Selected offenders monitored by an electronic device or system shall be required to pay the cost of such a device or system if the offender has the financial ability. It is the intent of the Legislature that such programs shall minimize any risk to the public.

29-2262.05.
Intensive supervision probation programs; Supreme Court; duties.
The Supreme Court shall establish and enforce the standards and criteria for the administration of the intensive supervision probation programs.

29-2262.06.
Fees; waiver; when; failure to pay; effect.
(1) Except as otherwise provided in this section, whenever a district court or county court sentences an adult offender to probation, the court shall require the probationer to pay a one-time administrative enrollment fee and thereafter a monthly probation programming fee.
(2) Participants in non-probation-based programs or services in which probation personnel or probation resources are utilized pursuant to an interlocal agreement authorized by subdivision (16) of section29-2252and in which all or a portion of the costs of such probation personnel or such probation resources are covered by funds provided pursuant to section29-2262.07shall pay the one-time administrative enrollment fee described in subdivision (3)(a) of this section and the monthly probation programming fee described in subdivision (3)(c) of this section. In addition, the provisions of subsections (4), (7), and (10) of this section applicable to probationers apply to participants in non-probation-based programs or services. Any participant in a non-probation-based program or service who defaults on the payment of any such fees may, at the discretion of the court, be subject to removal from such non-probation-based program or service. This subdivision does not preclude a court or other governmental entity from charging additional local fees for participation in such non-probation-based programs and services or other similar non-probation-based programs and services.
(3) The court shall establish the administrative enrollment fee and monthly probation programming fees as follows:
(a) Adult probationers placed on either probation or intensive supervision probation and participants in non-probation-based programs or services shall pay a one-time administrative enrollment fee of thirty dollars. The fee shall be paid in a lump sum upon the beginning of probation supervision or participation in a non-probation-based program or service;
(b) Adult probationers placed on probation shall pay a monthly probation programming fee of twenty-five dollars, not later than the tenth day of each month, for the duration of probation; and
(c) Adult probationers placed on intensive supervision probation and participants in non-probation-based programs or services shall pay a monthly probation programming fee of thirty-five dollars, not later than the tenth day of each month, for the duration of probation or participation in a non-probation-based program or service.
(4) The court shall waive payment of the monthly probation programming fees in whole or in part if after a hearing a determination is made that such payment would constitute an undue hardship on the offender due to limited income, employment or school status, or physical or mental handicap. Such waiver shall be in effect only during the period of time that the probationer or participant in a non-probation-based program or service is unable to pay his or her monthly probation programming fee.

(5) If a probationer defaults in the payment of monthly probation programming fees or any installment thereof, the court may revoke his or her probation for nonpayment, except that probation shall not be revoked nor shall the offender be imprisoned for such nonpayment if the probationer is financially unable to make the payment, if he or she so states to the court in writing under oath, and if the court so finds after a hearing.
(6) If the court determines that the default in payment described in subsection (5) of this section was not attributable to a deliberate refusal to obey the order of the court or to failure on the probationer's part to make a good faith effort to obtain the funds required for payment, the court may enter an order allowing the probationer additional time for payment, reducing the amount of each installment, or revoking the fees or the unpaid portion in whole or in part.
(7) No probationer or participant in a non-probation-based program or service shall be required to pay more than one monthly probation programming fee per month. This subsection does not preclude local fees as provided in subsection (2) of this section.
(8) The imposition of monthly probation programming fees in this section shall be considered separate and apart from the fees described in subdivisions (2)(m) and (o) of section29-2262.
(9) Any adult probationer received for supervision pursuant to section29-2637or the Interstate Compact for Adult Offender Supervision shall be assessed both a one-time administrative enrollment fee and monthly probation programming fees during the period of time the probationer is actively supervised by Nebraska probation authorities.
(10) The probationer or participant in a non-probation-based program or service shall pay the fees described in this section to the clerk of the court. The clerk of the court shall remit all fees so collected to the State Treasurer for credit to the Probation Program Cash Fund.

29-2262.07.
Probation
Program Cash Fund; created; use; investment.
The
Probation Program Cash Fund is created. All funds collected pursuant to section29-2262.06shall be remitted to the State Treasurer for credit to the fund.
Except as otherwise directed by the Supreme Court during the period from November
21, 2009, until June 30, 2013, the fund
shall be utilized by the administrator for the
purposes stated in subdivisions
(14) and (17) of section29-2252, except that the State Treasurer
shall, on or before June 30, 2011, on such date as directed by the budget
administrator of the budget division of the Department of Administrative Services,
transfer the amount set forth in Laws 2009, LB1, One Hundred First Legislature,
First Special Session. Any money in the fund available for investment shall
be invested by the state investment officer pursuant to the Nebraska Capital
Expansion Act and the Nebraska State Funds Investment Act.
On July 15, 2010, the State Treasurer shall transfer three
hundred fifty thousand dollars from the Probation Program Cash Fund to the
Violence Prevention Cash Fund. The Office of Violence Prevention shall distribute
such funds as soon as practicable after July 15, 2010, to organizations or
governmental entities that have submitted violence prevention plans and that
best meet the intent of reducing street and gang violence and reducing homicides
and injuries caused by firearms.

29-2263.
Probation; term; court; duties; powers; post-release supervision; term; probation obligation satisfied, when; probation officer; duties; probationer outside of jurisdiction without permission; effect.
(1)(a) Except as provided in subsection (2) of this section, when a court has sentenced an offender to probation, the court shall specify the term of such probation which shall be not more than five years upon conviction of a felony or second offense misdemeanor and two years upon conviction of a first offense misdemeanor.
(b) At sentencing, the court shall provide notice to the offender that the offender may be eligible to have the conviction set aside as provided in subsection (2) of section29-2264and shall provide information on how to file such a petition. The State Court Administrator shall develop standardized advisement language and any forms necessary to carry out this subdivision.
(c) The court, on application of a probation officer or of the probationer or on its own motion, may discharge a probationer at any time.
(2) When a court has sentenced an offender to post-release supervision, the court shall specify the term of such post-release supervision as provided in section28-105. The court, on application of a probation officer or of the probationer or on its own motion, may discharge a probationer at any time.
(3) During the term of probation, the court on application of a probation officer or of the probationer, or its own motion, may modify or eliminate any of the conditions imposed on the probationer or add further conditions authorized by section29-2262. This

subsection does not preclude a probation officer from imposing administrative sanctions with the probationer's full knowledge and consent as authorized by sections29-2266.01and29-2266.02.
(4)(a) Upon completion of the term of probation, or the earlier discharge of the probationer, the probationer shall be relieved of any obligations imposed by the order of the court and shall have satisfied the sentence for his or her crime.
(b) Upon satisfactory fulfillment of the conditions of probation for the entire period or after discharge from probation prior to the termination of the period of probation, a probation officer shall notify the probationer that the probationer may be eligible to have the conviction set aside as provided in subsection (2) of section29-2264. The notice shall include an explanation of the requirements for a conviction to be set aside, how to file a petition for a conviction to be set aside, and the effect of and limitations of having a conviction set aside and an advisement that the probationer consult with an attorney prior to filing a petition. The State Court Administrator shall develop standardized advisement language and any forms necessary to carry out this subdivision.
(5) Whenever a probationer disappears or leaves the jurisdiction of the court without permission, the time during which he or she keeps his or her whereabouts hidden or remains away from the jurisdiction of the court shall be added to the original term of probation.

29-2264.
Probation; completion; conviction may be set aside; conditions; retroactive effect.
(1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period or is discharged from probation prior to the termination of the period of probation, the sentencing court shall issue an order releasing the offender from probation. Such order in all felony cases shall provide notice that the person's voting rights are restored upon completion of probation. The order shall include information on restoring other civil rights through the pardon process, including application to and hearing by the Board of Pardons.
(2) Whenever any person is convicted of an offense and is placed on probation by the court, is sentenced to a fine only, or is sentenced to community service, he or she may, after satisfactory fulfillment of the conditions of probation for the entire period or after discharge from probation prior to the termination of the period of probation and after payment of any fine and completion of any community service, petition the sentencing court to set aside the conviction.
(3)(a) Except as provided in subdivision (3)(b) of this section, whenever any person is convicted of an offense and is sentenced other than as provided in subsection (2) of this section, but is not sentenced to a term of imprisonment of more than one year, such person may, after completion of his or her sentence, petition the sentencing court to set aside the conviction.
(b) A petition under subdivision (3)(a) of this section shall be denied if filed:
(i) By any person with a criminal charge pending in any court in the United States or in any other country;
(ii) During any period in which the person is required to register under the Sex Offender Registration Act;
(iii) For any misdemeanor or felony motor vehicle offense under section28-306or the Nebraska Rules of the Road; or
(iv) Within two years after a denial of a petition to set aside a conviction under this subsection.
(4) In determining whether to set aside the conviction, the court shall consider:
(a) The behavior of the offender after sentencing;
(b) The likelihood that the offender will not engage in further criminal activity; and
(c) Any other information the court considers relevant.
(5) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. The order shall:
(a) Nullify the conviction;
(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction; and
(c) Notify the offender that he or she should consult with an attorney regarding the effect of the order, if any, on the offender's ability to possess a firearm under state or federal law.
(6) The setting aside of a conviction in accordance with the Nebraska Probation Administration Act shall not:
(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;
(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;
(c) Preclude proof of the conviction as evidence of the commission of the offense whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;
(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;
(e) Preclude the proof of the conviction as evidence of the commission of the offense in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved;
(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act;
(g) Preclude use of the conviction as evidence of commission of the offense for purposes of determining whether an application filed or a license issued under sections71-1901to71-1906.01, the Child Care Licensing Act, or the Children's Residential Facilities and Placing Licensure Act or a certificate issued under sections79-806to79-815should be denied, suspended, or revoked;
(h) Preclude use of the conviction as evidence of serious misconduct or final conviction of or pleading guilty or nolo contendere to a

felony or misdemeanor for purposes of determining whether an application filed or a certificate issued under sections81-1401to81-1414.19should be denied, suspended, or revoked;
(i) Preclude proof of the conviction as evidence whenever the fact of the conviction is relevant to a determination of the registration period under section29-4005;
(j) Relieve a person who is convicted of an offense for which registration is required under the Sex Offender Registration Act of the duty to register and to comply with the terms of the act;
(k) Preclude use of the conviction for purposes of section28-1206;
(l) Affect the right of a victim of a crime to prosecute or defend a civil action;
(m) Affect the assessment or accumulation of points under section60-4,182; or
(n) Affect eligibility for, or obligations relating to, a commercial driver's license.
(7) For purposes of this section, offense means any violation of the criminal laws of this state or any political subdivision of this state including, but not limited to, any felony, misdemeanor, infraction, traffic infraction, violation of a city or village ordinance, or violation of a county resolution.
(8) Except as otherwise provided for the notice in subsection (1) of this section, changes made to this section by Laws 2005, LB 713, shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to September 4, 2005.
(9) The changes made to this section by Laws 2018, LB146, and Laws 2020, LB881, shall apply to all persons otherwise eligible under this section, without regard to the date of the conviction sought to be set aside.

29-2265.
Probation; transfer or retention of jurisdiction over probationer; determination; effect.
(1) Whenever an offender is placed on probation and will reside in a location outside the jurisdiction of the sentencing court, the sentencing court may:
(a) Retain jurisdiction over the probationer and the subject matter of the action; or
(b) Transfer jurisdiction over the probationer and the subject matter of the action to an appropriate court in the judicial district in which the probationer will reside.
(2) When a court determines to transfer jurisdiction under subdivision (1)(b) of this section, it shall:
(a) Obtain the concurrence of the court to which transfer is to be made;
(b) File a certified transcript of the action out of which the probationer's conviction arose with the clerk of the court to which jurisdiction is transferred; and
(c) Furnish the chief probation officer of the district in which the probationer will reside with a copy of any presentence investigation.
(3) Upon the filing of the transcript in accordance with subdivision (2)(b) of this section, the court making the transfer shall have no further jurisdiction of the subject matter of the action or over the probationer. The court to which jurisdiction is transferred shall immediately enter an order placing the transferred probationer on probation under such conditions as it may deem appropriate in accordance with the Nebraska Probation Administration Act.
(4) When a court retains jurisdiction under subdivision (1)(a) of this section and the probationer will reside in a different probation district from that of the sentencing court, the court may notify the chief probation officer in the probation district in which the probationer will reside to supervise such probationer under the terms of the probation order and in accordance with the Nebraska Probation Administration Act.

29-2266.
Probation; terms, defined.
For purposes of sections29-2266.01to29-2266.03:
(1) Absconding supervision means a probationer has purposely avoided supervision for a period of at least two weeks and reasonable efforts by probation officers and staff to locate the probationer in person have proven unsuccessful;
(2) Administrative sanction means an additional probation requirement imposed upon a probationer by his or her probation officer, with the full knowledge and consent of the probationer, designed to hold the probationer accountable for violations of conditions of probation, including, but not limited to:
(a) Counseling or reprimand by his or her probation officer;
(b) Increased supervision contact requirements;
(c) Increased substance abuse testing;
(d) Referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;
(e) Imposition of a designated curfew for a period not to exceed thirty days;
(f) Community service for a specified number of hours pursuant to sections29-2277to29-2279;
(g) Travel restrictions to stay within his or her county of residence or employment unless otherwise permitted by the supervising probation officer; and
(h) Restructuring court-imposed financial obligations to mitigate their effect on the probationer;
(3) Custodial sanction means an additional probation requirement imposed upon a probationer designed to hold the probationer accountable for a violation of a condition of probation. A custodial sanction may include up to thirty days in jail as the most severe

response and may include up to three days in jail as the second most severe response;
(4)(a) Noncriminal violation means a probationer's activities or behaviors which create the opportunity for re-offending or diminish the effectiveness of probation supervision resulting in a violation of an original condition of probation, including:
(i) Moving traffic violations;
(ii) Failure to report to his or her probation officer;
(iii) Leaving the jurisdiction of the court or leaving the state without the permission of the court or his or her probation officer;
(iv) Failure to work regularly or attend training or school;
(v) Failure to notify his or her probation officer of change of address or employment;
(vi) Frequenting places where controlled substances are illegally sold, used, distributed, or administered;
(vii) Failure to perform community service as directed; and
(viii) Failure to pay fines, court costs, restitution, or any fees imposed pursuant to section29-2262.06as directed; and
(b) Noncriminal violation does not include absconding supervision; and
(5) Substance abuse violation means a probationer's activities or behaviors associated with the use of chemical substances or related treatment services resulting in a violation of an original condition of probation, including:
(a) Positive breath test for the consumption of alcohol if the offender is required to refrain from alcohol consumption;
(b) Positive urinalysis for the illegal use of drugs;
(c) Failure to report for alcohol testing or drug testing; and
(d) Failure to appear for or complete substance abuse or mental health treatment evaluations or inpatient or outpatient treatment.

29-2266.01.
Probation officer; probationer sentenced for misdemeanor; violations of condition of probation; duties; arrest and detention; county attorney; duties.
(1) Whenever a probation officer has reasonable cause to believe that a probationer sentenced for a misdemeanor has committed or is about to commit a violation of a condition of probation, the probation officer shall either:
(a) Impose one or more administrative sanctions with the approval of his or her chief probation officer or such chief's designee. The decision to impose an administrative sanction in lieu of formal revocation proceedings rests with the probation officer and his or her chief probation officer or such chief's designee and shall be based upon the probationer's risk level, the severity of the violation, and the probationer's response to the violation. If an administrative sanction is to be imposed, the probationer shall acknowledge in writing the nature of the violation and agree upon the administrative sanction. The probationer has the right to decline to acknowledge the violation; and if he or she declines to acknowledge the violation, the probation officer shall take action pursuant to subdivision (1)(b) of this section. The probation officer shall submit a written report to the county attorney of the county where probation was imposed, outlining the nature of the probation violation and the sanction imposed; or
(b) Submit a written report to the sentencing court, with a copy to the county attorney of the county where probation was imposed, outlining the nature of the probation violation and request that formal revocation proceedings be initiated against the probationer in accordance with sections29-2267and29-2268.
(2) Whenever a probation officer has reasonable cause to believe that a probationer sentenced for a misdemeanor has violated or is about to violate a condition of his or her probation and that the probationer will attempt to leave the jurisdiction or will place lives or property in danger, the probation officer shall arrest the probationer without a warrant and may call on any peace officer for assistance. Whenever a probationer is arrested, with or without a warrant, he or she shall be detained in a jail or other detention facility.
(3) Immediately after arrest and detention pursuant to subsection (2) of this section, the probation officer shall notify the county attorney of the county where probation was imposed and submit a written report of the reason for such arrest and of any violation of probation. After prompt consideration of such written report, the county attorney shall:
(a) Notify the probation officer and the jail or detention facility, in writing, that he or she does not intend to file a motion to revoke probation, and authorize the release of the probationer from confinement; or
(b) File with the sentencing court a motion or information to revoke probation in accordance with sections29-2267and29-2268.
(4) Whenever a county attorney receives a report from a probation officer that a probationer sentenced for a misdemeanor has violated a condition of probation, the county attorney may file a motion or information to revoke probation in accordance with sections29-2267and29-2268.
(5) The administrator shall adopt and promulgate rules and regulations to carry out this section.

29-2266.02.
Probation officer; probationer sentenced for felony; violations of condition of probation; duties; arrest and detention; county attorney; duties.
(1) Whenever a probation officer has reasonable cause to believe that a probationer sentenced for a felony has committed or is about to commit a violation while on probation, the probation officer shall consider:
(a) Whether the probation officer is required to arrest the probationer pursuant to subsection (2) of this section;
(b) The probationer's risk level, the severity of the violation, and the probationer's response to the violation;
(c) Whether to impose administrative sanctions or seek custodial sanctions; or
(d) Whether to seek revocation of probation.

(2) Whenever a probation officer has reasonable cause to believe that a probationer sentenced for a felony has violated or is about to violate a condition of his or her probation and that the probationer will attempt to leave the jurisdiction or will place lives or property in danger, the probation officer shall arrest the probationer without a warrant and may call on any peace officer for assistance. Whenever a probationer is arrested, with or without a warrant, he or she shall be detained in a jail or other detention facility.
(3) Whenever a probation officer has reasonable cause to believe that a probationer sentenced for a felony has committed or is about to commit a violation of a condition of probation, the probation officer shall:
(a) Impose one or more administrative sanctions with the approval of his or her chief probation officer or such chief's designee. The decision to impose an administrative sanction rests with the probation officer and his or her chief probation officer or such chief's designee and shall be based upon the probationer's risk level, the severity of the violation, and the probationer's response to the violation. If an administrative sanction is to be imposed, the probationer shall acknowledge in writing the nature of the violation and agree upon the administrative sanction. The probationer has the right to decline to acknowledge the violation; and if he or she declines to acknowledge the violation, the probation officer shall take action pursuant to subdivision (3)(b) or (c) of this section. The probation officer shall submit a written report to the county attorney of the county where probation was imposed, outlining the nature of the probation violation and the sanction imposed;
(b) Seek the imposition of a custodial sanction with the approval of his or her chief probation officer or such chief's designee. The decision to impose a custodial sanction rests with the court and shall be based upon the probationer's risk level, the severity of the violation, and the probationer's response to the violation. If a custodial sanction is to be imposed, the probationer shall acknowledge in writing the nature of the violation and agree upon the custodial sanction. The probationer has the right to decline to acknowledge the violation; and if he or she declines to acknowledge the violation, the probation officer shall take action in accordance with section29-2266.03. If the probationer acknowledges the violation and agrees upon the custodial sanction, the probation officer shall take action in accordance with subsection (1) of section29-2266.03and shall submit a written report to the county attorney of the county where probation was imposed, outlining the nature of the probation violation and the sanction to be imposed; or
(c) Submit a written report to the sentencing court, with a copy to the county attorney of the county where probation was imposed, outlining the nature of the probation violation and request that formal revocation proceedings be initiated against the probationer in accordance with sections29-2267and29-2268.
(4) Immediately after arrest and detention pursuant to subsection (2) of this section, the probation officer shall notify the county attorney of the county where probation was imposed and submit a written report of the reason for such arrest and of any violation of probation. After prompt consideration of such written report, the county attorney shall:
(a) Notify the probation officer and the jail or detention facility, in writing, that he or she does not intend to file a motion to revoke probation, and authorize the release of the probationer from confinement; or
(b) File with the sentencing court a motion or information to revoke probation in accordance with sections29-2267and29-2268.
(5) Whenever a county attorney receives a report from a probation officer that a probationer sentenced for a felony has violated a condition of probation, the county attorney may file a motion or information to revoke probation in accordance with sections29-2267and29-2268.
(6) The administrator shall adopt and promulgate rules and regulations to carry out this section, including, but not limited to, rules and regulations to ensure prompt court review of requests for the imposition of custodial sanctions.

29-2266.03.
Probation officer; imposition of custodial sanction; report to sentencing court; hearing; notice; rights of probationer; county attorney; powers; commitment order.
(1) Whenever a probation officer seeks to impose a custodial sanction and the probationer acknowledges the violation, agrees to the custodial sanction, and waives the hearing, the probation officer shall submit a written report to the sentencing court outlining the nature of the violation and the sanction to be imposed. Upon receiving the probation officerâ■■s report, the court shall issue a commitment order accordingly.
(2) Whenever a probation officer seeks to impose a custodial sanction and the probationer declines to acknowledge the violation, the probation officer shall submit a written report to the sentencing court outlining the nature of the violation and the sanction to be imposed. The probationer is entitled to a prompt consideration of such charge by the sentencing court. Except as provided in subsection (1) of this section, the court shall not impose a custodial sanction on a probationer unless the violation of probation is established at a hearing by a preponderance of the evidence.
(3) Prior to the custodial sanction hearing, the probation officer shall provide the probationer written notice of the grounds on which the request to impose a custodial sanction is based. The probationer has the right to hear and controvert the evidence against him or her, to offer evidence in his or her defense, and to be represented by counsel. The right to hear and controvert the evidence does not include a right to confront witnesses. The right to offer evidence includes, but is not limited to, the right to submit affidavits and reports for consideration by the court and the right to testify and call witnesses.
(4) The county attorney of the county where probation was imposed may appear at and participate in a custodial sanction hearing to offer evidence, call witnesses, and cross-examine witnesses. The court shall receive the affidavit and report of the probation officer as evidence and may receive additional affidavits and reports related to the requested sanction or sanctions.
(5) After a custodial sanction hearing, if the court determines that a custodial sanction should be imposed, the court shall issue a commitment order accordingly. The decision to impose a custodial sanction shall be based upon the probationer's risk level, the

severity of the violation, and the probationer's response to the violation, and shall be made in accordance with the procedure in this section, relevant court rules, and the matrix of rewards and graduated sanctions developed by the administrator. A custodial sanction may be combined with one or more administrative sanctions.

29-2267.
Probation; revocation; procedure.
(1) Whenever a motion or information to revoke probation is filed, the probationer shall be entitled to a prompt consideration of such charge by the sentencing court. The court shall not revoke probation or increase the probation requirements imposed on the probationer, except after a hearing upon proper notice where the violation of probation is established by clear and convincing evidence.
(2) The probationer shall have the right to receive, prior to the hearing, a copy of the information or written notice of the grounds on which the information is based. The probationer shall have the right to hear and controvert the evidence against him or her, to offer evidence in his or her defense, and to be represented by counsel.
(3) For a probationer convicted of a felony, revocation proceedings may only be instituted in response to a substance abuse or noncriminal violation if the probationer has served ninety days of cumulative custodial sanctions during the current probation term.

29-2268.
Probation; post-release supervision; violation; court; determination.
(1) If the court finds that the probationer, other than a probationer serving a term of post-release supervision, did violate a condition of his or her probation, it may revoke the probation and impose on the offender such new sentence as might have been imposed originally for the crime of which he or she was convicted.
(2) If the court finds that a probationer serving a term of post-release supervision did violate a condition of his or her post-release supervision, it may revoke the post-release supervision and impose on the offender a term of imprisonment up to the original period of post-release supervision. If a sentence of incarceration is imposed upon revocation of post-release supervision, the court shall grant jail credit for any days spent in custody as a result of the post-release supervision, including custodial sanctions. The term shall be served in an institution under the jurisdiction of the Department of Correctional Services or in county jail subject to subsection (2) of section28-105.
(3) If the court finds that the probationer did violate a condition of his or her probation, but is of the opinion that revocation is not appropriate, the court may order that:
(a) The probationer receive a reprimand and warning;
(b) Probation supervision and reporting be intensified;
(c) The probationer be required to conform to one or more additional conditions of probation which may be imposed in accordance with the Nebraska Probation Administration Act;
(d) A custodial sanction be imposed on a probationer convicted of a felony, subject to the provisions of section29-2266.03; and
(e) The probationer's term of probation be extended, subject to the provisions of section29-2263.

29-2269.
Act, how cited.
Sections29-2243to29-2269shall be known and may be cited as the Nebraska Probation Administration Act.

29-2270.
Individual less than nineteen years of age; conditions of probation.
Any individual who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to an order of the district court, county court, or juvenile court shall, as a condition of probation, be required to:
(1) Attend school to obtain vocational training or to achieve an appropriate educational level as prescribed by the probation officer after consultation with the school the individual attends or pursuant to section29-2272. If the individual fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined by the probation officer after consultation with the school and the individual does not meet the requirements of subdivision (2) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation; or
(2) Attend an on-the-job training program or secure and maintain employment. If the individual fails to attend the program or maintain employment and does not meet the requirements of subdivision (1) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation.

29-2271.
Individuals less than nineteen years of age; applicability of section.
Section29-2270shall not apply to individuals who pass the general education development test or who earn a high school diploma. Subdivision (2) of section29-2270shall not apply to an individual required to attend school pursuant to section79-201.

29-2272.

Individuals less than nineteen years of age; readmission to school; school officials; duties; court review; expulsion; screening for disabilities.
(1) If the individual chooses to meet the requirements of section29-2270by attending a public school and the individual has previously been expelled from school, prior to the readmission of the individual to the school, school officials shall meet with the individual's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational objectives that must be achieved. The district court, county court, or juvenile court shall review the conditions of probation for the individual and may continue the expulsion or return the individual to school under the agreed conditions.
(2) The school board may expel the individual for subsequent actions as provided in section79-267.
(3) The individual shall be screened by the school to which he or she is admitted for possible disabilities and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

29-2273.
Individuals less than nineteen years of age; establishment of programs; authorized.
The school district and the district court, county court, or juvenile court may establish education, counseling, or other programs to improve the behavior and educational performance of individuals covered by section29-2270.

29-2274.
Post-release supervision; report; contents.
(1) Beginning October 1, 2024, the Office of Probation Administration shall electronically submit a quarterly report to the Judiciary Committee of the Legislature and the Appropriations Committee of the Legislature regarding individuals serving sentences of post-release supervision. The report shall include:
(a) The number of individuals:
(i) On post-release supervision;
(ii) Successfully discharged from post-release supervision;
(iii) Unsuccessfully discharged from post-release supervision;
(iv) Whose post-release supervision is revoked for technical violations;
(v) Whose post-release supervision is revoked for law violations;
(vi) Who abscond and do not complete the conditions of post-release supervision;
(vii) Who are sent to jails to serve custodial sanctions; and
(viii) Whose post-release supervision has been revoked;
(b) The number of jail beds utilized for custodial sanctions and the number of days such beds are utilized;
(c) The types of programming offered to individuals on post-release supervision; and
(d) The risk scores of individuals on post-release supervision at the time they began serving a sentence of imprisonment and upon discharge from post-release supervision.
(2) The report shall redact all personal identifying information of individuals on post-release supervision.

29-2277.
Terms, defined.
As used in sections29-2277to29-2279, unless the context otherwise requires:
(1) Agency means any public or governmental unit, institution, division, or agency or any private nonprofit organization which provides services intended to enhance the social welfare or general well-being of the community, which agrees to accept community service from offenders and to supervise and report the progress of such community service to the court or its representative;
(2) Community correctional facility or program has the same meaning as in section47-621; and
(3) Community service means uncompensated labor for an agency to be performed by an offender when the offender is not working or attending school.

29-2278.
Community service; sentencing; when; failure to perform; effect; exception to eligibility.
An offender may be sentenced to community service (1) as an alternative to a fine, incarceration, or supervised probation, or in lieu of incarceration if he or she fails to pay a fine as ordered, except when the violation of a misdemeanor or felony requires mandatory incarceration or imposition of a fine, (2) as a condition of probation, or (3) in addition to any other sanction. The court or magistrate shall establish the terms and conditions of community service including, but not limited to, a reasonable time limit for completion. The performance or completion of a sentence of community service or an order to complete community service may be supervised or confirmed by a community correctional facility or program or another similar entity, as ordered by the court or magistrate. If an offender fails to perform community service as ordered by the court or magistrate, he or she may be arrested and after a hearing may be resentenced on the original charge, have probation revoked, or be found in contempt of court. No person convicted of an offense involving serious bodily injury or sexual assault shall be eligible for community service.

29-2279.

Community service; length.
The length of a community service sentence shall be as follows:
(1) Pursuant to section29-2206,29-2208, or29-2412, for an infraction, not less than four nor more than twenty hours;
(2) For a violation of a city ordinance that is an infraction and not pursuant to section29-2206,29-2208, or29-2412, not less than four hours;
(3) For a Class IV or Class V misdemeanor, not less than four nor more than eighty hours;
(4) For a Class III or Class IIIA misdemeanor, not less than eight nor more than one hundred fifty hours;
(5) For a Class I or Class II misdemeanor, not less than twenty nor more than four hundred hours;
(6) For a Class IIIA or Class IV felony, not less than two hundred nor more than three thousand hours; and
(7) For a Class III felony, not less than four hundred nor more than six thousand hours.

29-2280.
Restitution; order; when.
A sentencing court may order the defendant to make restitution for the actual physical injury or property damage or loss sustained by the victim as a direct result of the offense for which the defendant has been convicted. With the consent of the parties, the court may order restitution for the actual physical injury or property damage or loss sustained by the victim of an uncharged offense or an offense dismissed pursuant to plea negotiations. Whenever the court believes that restitution may be a proper sentence or the victim of any offense or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the actual damages sustained by the victim.

29-2281.
Restitution; determination of amount; fines and costs; manner and priority of payment.
(1) To determine the amount of restitution, the court may hold a hearing at the time of sentencing. The amount of restitution shall be based on the actual damages sustained by the victim and shall be supported by evidence which shall become a part of the court record. The court shall consider the defendant's earning ability, employment status, financial resources, and family or other legal obligations and shall balance such considerations against the obligation to the victim. In considering the earning ability of a defendant who is sentenced to imprisonment, the court may receive evidence of money anticipated to be earned by the defendant during incarceration.
(2) A person may not be granted or denied probation or parole either solely or primarily due to his or her financial resources or ability or inability to pay restitution.
(3) The court may order that restitution be made immediately, in specified installments, or within a specified period of time not to exceed five years after the date of judgment or defendant's final release date from imprisonment, whichever is later.
(4) If, in addition to restitution, a defendant is ordered to pay fines and costs as part of the judgment and the defendant fails to pay the full amount owed, funds shall first be applied to a restitution obligation with the remainder applied towards fines and costs only when the restitution obligation is satisfied in full.
(5) Restitution payments shall be made through the clerk of the court ordering restitution. The clerk shall maintain a record of all receipts and disbursements.

29-2282.
Property damage; bodily injury; death; relief authorized.
In determining restitution, if the offense results in damage, destruction, or loss of property, the court may require: (1) Return of the property to the victim, if possible; (2) payment of the reasonable value of repairing the property, including property returned by the defendant; or (3) payment of the reasonable replacement value of the property, if return or repair is impossible, impractical, or inadequate. If the offense results in bodily injury, the court may require payment of necessary medical care, including, but not limited to, physical or psychological treatment and therapy, and payment for income lost due to such bodily injury. If the offense results in the death of the victim, the court may require payment to be made to the estate of the victim for the cost of any medical care prior to death and for funeral and burial expenses.

29-2283.
Collateral payment; effect; setoff.
The court shall not impose restitution for a loss for which the victim has received compensation, except that the court may order payment by the defendant to any person who has compensated the victim to the extent that such compensation has been provided. Any amount paid to a victim pursuant to an order of restitution shall be set off against any amount later recovered as compensatory damages in a civil action.

29-2284.
Probation or parole; revocation; conditions.
If the defendant is placed on probation or paroled, the court may revoke probation, and the Board of Parole may revoke parole if the defendant fails to comply with the restitution order. In determining whether to revoke probation or parole, the court or Board of Parole shall consider the defendant's earning ability and financial resources, the willfulness of the defendant's failure to pay, and any

special circumstances affecting the defendant's ability to pay. Probation or parole may not be revoked unless noncompliance with the restitution order is attributable to an intentional refusal to obey the order or a failure to make a good faith effort to comply with the order.

29-2285.
Restitution; petition to adjust; procedures.
A defendant, victim, or the personal representative of the victim's estate may petition the sentencing court to adjust or otherwise waive payment or performance of any ordered restitution or any unpaid or unperformed portion thereof. The court may schedule a hearing and give the parties notice of the hearing date, place, and time and inform the parties that he or she will have an opportunity to be heard. If the court finds that the circumstances upon which it based the imposition or amount and method of payment or other restitution ordered no longer exist or that it otherwise would be unjust to require payment or other restitution as imposed, the court may adjust or waive payment of the unpaid portion thereof or other restitution or modify the time or method of making restitution.

29-2286.
Restitution; enforcement; by whom.
An order of restitution may be enforced by a victim named in the order to receive the restitution or the personal representative of the victim's estate in the same manner as a judgment in a civil action. If the victim is deceased and no claim is filed by the personal representative of the estate or if the victim cannot be found, the Attorney General may enforce such order of restitution for the benefit of the Victim's Compensation Fund.

29-2287.
Restitution; effect on civil action.
(1) Sections29-2280to29-2289shall not limit or impair the right of a victim to sue and recover damages from the defendant in a civil action.
(2) The findings in the sentencing hearing and the fact that restitution was required or paid shall not be admissible as evidence in a civil action and shall have no legal effect on the merits of a civil action.
(3) Any restitution paid by the defendant to the victim shall be set off against any judgment in favor of the victim in a civil action arising out of the facts or events which were the basis for the restitution. The court trying the civil action shall hold a separate hearing to determine the validity and amount of any setoff asserted by the defendant.

29-2288.
Restitution; imposed on organization; persons liable to pay; failure; effect.
If restitution is imposed on an organization, it shall be the duty of any person authorized to order the disbursement of assets of the organization, and his or her superiors, to pay the restitution from assets of the organization under his or her control. Failure to do so shall render a person subject to an order to show cause why he or she should not be held in contempt of court.

29-2289.
Victim's Compensation Fund; subrogation; subordination.
(1) Whenever a victim is paid by the Victim's Compensation Fund for loss arising out of a criminal act, the fund shall be subrogated to the rights of the victim to any restitution ordered by the court.
(2) The rights of the Victim's Compensation Fund shall be subordinate to the claims of victims who have suffered loss arising out of the offenses or any transaction which is part of the same continuous scheme of criminal activity.

29-2290.
Test, counseling, and reports; when required; Department of Correctional Services; Department of Health and Human Services; duties; cost; appeal; effect.
(1) Notwithstanding any other provision of law, when a person has been convicted of sexual assault pursuant to sections28-317to28-320, sexual assault of a child in the second or third degree pursuant to section28-320.01, sexual assault of a child in the first degree pursuant to section28-319.01, or any other offense under Nebraska law when sexual contact or sexual penetration is an element of the offense, the presiding judge shall, at the request of the victim as part of the sentence of the convicted person when the circumstances of the case demonstrate a possibility of transmission of the human immunodeficiency virus, order the convicted person to submit to a human immunodeficiency virus antibody or antigen test. Such test shall be conducted under the jurisdiction of the Department of Correctional Services. The Department of Correctional Services shall make the results of the test available only to the victim, to the parents or guardian of the victim if the victim is a minor or is mentally incompetent, to the convicted person, to the parents or guardian of the convicted person if the convicted person is a minor or mentally incompetent, to the court issuing the order for testing, and to the Department of Health and Human Services.
(2) If the human immunodeficiency virus test indicates the presence of human immunodeficiency virus infection, the Department of Correctional Services shall provide counseling to the convicted person regarding human immunodeficiency virus disease and referral to appropriate health care and support services.
(3) The Department of Correctional Services shall provide to the Department of Health and Human Services the result of any human

immunodeficiency virus test conducted pursuant to this section and information regarding the request of the victim. The Department of Health and Human Services shall notify the victim or the parents or guardian of the victim if the victim is a minor or mentally incompetent and shall make available to the victim counseling and testing regarding human immunodeficiency virus disease and referral to appropriate health care and support services.
(4) The cost of testing under this section shall be paid by the convicted person tested unless the court has determined the convicted person to be indigent.
(5) Filing of a notice of appeal shall not automatically stay an order that the convicted person submit to a human immunodeficiency virus test.
(6) For purposes of this section:
(a) Convicted shall include adjudicated under juvenile proceedings;
(b) Convicted person shall include a child adjudicated of an offense described in subsection (1) of this section; and
(c) Sentence shall include a disposition under juvenile proceedings.
(7) The Department of Correctional Services, in consultation with the Department of Health and Human Services, shall adopt and promulgate rules and regulations to carry out this section.

29-2291.
Misdemeanor domestic violence conviction; notification to defendant; State Court Administrator's Office; duty.
(1) When sentencing a person convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33), as such section existed on July 18, 2008, the court shall provide written or oral notification to the defendant that it may be a violation of federal law for the individual: To ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
(2) The State Court Administrator's Office shall create a standard notification that provides the information in subsection (1) of this section and shall provide a copy of such notification to all judges in this state.

29-2292.
Deferral of entry of judgment of conviction; defendant placed on probation; conditions; factors; new sentence; when.
(1) Upon a finding of guilt for which a judgment of conviction may be rendered, a defendant may request the court defer the entry of judgment of conviction. Upon such request and after giving the prosecutor and defendant the opportunity to be heard, the court may defer the entry of a judgment of conviction and the imposition of a sentence and place the defendant on probation, upon conditions as the court may require under section29-2262.
(2) The court shall not defer judgment under this section if:
(a) The offense is a violation of section42-924;
(b) The victim of the offense is an intimate partner as defined in section28-323;
(c) The offense is a violation of section60-6,196or60-6,197or a city or village ordinance enacted in conformance with section60-6,196or60-6,197; or
(d) The defendant is not eligible for probation.
(3) Whenever a court considers a request to defer judgment, the court shall consider the factors set forth in section29-2260and any other information the court deems relevant.
(4) Except as otherwise provided in this section and sections29-2293and29-2294, the supervision of a defendant on probation pursuant to a deferred judgment shall be governed by the Nebraska Probation Administration Act and sections29-2270to29-2273.
(5) After a hearing providing the prosecutor and defendant an opportunity to be heard and upon a finding that a defendant has violated a condition of his or her probation, the court may enter any order authorized by section29-2268or pronounce judgment and impose such new sentence as might have been originally imposed for the offense for which the defendant was convicted.
(6) Upon satisfactory completion of the conditions of probation and the payment or waiver of all administrative and programming fees assessed under section29-2293, the defendant or prosecutor may file a motion to withdraw any plea entered by the defendant and to dismiss the action without entry of judgment.
(7) The provisions of this section apply to offenses committed on or after July 1, 2020. For purposes of this section, an offense shall be deemed to have been committed prior to July 1, 2020, if any element of the offense occurred prior to such date.

29-2293.
Court order; fees.
Upon entry of a deferred judgment pursuant to section29-2292or29-4803, the court shall order the defendant to pay all administrative and programming fees authorized under section29-2262.06, unless waived under such section. The defendant shall pay any such fees to the clerk of the court. The clerk of the court shall remit all fees so collected to the State Treasurer for credit to the Probation Program Cash Fund.

29-2294.
Final order.
An entry of deferred judgment pursuant to section29-2292or29-4803is a final order as defined in section25-1902.

29-2301.
Appeal; notice; effect.
When a person is convicted of an offense and gives notice of his or her intention to appeal to the Court of Appeals or Supreme Court, the execution of the sentence or judgment shall be suspended until such time as the appeal has been determined. The trial court, in its discretion, may allow the defendant to continue at liberty under bail or admit the defendant to bail during the suspension of sentence.

29-2302.
Misdemeanor cases; appeal; recognizance.
The execution of sentence and judgment against any person or persons convicted and sentenced in the district court for a misdemeanor shall be suspended during an appeal to the Court of Appeals or Supreme Court. The district court shall fix the amount of a recognizance, which in all cases shall be reasonable, conditioned that the appeal shall be prosecuted without delay and that in case the judgment is affirmed he, she, or they will abide, do, and perform the judgment and sentence of the district court.

29-2303.
Felony cases; appeal; custody of person convicted; escape; procedures.
Whenever a person shall be convicted of a felony, and the judgment shall be suspended as a result of the notice of appeal, it shall be the duty of the court to order the person so convicted into the custody of the sheriff, to be imprisoned until the appeal is disposed of, or such person is admitted to bail. If a person so convicted shall escape, the jailer or other officer from whose custody the escape was made may return to the clerk of the proper court the writ by virtue of which the convict was held in custody, with information of the escape endorsed thereon, whereupon the clerk shall issue a warrant stating such conviction, and commanding the sheriff of the county to pursue such person into any county in the state; and the sheriff shall take such person and commit him or her to the jail of the county.

29-2305.
Appeal; dismissed; conviction affirmed; procedure; defendant; credit for time incarcerated.
If the appeal in such case is dismissed or the conviction is affirmed on hearing, such judgment shall be executed by the court by which it was rendered on receipt of the mandate of the appellate court. A defendant who was not admitted to bail during the time the appeal was pending shall receive credit against the sentence for all of the time he or she was incarcerated while the appeal was pending.

29-2306.
Criminal case; docket fee; when paid by county; in forma pauperis; costs.
If a defendant in a criminal case files, within thirty days after the entry of the judgment, order, or sentence, an application to proceed in forma pauperis in accordance with sections25-2301to25-2310with the clerk of the district court, then no payment of the docket fee shall be required of him or her unless the defendant's application to proceed in forma pauperis is denied. The clerk of the district court shall forward a certified copy of such application, including the affidavit, to the Clerk of the Supreme Court. If an application to proceed in forma pauperis is filed and granted, the Court of Appeals or Supreme Court shall acquire jurisdiction of the case when the notice of appeal is filed with the clerk of the district court. In cases in which an application to proceed in forma pauperis is granted, the amount of the costs shall be endorsed on the mandate and shall be paid by the county in which the indictment was found.

29-2308.
Reduction of sentence; conditions; appellate court; powers.
(1) In all criminal cases that now are or may hereafter be pending in the Court of Appeals or Supreme Court, the appellate court may reduce the sentence rendered by the district court against the accused when in its opinion the sentence is excessive, and it shall be the duty of the appellate court to render such sentence against the accused as in its opinion may be warranted by the evidence. No judgment shall be set aside, new trial granted, or judgment rendered in any criminal case on the grounds of misdirection of the jury or the improper admission or rejection of evidence or for error as to any matter of pleading or procedure if the appellate court, after an examination of the entire cause, considers that no substantial miscarriage of justice has actually occurred.
(2) In all criminal cases based on offenses subject to determinate sentencing under subsection (2) of section29-2204.02, the appellate court may determine that a sentence is excessive because the district court did not provide substantial and compelling reasons for imposing a sentence other than probation.

29-2315.
Prosecuting attorney, defined.
For purposes of sections29-2315.01to29-2325, prosecuting attorney means a county attorney, city attorney, or designated attorney.

29-2315.01.

Appeal by prosecuting attorney; application; procedure.
The prosecuting attorney may take exception to any ruling or decision of the court made during the prosecution of a cause by presenting to the trial court the application for leave to file an appeal with reference to the rulings or decisions of which complaint is made. Such application shall contain a copy of the ruling or decision complained of, the basis and reasons for objection thereto, and a statement by the prosecuting attorney as to the part of the record he or she proposes to present to the appellate court. Such application shall be filed with the trial court within twenty days after the final order is entered in the cause, and upon presentation, if the trial court finds it is in conformity with the truth, the judge of the trial court shall sign the same and shall further indicate thereon whether in his or her opinion the part of the record which the prosecuting attorney proposes to present to the appellate court is adequate for a proper consideration of the matter. The prosecuting attorney shall then file such application with the appellate court within thirty days from the date of the final order. If the application is granted, the prosecuting attorney shall within thirty days from such granting order a bill of exceptions in accordance with section29-2020if such bill of exceptions is desired and otherwise proceed to obtain a review of the case as provided in section25-1912.

29-2315.02.
Error proceedings by county attorney; finding regarding indigency; effect on appointment of counsel for defendant; fees and expenses.
If the application is granted in cases where the court finds a defendant to be indigent, the trial court shall first contact the public defender, in counties with a public defender, to inquire whether or not the public defender is able to accept the appointment to argue the case against the prosecuting attorney. If the public defender declines the appointment because of a conflict of interest, the court shall appoint another attorney. An attorney other than the public defender appointed under this section shall file an application for fees and expenses in the court which appointed such attorney for all fees and expenses reasonably necessary to permit such attorney to effectively and competently represent the defendant and to argue the case against the prosecuting attorney. Such fees and expenses shall be paid out of the treasury of the county in the full amount determined by the court. If the court does not find a defendant indigent and does not appoint the public defender or another attorney, the defendant may be represented by an attorney of the defendant's choice.

29-2316.
Error proceedings by prosecuting attorney; decision on appeal; effect.
The judgment of the court in any action taken pursuant to section29-2315.01shall not be reversed nor in any manner affected when the defendant in the trial court has been placed legally in jeopardy, but in such cases the decision of the appellate court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered or which may thereafter arise in the state. When the decision of the appellate court establishes that the final order of the trial court was erroneous and the defendant had not been placed legally in jeopardy prior to the entry of such erroneous order, the trial court may upon application of the prosecuting attorney issue its warrant for the rearrest of the defendant and the cause against him or her shall thereupon proceed in accordance with the law as determined by the decision of the appellate court.

29-2317.
Notice of intent to appeal to district court; procedure.
(1) A prosecuting attorney may take exception to any ruling or decision of the county court made during the prosecution of a cause by presenting to the court a notice of intent to take an appeal to the district court with reference to the rulings or decisions of which complaint is made.
(2) The notice shall contain a copy of the rulings or decisions complained of, the basis and reasons for objection thereto, and a statement by the prosecuting attorney as to the part of the record he or she proposes to present to the district court. The notice shall be presented to the court within twenty days after the final order is entered in the cause. If the court finds it is in conformity with the truth, the judge shall sign it and shall indicate thereon whether, in his or her opinion, the part of the record which the prosecuting attorney proposes to present to the district court is adequate for a proper consideration of the matter.
(3) The prosecuting attorney shall then file the notice in the district court within thirty days from the date of final order and within thirty days from the date of filing the notice shall file a bill of exceptions covering the part of the record referred to in the notice. Such appeal shall be on the record.

29-2318.
Appeal of ruling or decision; finding regarding indigency; effect on appointment of counsel for defendant; fees and expenses.
When a notice is filed in cases where the court finds a defendant to be indigent, the trial court shall first contact the public defender, in counties with a public defender, to inquire whether or not the public defender is able to accept the appointment to argue the case against the prosecuting attorney. If the public defender declines the appointment because of a conflict of interest, the court shall appoint another attorney. An attorney other than the public defender appointed under this section shall file an application for fees and expenses in the court which appointed such attorney for all fees and expenses reasonably necessary to permit such attorney to effectively and competently represent the defendant and to argue the case against the prosecuting attorney. Such fees and expenses shall be paid out of the treasury of the county in the full amount determined by the court. If the court does not find a defendant indigent and does not appoint the public defender or another attorney, the defendant may be represented by an attorney of the

defendant's choice.

29-2319.
Exception proceedings by prosecuting attorney; decision of district court; effect.
(1) The judgment of the court in any action taken under the provisions of sections29-2317and29-2318shall not be reversed nor in any manner affected when the defendant in the trial court has been placed legally in jeopardy, but in such cases the decision of the district court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered, or which may thereafter arise in the district.
(2) When the decision of the district court establishes that the final order of the trial court was erroneous and that the defendant had not been placed legally in jeopardy prior to the entry of such erroneous order, the trial court may upon application of the prosecuting attorney issue its warrant for the rearrest of the defendant and the cause against the defendant shall thereupon proceed in accordance with the law as determined by the decision of the district court.
(3) The prosecuting attorney may take exception to any ruling or decision of the district court in the manner provided by sections29-2315.01to29-2316.

29-2320.
Appeal of sentence
by prosecuting attorney or
Attorney General; when authorized.
Whenever
a defendant is found guilty of a felony following a trial or the entry of
a plea of guilty or tendering a plea of nolo contendere, the prosecuting attorney
charged with the prosecution of such defendant or the Attorney General may appeal the sentence
imposed if there
is a reasonable belief, based on all of the facts and circumstances
of the particular case, that the sentence is excessively lenient.

29-2321.
Appeal of sentence
by prosecuting attorney or
Attorney General; procedure.
(1) Appeals under sections29-2320to29-2325shall
be taken, by either the Attorney
General or the prosecuting attorney, as follows:
(a) If the
appeal is filed by the Attorney General, a notice of appeal shall be filed
in the district court within twenty days after imposition of the sentence.
A copy of the notice of appeal shall be sent to either the defendant or counsel
for the defendant; or
(b)
If the prosecuting attorney wishes to file the appeal, he or she, within ten
days after imposition of the sentence, shall
request approval from the Attorney General to proceed with the appeal. A copy of the request
for approval shall be sent to the defendant or counsel for the defendant.
(2) If the Attorney General approves the request described
in subdivision (1)(b) of this section, the
prosecuting attorney shall file a notice of appeal indicating such approval
in the district court. Such notice of appeal must be filed within twenty days
of the imposition of sentence. A copy of the notice of appeal shall be sent
to the defendant or counsel for the defendant.
(3) If the Attorney General does not approve the request
described in subdivision (1)(b) of this section, an
appeal under sections29-2320to29-2325shall not be permitted.
(4) In addition to such notice of appeal, the docket fee
required by section33-103shall be deposited with the clerk of the district
court.
(5) Upon
compliance with the requirements of this section, the appeal shall proceed
as provided by law for appeals to the Court of Appeals.

29-2322.

Appeal of sentence by prosecutor; review; considerations.
If the appeal has been properly filed, as set forth in section29-2321, the appellate court, upon a review of the record, shall determine whether the sentence imposed is excessively lenient, having regard for:
(1) The nature and circumstances of the offense;
(2) The history and characteristics of the defendant;
(3) The need for the sentence imposed:
(a) To afford adequate deterrence to criminal conduct;
(b) To protect the public from further crimes of the defendant;
(c) To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; and
(d) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and
(4) Any other matters appearing in the record which the appellate court deems pertinent.

29-2323.
Appeal of sentence by prosecutor; sentencing alternatives.
Upon consideration of the criteria enumerated in section29-2322, the appellate court shall:
(1) If it determines that the sentence imposed is excessively lenient, set aside the sentence, and:
(a) Remand the case for imposition of a greater sentence;
(b) Remand the case for further sentencing proceedings; or
(c) Impose a greater sentence; or
(2) If it determines that the sentence imposed is not excessively lenient, affirm the sentence.

29-2324.
Appeal of sentence by prosecutor; credit for time served.
If a more severe sentence is imposed by the appellate court or on remand, any time served on the sentence appealed from shall be deemed to have been served on the new sentence imposed under subdivision (1) of section29-2323.

29-2325.
Appeal of sentence by prosecutor; defendant's right to appeal not affected.
Nothing contained in sections29-2320to29-2325shall affect the right of the defendant to appeal the conviction and sentence, as otherwise provided by law.

29-2326.
Appeal; no oral argument; when.
There shall be no oral argument in an appeal to the district court in any criminal case where the sole allegation of error is that the sentence imposed was excessive or excessively lenient or the trial court refused to reduce the sentence upon application of the defendant.

29-2327.
District court; Court of Appeals;
Supreme Court; remit assessment.
In every case of appeal of a conviction of any person for
any felony or misdemeanor to the district court, Court of Appeals, or Supreme
Court that is affirmed, the court shall remit the assessment as provided in
section33-157.

29-2401.
Execution of sentences; conviction of felony; delivery of prisoner to Department of Correctional Services.
Every person sentenced to the Department of Correctional Services shall, within thirty days, and as early as practicable after his sentence, unless the execution thereof be suspended, be conveyed to the facility designated by the Director of Correctional Services by the sheriff of the county in which the conviction took place, and shall there be delivered into the custody of the division, together with a copy of the sentence of the court ordering such imprisonment, there to be safely kept until the term of his confinement shall have expired, or he shall be pardoned. If the execution of the sentence be suspended and the judgment is afterward affirmed, the defendant shall be conveyed to the facility designated by the director within thirty days after the court shall direct the sentence to be executed.

29-2402.
Delivery of prisoner to Department of Correctional Services; powers and duties of sheriff.
The sheriffs of the several counties of this state, during the time they shall be employed in conveying to the Department of Correctional Services any person sentenced to the custody thereof, shall have the same power and authority to secure him in any jail

within the state, and to demand the assistance of any sheriff, jailer or other person within this state, in keeping such prisoner, as if the sheriff were in his own proper county; and all such sheriffs, jailers or other persons so called upon shall be liable, on refusal, to the same penalties as if the sheriff making the demand were in his own county.

29-2403.
Person sentenced to county jail; commitment procedure.
When any person convicted of an offense is sentenced to imprisonment in the county jail, the court or magistrate shall order the defendant into the custody of the sheriff or other proper officer and shall issue to such officer a warrant of commitment. The officer shall deliver the convict, together with a copy of the warrant, to the jailer, in whose custody he or she shall remain in the jail of the proper county until the term of his or her confinement shall have expired or he or she shall have been pardoned or otherwise legally discharged.

29-2404.
Misdemeanor cases; fines and costs; judgment; levy; commitment.
In all cases of misdemeanor in which courts or magistrates shall have power to fine any offender, and shall render judgment for such fine, it shall be lawful to issue executions for the same, with the costs taxed against the offender, to be levied on the goods and chattels of any such offender, and, for want of the same, upon the body of the offender, who shall, following a determination that the offender has the financial ability to pay such fine pursuant to section29-2412, be committed to the jail of the proper county until the fine and costs be paid, or secured to be paid, or the offender be otherwise discharged according to law.

29-2406.
Sentence to cell; execution when no cell in jail.
Where any jail, in any county in this state, shall not have a cell or dungeon therein, then, and in that case, when the court shall sentence any person or persons to imprisonment in the cell of any jail, under the provisions of this code, the person or persons so sentenced shall be confined in that part of the jail usually allotted to the confinement of criminals, or such convict may be imprisoned as provided in section29-1001, when there is the necessity thereof mentioned in said section.

29-2407.
Judgments for fines, costs, and forfeited recognizances; lien; exemptions; duration.
Judgments for fines and costs in criminal cases shall be a lien upon all the property of the defendant within the county from the time of filing the case by the clerk of the proper court, and judgments upon forfeited recognizance shall be a like lien from the time of forfeiture. No property of any convict shall be exempt from execution issued upon any such judgment as set out in this section against such convict except in cases when the convict is sentenced to a Department of Correctional Services adult correctional facility for a period of more than two years or to suffer death, in which cases there shall be the same exemptions as at the time may be provided by law for civil cases. The lien on real estate of any such judgment for costs shall terminate as provided in section25-1716.

29-2408.
Judgments for fines, costs, and forfeited recognizances; execution.
It shall be the duty of the clerk of the district court to issue execution for every judgment rendered during the term, for fines and forfeited recognizance, and for the costs in such cases, which remain unpaid and unreplevied; and upon like condition each magistrate shall issue execution forthwith for fines and costs assessed by him.

29-2409.
Replevy of fine and costs; recognizance; breach; effect.
It shall be lawful for any person or persons convicted of any criminal offense to replevy the judgment for the fine and costs, or the costs only when no fine shall be imposed, by such convicted person or persons, with one or more good and sufficient freeholders, entering into a recognizance before the court or magistrate, to the people of this state, for the payment of such fine and costs, or costs only, within five months from the date of the acknowledgment; which recognizance so taken is hereby declared valid in law, and to create a lien on the real estate of all such persons as shall acknowledge the same. Upon the breach thereof, execution shall be issued against the goods and chattels, lands and tenements of the persons who entered into the recognizance, in the same manner as if it had been a judgment, which execution shall be collected in the same manner as is prescribed in section29-2408. No scire facias shall be necessary previous to issuing such execution.

29-2410.
Replevy of fine and costs; effect.
In all cases where the person or persons, convicted as aforesaid, shall replevy the fine and costs, as is provided in the section29-2409, no execution shall issue for such fine and costs as prescribed in the section29-2408, and further, such person or persons, after replevying the fine and costs as aforesaid, shall not be imprisoned for such fine and costs, but such person or persons shall be wholly discharged from any imprisonment in consequence of any conviction, unless where imprisonment is by this code

made a part of the punishment. In that case such convicted person or persons shall be discharged from his, her or their imprisonment at the expiration thereof, if he, she or they have replevied the fine and costs as aforesaid.

29-2411.
Judgments for fines, costs, and forfeited recognizances; execution in other counties.
Executions for fines and costs of prosecution, and on recognizances taken in pursuance of section29-2409, may be issued into any county in this state.

29-2412.
Fine and costs; financial ability to pay; hearing; nonpayment; commutation upon confinement; credit; amount.
(1) Beginning July 1, 2019:
(a) Any person arrested and brought into custody on a warrant for failure to pay fines or costs, for failure to appear before a court or magistrate on the due date of such fines or costs, or for failure to comply with the terms of an order pursuant to sections29-2206and29-2206.01, shall be entitled to a hearing on the first regularly scheduled court date following the date of arrest. The purpose of such hearing shall be to determine the person's financial ability to pay such fines or costs. At the hearing, the person shall have the opportunity to present information as to his or her income, assets, debts, or other matters affecting his or her financial ability to pay. Following the hearing, the court or magistrate shall determine the person's ability to pay the fines or costs, including his or her financial ability to pay by installment payments as described in section29-2206;
(b) If the court or magistrate determines that the person is financially able to pay the fines or costs and the person refuses to pay, the court or magistrate may:
(i) Order the person to be confined in the jail of the proper county until the fines or costs are paid or secured to be paid or the person is otherwise discharged pursuant to subsection (4) of this section; or
(ii) Enter an order pursuant to subdivision (1)(d) of this section discharging the person of such fines or costs and order the person to complete community service for a specified number of hours pursuant to sections29-2277to29-2279;
(c) If the court or magistrate determines that the person is financially unable to pay the fines or costs, the court or magistrate:
(i) Shall either:
(A) Enter an order pursuant to subdivision (1)(d) of this section discharging the person of such fines or costs; or
(B) If the person is subject to an order to pay installments pursuant to section29-2206, the court or magistrate shall either enter an order pursuant to subdivision (1)(d) of this section discharging the person of such obligation or make any necessary modifications to the order specifying the terms of the installment payments as justice may require and that will enable the person to pay the fines or costs; and
(ii) May order the person to complete community service for a specified number of hours pursuant to sections29-2277to29-2279; and
(d) An order discharging the person of fines or costs shall be set forth in or accompanied by a judgment entry. Such order shall operate as a complete release of such fines or costs.
(2) Whenever it is made satisfactorily to appear to the district court, or to the county judge of the proper county, after all legal means have been exhausted, that any person who is confined in jail for any fines or costs of prosecution for any criminal offense has no estate with which to pay such fines or costs, it shall be the duty of such court or judge, on his or her own motion or upon the motion of the person so confined, to discharge such person from further imprisonment for such fines or costs, which discharge shall operate as a complete release of such fines or costs.
(3) Nothing in this section shall authorize any person to be discharged from imprisonment before the expiration of the time for which he or she may be sentenced to be imprisoned as part of his or her punishment.
(4)(a) Any person held in custody for nonpayment of fines or costs or for default on an installment shall be entitled to a credit on the fines, costs, or installment of one hundred fifty dollars for each day so held.
(b) In no case shall a person held in custody for nonpayment of fines or costs be held in such custody for more days than the maximum number to which he or she could have been sentenced if the penalty set by law includes the possibility of confinement.

29-2413.
Judgments for fines and costs; execution in another county or against real estate; filing of transcript in district court.
In every case, whenever it is desirable to obtain execution to be issued to another county, or against the lands or real estate of any person against whom a judgment for fine or costs has been rendered by a magistrate, the magistrate may file with the clerk of the district court of the county wherein such magistrate holds office a transcript of the judgment, whereupon such clerk shall enter the cause upon the register of actions and shall file with the clerk of such court a praecipe and execution to be forthwith issued thereon by such clerk and served in all respects as though the judgment had been rendered in the district court of such county.

29-2414.
Sentence to hard labor; employment of convicts in jail.
For the purpose of enabling the county board of any county in this state to employ in a profitable manner all persons who have heretofore been or may hereafter be sentenced to hard labor in the jail of the county, the board, or a majority of them, shall have power to designate the place where the persons so sentenced shall work, and to make all proper and needful regulations and

provisions for the profitable employment of such convicts, and for their safe custody during such employment. The county jail is hereby declared to extend to any stone quarry, road or other place that shall be designated by the county board for the employment of such convicts.

29-2415.
Jail convict labor; disposition of proceeds.
It shall be the duty of the county board to make the contracts for the employment of convicts as specified in section29-2414, and the sheriff of the county, or such other person as may be charged with the administrative direction of the jail, shall collect the proceeds of all such labor, and after paying the board of such convicts and the expenses incident to such labor, to pay the balance to the county treasurer within ten days.

29-2519.
Statement of intent.
(1) The Legislature hereby finds that it is reasonable and necessary to establish mandatory standards for the imposition of the sentence of death; that the imposition of the death penalty in every instance of the commission of the crimes specified in section28-303fails to allow for mitigating factors which may dictate against the penalty of death; and that the rational imposition of the death sentence requires the establishment of specific legislative guidelines to be applied in individual cases by the court. The Legislature therefor determines that the death penalty should be imposed only for the crimes set forth in section28-303and, in addition, that it shall only be imposed in those instances when the aggravating circumstances existing in connection with the crime outweigh the mitigating circumstances, as set forth in sections29-2520to29-2524.
(2) The Legislature hereby finds and declares that:
(a) The decision of the United States Supreme Court in Ring v. Arizona (2002) requires that Nebraska revise its sentencing process in order to ensure that rights of persons accused of murder in the first degree, as required under the Sixth and Fourteenth Amendments of the United States Constitution, are protected;
(b) The changes made by Laws 2002, LB 1, Ninety-seventh Legislature, Third Special Session, are intended to be procedural only in nature and ameliorative of the state's prior procedures for determination of aggravating circumstances in the sentencing process for murder in the first degree;
(c) The changes made by Laws 2002, LB 1, Ninety-seventh Legislature, Third Special Session, are not intended to alter the substantive provisions of sections28-303and29-2520to29-2524;
(d) The aggravating circumstances defined in section29-2523have been determined by the United States Supreme Court to be "functional equivalents of elements of a greater offense" for purposes of the defendant's Sixth Amendment right, as applied to the states under the Fourteenth Amendment, to a jury determination of such aggravating circumstances, but the aggravating circumstances are not intended to constitute elements of the crime generally unless subsequently so required by the state or federal constitution; and
(e) To the extent that such can be applied in accordance with state and federal constitutional requirements, it is the intent of the Legislature that the changes to the murder in the first degree sentencing process made by Laws 2002, LB 1, Ninety-seventh Legislature, Third Special Session, shall apply to any murder in the first degree sentencing proceeding commencing on or after November 23, 2002.

29-2520.
Aggravation hearing; procedure.
(1) Whenever any person is found guilty of a violation of section28-303and the information contains a notice of aggravation as provided in section29-1603, the district court shall, as soon as practicable, fix a date for an aggravation hearing to determine the alleged aggravating circumstances. If no notice of aggravation has been filed, the district court shall enter a sentence of life imprisonment.
(2) Unless the defendant waives his or her right to a jury determination of the alleged aggravating circumstances, such determination shall be made by:
(a) The jury which determined the defendant's guilt; or
(b) A jury impaneled for purposes of the determination of the alleged aggravating circumstances if:
(i) The defendant waived his or her right to a jury at the trial of guilt and either was convicted before a judge or was convicted on a plea of guilty or nolo contendere; or
(ii) The jury which determined the defendant's guilt has been discharged.
A jury required by subdivision (2)(b) of this section shall be impaneled in the manner provided in sections29-2004to29-2010.
(3) The defendant may waive his or her right to a jury determination of the alleged aggravating circumstances. The court shall accept the waiver after determining that it is made freely, voluntarily, and knowingly. If the defendant waives his or her right to a jury determination of the alleged aggravating circumstances, such determination shall be made by a panel of judges as a part of the sentencing determination proceeding as provided in section29-2521.
(4)(a) At an aggravation hearing before a jury for the determination of the alleged aggravating circumstances, the state may present evidence as to the existence of the aggravating circumstances alleged in the information. The Nebraska Evidence Rules shall apply at the aggravation hearing.

(b) Alternate jurors who would otherwise be discharged upon final submission of the cause to the jury shall be retained during the deliberation of the defendant's guilt but shall not participate in such deliberations. Such alternate jurors shall serve during the aggravation hearing as provided in section29-2004but shall not participate in the jury's deliberations under this subsection.
(c) If the jury serving at the aggravation hearing is the jury which determined the defendant's guilt, the jury may consider evidence received at the trial of guilt for purposes of reaching its verdict as to the existence or nonexistence of aggravating circumstances in addition to the evidence received at the aggravation hearing.
(d) After the presentation and receipt of evidence at the aggravation hearing, the state and the defendant or his or her counsel may present arguments before the jury as to the existence or nonexistence of the alleged aggravating circumstances.
(e) The court shall instruct the members of the jury as to their duty as jurors, the definitions of the aggravating circumstances alleged in the information, and the state's burden to prove the existence of each aggravating circumstance alleged in the information beyond a reasonable doubt.
(f) The jury at the aggravation hearing shall deliberate and return a verdict as to the existence or nonexistence of each alleged aggravating circumstance. Each aggravating circumstance shall be proved beyond a reasonable doubt. Each verdict with respect to each alleged aggravating circumstance shall be unanimous. If the jury is unable to reach a unanimous verdict with respect to an aggravating circumstance, such aggravating circumstance shall not be weighed in the sentencing determination proceeding as provided in section29-2521.
(g) Upon rendering its verdict as to the determination of the aggravating circumstances, the jury shall be discharged.
(h) If no aggravating circumstance is found to exist, the court shall enter a sentence of life imprisonment. If one or more aggravating circumstances are found to exist, the court shall convene a panel of three judges to hold a hearing to receive evidence of mitigation and sentence excessiveness or disproportionality as provided in subsection (3) of section29-2521.

29-2521.
Sentencing determination proceeding.
(1) When a person has been found guilty of murder in the first degree and (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section29-2520or (b)(i) the information contains a notice of aggravation as provided in section29-1603and (ii) such person waives his or her right to a jury determination of the alleged aggravating circumstances, the sentence of such person shall be determined by:
(a) A panel of three judges, including the judge who presided at the trial of guilt or who accepted the plea and two additional active district court judges named at random by the Chief Justice of the Supreme Court. The judge who presided at the trial of guilt or who accepted the plea shall act as the presiding judge for the sentencing determination proceeding under this section; or
(b) If the Chief Justice of the Supreme Court has determined that the judge who presided at the trial of guilt or who accepted the plea is disabled or disqualified after receiving a suggestion of such disability or disqualification from the clerk of the court in which the finding of guilty was entered, a panel of three active district court judges named at random by the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court shall name one member of the panel at random to act as the presiding judge for the sentencing determination proceeding under this section.
(2) In the sentencing determination proceeding before a panel of judges when the right to a jury determination of the alleged aggravating circumstances has been waived, the panel shall, as soon as practicable after receipt of the written report resulting from the presentence investigation ordered as provided in section29-2261, hold a hearing. At such hearing, evidence may be presented as to any matter that the presiding judge deems relevant to sentence and shall include matters relating to the aggravating circumstances alleged in the information, to any of the mitigating circumstances set forth in section29-2523, and to sentence excessiveness or disproportionality. The Nebraska Evidence Rules shall apply to evidence relating to aggravating circumstances. Each aggravating circumstance shall be proved beyond a reasonable doubt. Any evidence at the sentencing determination proceeding which the presiding judge deems to have probative value may be received. The state and the defendant or his or her counsel shall be permitted to present argument for or against sentence of death. The presiding judge shall set forth the general order of procedure at the outset of the sentencing determination proceeding. The panel shall make written findings of fact based upon the trial of guilt and the sentencing determination proceeding, identifying which, if any, of the alleged aggravating circumstances have been proven to exist beyond a reasonable doubt. Each finding of fact with respect to each alleged aggravating circumstance shall be unanimous. If the panel is unable to reach a unanimous finding of fact with respect to an aggravating circumstance, such aggravating circumstance shall not be weighed in the sentencing determination proceeding. After the presentation and receipt of evidence and argument, the panel shall determine an appropriate sentence as provided in section29-2522.
(3) When a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section29-2520, the panel of judges shall, as soon as practicable after receipt of the written report resulting from the presentence investigation ordered as provided in section29-2261, hold a hearing to receive evidence of mitigation and sentence excessiveness or disproportionality. Evidence may be presented as to any matter that the presiding judge deems relevant to (a) mitigation, including, but not limited to, the mitigating circumstances set forth in section29-2523, and (b) sentence excessiveness or disproportionality as provided in subdivision (3) of section29-2522. Any such evidence which the presiding judge deems to have probative value may be received. The state and the defendant and his or her counsel shall be permitted to present argument for or against sentence of death. The presiding judge shall set forth the general order of procedure at the outset of the sentencing determination proceeding. After the presentation and receipt of evidence and argument, the panel shall determine an appropriate sentence as provided in section29-2522.

29-2521.01.

Legislative findings.
The Legislature hereby finds that:
(1) Life is the most valuable possession of a human being, and before taking it, the state should apply and follow the most scrupulous standards of fairness and uniformity;
(2) The death penalty, because of its enormity and finality, should never be imposed arbitrarily nor as a result of local prejudice or public hysteria;
(3) State law should be applied uniformly throughout the state and since the death penalty is a statewide law an offense which would not result in a death sentence in one portion of the state should not result in death in a different portion;
(4) Charges resulting from the same or similar circumstances have, in the past, not been uniform and have produced radically differing results; and
(5) In order to compensate for the lack of uniformity in charges which are filed as a result of similar circumstances it is necessary for the Supreme Court to review and analyze all criminal homicides committed under the existing law in order to insure that each case produces a result similar to that arrived at in other cases with the same or similar circumstances.

29-2521.02.
Criminal homicide cases; review and analysis by Supreme Court; manner.
The Supreme Court shall within a reasonable time after July 22, 1978, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. Such review and analysis shall examine (1) the facts including mitigating and aggravating circumstances, (2) the charges filed, (3) the crime for which defendant was convicted, and (4) the sentence imposed. Such review shall be updated as new criminal homicide cases occur.

29-2521.03.
Criminal homicide cases; appeal; sentence; Supreme Court review.
The Supreme Court shall, upon appeal, determine the propriety of the sentence in each case involving a criminal homicide by comparing such case with previous cases involving the same or similar circumstances. No sentence imposed shall be greater than those imposed in other cases with the same or similar circumstances. The Supreme Court may reduce any sentence which it finds not to be consistent with sections29-2521.01to29-2521.04,29-2522, and29-2524.

29-2521.04.
Criminal homicide cases; Supreme Court review and analyze; district court; provide records.
Each district court shall provide all records required by the Supreme Court in order to conduct its review and analysis pursuant to sections29-2521.01to29-2522and29-2524.

29-2521.05.
Aggravating circumstances; interlocutory appeal prohibited.
The verdict of a jury as to the existence or nonexistence of the alleged aggravating circumstances or, when the right to a jury determination of the alleged aggravating circumstances has been waived, the determination of a panel of judges with respect thereto, shall not be an appealable order or judgment of the district court, and no appeal may be taken directly from such verdict or determination.

29-2522.
Sentence; considerations; determination; contents.
The panel of judges for the sentencing determination proceeding shall either unanimously fix the sentence at death or, if the sentence of death was not unanimously agreed upon by the panel, fix the sentence at life imprisonment. Such sentence determination shall be based upon the following considerations:
(1) Whether the aggravating circumstances as determined to exist justify imposition of a sentence of death;
(2) Whether sufficient mitigating circumstances exist which approach or exceed the weight given to the aggravating circumstances; or
(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.
In each case, the determination of the panel of judges shall be in writing and refer to the aggravating and mitigating circumstances weighed in the determination of the panel.
If an order is entered sentencing the defendant to death, a date for execution shall not be fixed until after the conclusion of the appeal provided for by section29-2525.

29-2523.
Aggravating and mitigating circumstances.
The aggravating and mitigating circumstances referred to in sections29-2519to29-2524shall be as follows:
(1) Aggravating Circumstances:
(a) The offender was previously convicted of another murder or a crime involving the use or threat of violence to the person, or has

a substantial prior history of serious assaultive or terrorizing criminal activity;
(b) The murder was committed in an effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of such crime;
(c) The murder was committed for hire, or for pecuniary gain, or the defendant hired another to commit the murder for the defendant;
(d) The murder was especially heinous, atrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence;
(e) At the time the murder was committed, the offender also committed another murder;
(f) The offender knowingly created a great risk of death to at least several persons;
(g) The victim was a public servant having lawful custody of the offender or another in the lawful performance of his or her official duties and the offender knew or should have known that the victim was a public servant performing his or her official duties;
(h) The murder was committed knowingly to disrupt or hinder the lawful exercise of any governmental function or the enforcement of the laws; or
(i) The victim was a law enforcement officer engaged in the lawful performance of his or her official duties as a law enforcement officer and the offender knew or reasonably should have known that the victim was a law enforcement officer.
(2) Mitigating Circumstances:
(a) The offender has no significant history of prior criminal activity;
(b) The offender acted under unusual pressures or influences or under the domination of another person;
(c) The crime was committed while the offender was under the influence of extreme mental or emotional disturbance;
(d) The age of the defendant at the time of the crime;
(e) The offender was an accomplice in the crime committed by another person and his or her participation was relatively minor;
(f) The victim was a participant in the defendant's conduct or consented to the act; or
(g) At the time of the crime, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired as a result of mental illness, mental defect, or intoxication.

29-2524.
Sections; how construed.
Nothing in sections25-1140.09,28-303,28-313, and29-2519to29-2546shall be in any way deemed to repeal or limit existing procedures for automatic review of capital cases, nor shall they in any way limit the right of the Supreme Court to reduce a sentence of death to a sentence of life imprisonment in accordance with the provisions of section29-2308, nor shall they limit the right of the Board of Pardons to commute any sentence of death to a sentence of life imprisonment.

29-2524.01.
Criminal homicide; report filed by county attorney; contents; time of filing.
Each county attorney shall file a report with the State Court Administrator for each criminal homicide case filed by him. The report shall include (1) the initial charge filed, (2) any reduction in the initial charge and whether such reduction was the result of a plea bargain or some other reason, (3) dismissals prior to trial, (4) outcome of the trial including not guilty, guilty as charged, guilty of a lesser included offense, or dismissal, (5) the sentence imposed, (6) whether an appeal was taken, and (7) such other information as may be required by the State Court Administrator. Such report shall be filed not later than thirty days after ultimate disposition of the case by the court.

29-2524.02.
State Court Administrator; criminal homicide report; provide forms.
The State Court Administrator shall provide all forms necessary to carry out sections29-2524.01and29-2524.02.

29-2525.
Capital punishment cases; appeal; procedure; expedited opinion.
In cases when the punishment is capital, no notice of appeal shall be required and within the time prescribed by section25-1912for the commencement of proceedings for the reversing, vacating, or modifying of judgments, the clerk of the district court in which the conviction was had shall notify the court reporter who shall prepare a bill of exceptions as in other cases and the clerk shall prepare and file with the Clerk of the Supreme Court a transcript of the record of the proceedings, for which no charge shall be made. The Clerk of the Supreme Court shall, upon receipt of the transcript, docket the appeal. No payment of a docket fee shall be required. The Supreme Court shall expedite the rendering of its opinion on the appeal, giving the matter priority over civil and noncapital criminal matters.

29-2527.
Briefs; payment for printing by county.
The cost of printing briefs on behalf of any person convicted of an offense for which the punishment adjudged is capital shall be paid by the county.

29-2528.

Death penalty cases; Supreme Court; orders.
In all cases when the death penalty has been imposed by the district court, the Supreme Court shall, after consideration of the appeal, order the prisoner to be discharged, a new trial to be had, or appoint a day certain for the execution of the sentence.

29-2537.
Convicted person; appears to be incompetent; notice to judge; suspend sentence; commission appointed; findings; suspension of execution; when; annual review.
(1) If any convicted person under sentence of death shall appear to be incompetent, the Director of Correctional Services shall forthwith give notice thereof to a judge of the district court of the judicial district in which the convicted person was tried and sentenced and such judge shall at once make such investigation as shall satisfy him or her as to whether a commission ought to be named to examine such convicted person.
(2) If the court determines that there is not sufficient reason for the appointment of a commission, the court shall so find and refuse to suspend the execution of the convicted person. If the court determines that a commission ought to be appointed to examine such convicted person, the court shall make a finding to that effect and cause it to be entered upon the records of the district court in the county in which such convicted person was sentenced, and, if necessary, the court shall suspend the execution and appoint three licensed mental health professionals employed by the state as a commission to examine such convicted person. The commission shall examine the convicted person to determine whether he or she is competent or incompetent and shall report its findings in writing to the court within ten days after its appointment. If two members of the commission find the convicted person incompetent, the court shall suspend the convicted person's execution until further order. Thereafter, the court shall appoint a commission annually to review the convicted person's competency. The results of such review shall be provided to the court. If the convicted person is subsequently found to be competent by two members of the commission, the court shall certify that finding to the Supreme Court which shall then establish a date for the enforcement of the convicted person's sentence.
(3) The standard for the determination of competency under this section shall be the same as the standard for determining competency to stand trial.

29-2538.
Suspension of execution pending investigation; convict found competent; Supreme Court; appoint a day of execution.
If a court has suspended the execution of the convicted person pending an investigation as to his or her competency, the date for the enforcement of the convicted person's sentence has passed, and the convicted person is found to be competent, the court shall certify that finding to the Supreme Court which shall appoint a day for the enforcement of the convicted person's sentence.

29-2539.
Commission members; mileage; payment.
The members of the commission appointed pursuant to section29-2537shall each receive mileage at the rate authorized in section81-1176for state employees for each mile actually and necessarily traveled in reaching and returning from the place where the convicted person is confined and examined, and it is hereby made the duty of the commission to act in this capacity without compensation other than that already provided for them by law. All of the findings and orders aforesaid shall be entered in the district court records of the county wherein the convicted person was originally tried and sentenced, and the costs therefor, including those providing for the mileage of the members of the commission, shall be allowed and paid in the usual manner by the county in which the convicted person was tried and sentenced to death.

29-2540.
Female convicted person; pregnant; notice to judge; procedures.
If a female convicted person under sentence of death shall appear to be pregnant, the Director of Correctional Services shall in like manner notify the judge of the district court of the county in which she was sentenced, who shall in all things proceed as in the case of an incompetent convicted person.

29-2541.
Female convicted person; finding convicted person is pregnant; judge; duties; costs.
If the commission appointed pursuant to section29-2537finds that the female convicted person is pregnant, the court shall suspend the execution of her sentence. At such time as it shall be determined that such woman is no longer pregnant, the judge shall appoint a date for her execution and issue a warrant directing the enforcement of the sentence of death which shall be delivered to the Director of Correctional Services. The costs and expenses thereof shall be the same as those provided for in the case of an incompetent convicted person and shall be paid in the same manner.

29-2542.
Escaped convict; return; notify Supreme Court; fix date of execution.
If any person who has been convicted of a crime punishable by death, and sentenced to death, shall escape, and shall not be retaken before the time fixed for his or her execution, it shall be lawful for the Director of Correctional Services, or any sheriff or other officer or person, to rearrest such person and return him or her to the custody of the director, who shall thereupon notify the

Supreme Court that such person has been returned to custody. Upon receipt of that notice, the Supreme Court shall then issue a warrant, fixing a date for the enforcement of the sentence which shall be delivered to the director. The date of execution shall be set no later than sixty days following the issuance of the warrant.

29-2543.
Person convicted of crime sentenced to death; Supreme Court; warrant.
(1) Whenever any person has been tried and convicted before any district court in this state, has been sentenced to death, and has had his or her sentence of death affirmed by the Supreme Court on mandatory direct review, it shall be the duty of the Supreme Court to issue a warrant, under the seal of the court, reciting therein the conviction and sentence and establishing a date for the enforcement of the sentence directed to the Director of Correctional Services, commanding him or her to proceed at the time named in the warrant. The date of execution shall be set no later than sixty days following the issuance of the warrant.
(2) Thereafter, if the initial execution date has been stayed and the original execution date has expired, the Supreme Court shall establish a new date for enforcement of the sentence upon receipt of notice from the Attorney General that the stay of execution is no longer in effect and issue its warrant to the director. The date of execution shall be set no later than sixty days following the issuance of the warrant.

29-2546.
Reversal of judgment of conviction; delivery of convicted person to custody of sheriff; await further judgment and order of court.
Whenever the Supreme Court reverses the judgment of conviction in accordance with which any convicted person has been sentenced to death and is confined in a Department of Correctional Services adult correctional facility as herein provided, it shall be the duty of the Director of Correctional Services, upon receipt of a copy of such judgment of reversal, duly certified by the clerk of the court and under the seal thereof, to forthwith deliver such convicted person into the custody of the sheriff of the county in which the conviction was had to be held in the jail of the county awaiting the further judgment and order of the court in the case.

29-2639.
Compact, how cited.
Sections29-2639and29-2640shall be known and may be cited as the Interstate Compact for Adult Offender Supervision.

29-2640.
Interstate Compact for Adult Offender Supervision.
The Governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:
The compacting states solemnly agree:
ARTICLE I PURPOSE
The compacting states to this interstate compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the interstate commission created hereunder, through means of joint and cooperative action among the compacting states: To provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits, and obligations of the compact among the compacting states. In addition, this compact will: Create an interstate commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, or corrections or other criminal justice agencies which will promulgate rules to achieve the purposes of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of compact activities to heads of state councils, state executive, judicial, and legislative branches of government, and state criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulation of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and bylaws and rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the interstate commission created herein are the formation of public policies and are therefor public business.
ARTICLE II DEFINITIONS
As used in this compact, unless the context clearly requires a different construction:
Adult means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law;

Bylaws means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct;
Compact administrator means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission, and the policies adopted by the state council under this compact;
Compacting state means any state which has enacted the enabling legislation for this compact;
Commissioner means the voting representative of each compacting state appointed pursuant to Article III of this compact;
Interstate commission means the Interstate Commission for Adult Offender Supervision established by this compact;
Member means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner;
Noncompacting state means any state which has not enacted the enabling legislation for this compact;
Offender means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;
Person means any individual, corporation, business enterprise, or other legal entity, either public or private;
Rules means acts of the interstate commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the interstate commission, which shall have the force and effect of law in the compacting states;
State means a state of the United States, the District of Columbia, and any other territorial possessions of the United States; and
State Council means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article IV of this compact.

ARTICLE III THE COMPACT COMMISSION

The compacting states hereby create the Interstate Commission for Adult Offender Supervision. The interstate commission shall be a body corporate and joint agency of the compacting states. The interstate commission shall have all the responsibilities, powers, and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
The interstate commission shall consist of commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners but who are members of interested organizations. Such noncommissioner members shall include a member of national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the interstate commission shall be ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio, nonvoting members as it deems necessary.
Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business unless a larger quorum is required by the bylaws of the interstate commission. The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven or more compacting states, shall call additional meetings. Public notice shall be given of all meetings, and meetings shall be open to the public.
The interstate commission shall establish an executive committee which shall include commission officers, commission members, and others as shall be determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee oversees the day-to-day activities managed by the executive director and interstate commission staff, administers enforcement and compliance with the provisions of the compact and bylaws, as directed by the interstate commission, and performs other duties as directed by the interstate commission or as set forth in the bylaws.

ARTICLE IV THE STATE COUNCIL

Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. Each compacting state retains the right to determine the qualifications of the compact administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the judiciary.
In addition to appointment of its commissioner to the interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V POWERS AND DUTIES OF
THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:
To adopt a seal and suitable bylaws governing the management and operation of the interstate commission;
To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;
To oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws

adopted and rules promulgated by the interstate commission;
To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
To establish and maintain offices;
To purchase and maintain insurance and bonds;
To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;
To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;
To elect or appoint such officers, attorneys, employees, agents, or consultants and to fix their compensation, define their duties, and determine their qualifications and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;
To accept any and all donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of same;
To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;
To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
To establish a budget, make expenditures, and levy assessments as provided in Article X of this compact;
To sue and be sued;
To provide for dispute resolution among compacting states;
To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;
To coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in such activity; and
To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI ORGANIZATION AND OPERATION OF
THE INTERSTATE COMMISSION

Section A. Bylaws

The interstate commission shall, by a majority of the members, within twelve months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
Establishing the fiscal year of the interstate commission;
Establishing an executive committee and such other committees as may be necessary;
Providing reasonable standards and procedures:
(i) For the establishment of committees; and
(ii) Governing any general or specific delegation of any authority or function of the interstate commission;
Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting;
Establishing the titles and responsibilities of the officers of the interstate commission;
Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the interstate commission;
Providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;
Providing transition rules for startup administration of the compact; and
Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

The interstate commission shall, by a majority of the members, elect from among its members a chairperson and a vice-chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in his or her absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission;Provided,that subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.
The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission and hire and supervise such other staff as may be authorized by the interstate commission but shall not be a member.

Section C. Corporate Records of the Interstate Commission

The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

Section D. Qualified Immunity, Defense, and Indemnification

The members, officers, executive director, and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities;Provided,that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

The interstate commission shall defend the commissioner of a compacting state, his or her representatives or employees, or the interstate commission's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities;Provided,that the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of such person.

The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the interstate commission's representatives or employees harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities;Provided,that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII ACTIVITIES OF THE INTERSTATE COMMISSION

The interstate commission shall meet and take such actions as are consistent with the provisions of this compact.

Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, such act shall have been taken at a meeting of the interstate commission and shall have received an affirmative vote of a majority of the members present.

Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

The interstate commission shall meet at least once during each calendar year. The chairperson of the interstate commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall promulgate rules consistent with the principles contained in the Freedom of Information Reform Act of 1986, 5 U.S.C. section 552b, as may be amended. The interstate commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

Relate solely to the interstate commission's internal personnel practices and procedures;

Disclose matters specifically exempted from disclosure by statute;

Disclose trade secrets or commercial or financial information which is privileged or confidential;

Involve accusing any person of a crime or formally censuring any person;

Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

Disclose investigatory records compiled for law enforcement purposes;

Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

Disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or

Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the interstate commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote, reflected in the vote of each member on the question. All documents considered in

connection with any action shall be identified in such minutes.
The interstate commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.
ARTICLE VIII RULEMAKING FUNCTIONS OF
THE INTERSTATE COMMISSION
The interstate commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.
Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C. section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 1 et seq., as may be amended (hereinafter APA). All rules and amendments shall become binding as of the date specified in each rule or amendment.
If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.
When promulgating a rule, the interstate commission shall:
Publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule;
Allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;
Provide an opportunity for an informal hearing; and
Promulgate a final rule and its effective date, if appropriate, based on the rulemaking record.
Not later than sixty days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence, as defined in the APA, in the rulemaking record, the court shall hold the rule unlawful and set it aside.
Subjects to be addressed within twelve months after the first meeting must at a minimum include:
Notice to victims and opportunity to be heard;
Offender registration and compliance;
Violations/returns;
Transfer procedures and forms;
Eligibility for transfer;
Collection of restitution and fees from offenders;
Data collection and reporting;
The level of supervision to be provided by the receiving state;
Transition rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and
Mediation, arbitration, and dispute resolution.
The existing rules governing the operation of the previous compact superseded by this act shall be null and void twelve months after the first meeting of the interstate commission created hereunder.
Upon determination by the interstate commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption;Provided,that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.
ARTICLE IX OVERSIGHT, ENFORCEMENT, AND DISPUTE
RESOLUTION BY THE INTERSTATE COMMISSION
Section A. Oversight
The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.
The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.
Section B. Dispute Resolution
The compacting states shall report to the interstate commission on issues or activities of concern to them and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.
The interstate commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and noncompacting states.
The interstate commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
Section C. Enforcement
The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact.

ARTICLE X FINANCE

The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states which governs such assessment.

The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same, nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XI COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

Any state, as defined in Article II of this compact, is eligible to become a compacting state. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in interstate commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XII WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

Once effective, the compact shall continue in force and remain binding upon each and every compacting state;Provided,that a compacting state may withdraw from the compact (withdrawing state) by enacting a statute specifically repealing the statute which enacted the compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

Section B. Default

If the interstate commission determines that any compacting state has at any time defaulted (defaulting state) in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any duly promulgated rules the interstate commission may impose any or all of the following penalties:

Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission;

Remedial training and technical assistance as directed by the interstate commission;

Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the Governor, the Chief Justice or Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or duly promulgated rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the interstate commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a defaulting state, the interstate commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the majority and minority leaders of the

defaulting state's legislature, and the state council of such termination.
The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations, the performance of which extends beyond the effective date of termination.
The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.
Section C. Judicial Enforcement
The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal court district where the interstate commission has its offices, to enforce compliance with the provisions of the compact or its duly promulgated rules and bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
Section D. Dissolution of Compact
The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.
ARTICLE XIII SEVERABILITY AND CONSTRUCTION
The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
The provisions of this compact shall be liberally constructed to effectuate its purposes.
ARTICLE XIV BINDING EFFECT OF COMPACT AND OTHER LAWS
Section A. Other Laws
Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.
All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.
Section B. Binding Effect of the Compact
All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states.
All agreements between the interstate commission and the compacting states are binding in accordance with their terms.
Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.
In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

29-2701.
Fines, costs, forfeited recognizances; to whom paid.
All money due upon any judgment for fines, costs, or forfeited recognizances shall be paid to the judge or clerk of the court where the judgment is pending, if paid before execution is issued therefor, otherwise to the officer holding the execution, or such money may be paid to the sheriff of the county if the judgment debtor is in jail. Every sheriff, marshal, or other ministerial officer who shall receive any such money shall pay the same to the proper clerk of the court within ten days from the time of receiving the same.

29-2702.
Money received; disposition.
Every judge or clerk of court, upon receiving any money on account of forfeited recognizances, fines, or costs accruing or due to the county or state, shall pay the same to the treasurer of the proper county, except as may be otherwise expressly provided, within thirty days from the time of receiving the same. When any money is paid to a judge or clerk of court on account of costs due to individual persons, the same shall be paid to the persons to whom the same are due upon demand.

29-2703.
Costs; county not liable; exception.
No costs shall be paid from the county treasury in any case of prosecution for a misdemeanor except as provided in section29-2709.

29-2704.
Preliminary examinations for felony; transcript of costs; audit; allowance; payment.
Upon examination in county court on complaint of a felony, whether the accused is held to answer in court or discharged, the court may file with the county clerk a certified transcript of the costs as assessed under section29-2709, giving the items of the same, and to whom each is due, and on what account. As early as may be after the filing of such bill, but without assembling for the special

purpose, the county board of the proper county shall examine into such bill of costs as to its correctness, justice, and legality and may, if need be, examine under oath any person upon the subject, which oath may be administered by the county clerk.
It shall be the duty of the board to disallow any item, in whole or in part, of such bill that is found to be unlawful or needlessly incurred, or if it appears that the complaint was made for a felony when it should have been for a misdemeanor only, it may in its discretion disallow the entire bill or any part thereof.
The board may order that such bill, or so much thereof as it finds to be lawful and just, be paid from the county treasury, whereupon the county clerk shall draw warrants upon the county treasurer for the sums respectively due to each person upon such bill so allowed, which warrants the treasurer shall pay from the county general fund. The amount of costs so allowed shall be certified by the county clerk, and the certificate filed with the papers in the cause, in the office of the clerk of the district court. If the defendant shall be convicted, judgment shall be rendered against him or her for the costs so allowed, in addition to the costs made in the district court.

29-2705.
Clerk of district court; cost bill in felony cases; payment.
Upon the discharge or conviction of the defendant in any case of felony in the district court, it shall be lawful for the clerk of such court to file in the office of the county clerk a bill of the costs not previously allowed by the county board, whereupon the same shall be examined into, audited and allowed, and paid in the manner specified in section29-2704;Provided,nothing in this section or section29-2704shall preclude any court or clerk, in any case, from delaying the filing of such cost bill for allowance as aforesaid, until it shall be determined whether the same will be collected from the defendant; and no cost bill shall be filed for allowance as aforesaid under the provisions of this section, while there is pending in the cause any proceeding in error, or any unexpired recognizance for replevy of the judgment.

29-2706.
Conviction in felony cases; fines and costs; collection from defendant; disposition of amount collected.
In any case of indictment for felony, where the defendant shall be convicted, it shall be the duty of the county attorney, clerk of the court, and sheriff of the county to use all lawful means within the scope of their respective powers, if need be, for the collection of the costs from the defendant, and the fine also, if any shall have been adjudged against him. When the costs shall have been collected, if the same shall have been allowed for payment from the county treasurer as provided in section29-2705, it shall be the duty of the clerk of the court to certify and pay the same immediately to the county treasurer, together with any fine that may have been collected in the case.

29-2708.
Receipts; to what funds credited; disbursement of costs in criminal cases.
All money arising from fines and recognizances shall be credited by the county treasurer to the county school fund except as provided by Article VII, section 5, Constitution of Nebraska, and the costs and proceeds of jail labor shall be credited to the county general fund. Whenever any costs in any criminal case are paid from the county treasury, such payment shall be made from the county general fund; and when any warrant is drawn by the county clerk upon the treasurer of the county for the payment of such costs, a true record of the same and the definite purpose of every such warrant shall be recorded in the clerk's office showing the cause in which such costs are paid.

29-2709.
Uncollectible costs; certification; payment; conditions.
When any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in county court, except for those costs provided for in subsection (3) of section24-703, two dollars of the fee provided in section33-107.01, the court automation fee provided in section33-107.03, and the uniform data analysis fee provided in section47-633, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, enters an order assessing such portion of the costs as by law would be paid over by the court to the State Treasurer as follows:
(1) In all cases brought by or with the consent of the county attorney, all such uncollectible costs shall be certified by the clerk of the court to the county clerk who shall present the bills therefor to the county board. The county board shall pay from the county general fund all such bills found by the board to be lawful; and
(2) In all cases brought under city or village ordinance, all such uncollectible costs shall be certified to the appropriate city or village officer authorized to receive claims who shall present the bills therefor to the governing body of the city or village in the same manner as other claims. Such governing body shall pay from the general fund of the city or village all such bills as are found to be lawful.

29-2710.
Witness fees; criminal cases in district court; by whom paid.
The fees of all witnesses in criminal cases in the district court shall be paid by the county where the indictment is found.

29-2801.

Habeas corpus; writ; when allowed.
If any person, except persons convicted of some crime or offense for which they stand committed, or persons committed for treason or felony, the punishment whereof is capital, plainly and specially expressed in the warrant of commitment, now is or shall be confined in any jail of this state, or shall be unlawfully deprived of his or her liberty, and shall make application, either by him or herself or by any person on his or her behalf, to any one of the judges of the district court, or to any county judge, and does at the same time produce to such judge a copy of the commitment or cause of detention of such person, or if the person so imprisoned or detained is imprisoned or detained without any legal authority, upon making the same appear to such judge, by oath or affirmation, it shall be his duty forthwith to allow a writ of habeas corpus, which writ shall be issued forthwith by the clerk of the district court, or by the county judge, as the case may require, under the seal of the court whereof the person allowing such writ is a judge, directed to the proper officer, person or persons who detains such prisoner.

29-2802.
Writ; applicant; to be taken before judge; return.
It shall be the duty of the officer or person to whom such writ shall be directed to convey the person or persons so imprisoned or detained and named in such writ, before the judge allowing the same, or, in case of his absence or disability, before some other judge of the same court, on the day specified in such writ, and to make due return of the writ, together with the day and cause of caption and detention of such person, according to the command thereof.

29-2803.
Habeas corpus; applicant; subpoena for witnesses.
Whenever a habeas corpus shall be issued to bring the body of any prisoner committed as aforesaid, unless the court or judge issuing the same shall deem it wholly unnecessary and useless, the court or judge shall issue a subpoena to the sheriff of the county where such person shall be confined, commanding him to summon the witness or witnesses therein named to appear before such judge or court, at the time and place when and where such habeas corpus shall be returnable. It shall be the duty of such sheriff to serve the subpoena, if possible, in time to enable such witness or witnesses to attend.

29-2804.
Subpoena; duty of witness; noncompliance; penalty.
It shall be the duty of the witness or witnesses thus served with subpoena to attend and give evidence before the judge or court issuing the same, on pain of being guilty of a contempt, in which event he or they shall be proceeded against accordingly by the judge or court.

29-2805.
Habeas corpus; hearing by court or judge; procedure.
On the hearing of any habeas corpus issued as aforesaid, it shall be the duty of the judge or court who shall hear the same to examine the witness or witnesses aforesaid, and such other witnesses as the prisoner may request, touching any offense mentioned in the warrant of commitment, whether the offense be technically set out in the commitment or not. Upon the hearing the judge or court may either recommit, bail or discharge the prisoner, according to the facts of the case.

29-2806.
Habeas corpus; disposition of cause.
When the judge shall have examined into the cause of the capture and detention of the person so brought before him, and shall be satisfied that the person is unlawfully imprisoned or detained, he shall forthwith discharge such prisoner from confinement. In case the person or persons applying for such writ shall be confined or detained in a legal manner, on a charge of having committed any crime or offense, the judge shall, at his discretion, commit, discharge or let to bail such person or persons, and if the judge shall deem the offense bailable, on the principles of law, he shall cause the person charged as aforesaid to enter into recognizance, with one or more sufficient securities, in such sum as the judge shall think reasonable, the circumstances of the prisoner and the nature of the offense charged considered, conditioned for his appearance at the next court where the offense is cognizable. The judge shall certify his proceedings, together with the recognizance, forthwith, to the proper court; and if the person or persons charged as aforesaid shall fail to enter into such recognizance, he or they shall be committed to prison by such judge.

29-2807.
Writ; failure to obey; penalty.
If any person to whom such writ of habeas corpus shall be directed as aforesaid, shall neglect or refuse to obey or make return of the same according to the command thereof, or shall make a false return of the writ, or upon demand made by the prisoner, or any person in his or her behalf, shall refuse to deliver to the person demanding, within six hours after the demand therefor, a true copy of the warrant or commitment or detainer of such prisoner, every person so offending shall, for the first offense, forfeit to the party aggrieved the sum of two hundred dollars, and for the second offense, the sum of four hundred dollars, and shall, if an officer, be incapable to hold his office.

29-2808.

Writ; failure to issue; penalty.
If any clerk of the district court shall refuse to issue such writ after allowance and demand made as aforesaid, he shall forfeit to the party aggrieved the sum of five hundred dollars.

29-2809.
Applicant discharged; rearrest for same offense prohibited; penalty; exceptions.
Any person who shall be set at large upon any habeas corpus, shall not be again imprisoned for the same offense, unless by the legal order or process of the court wherein he or she shall be bound by recognizance to appear, or other court having jurisdiction of the cause or offense. If any person shall knowingly, contrary to sections29-2801to29-2824, recommit or imprison, or cause to be recommitted or imprisoned for the same offense or pretended offense, any person so set at large, or shall knowingly aid or assist therein, he shall forfeit to the party aggrieved five hundred dollars, any colorable pretense or variation in the warrant or commitment notwithstanding.

29-2810.
Person in custody of officer; delivery to another officer prohibited; penalty; exceptions.
If any person of this state shall be committed to prison, or be in custody of any officer for any criminal matter, such prisoner shall not be removed therefrom into the custody of any other officer, unless by legal process, or when the prisoner shall be delivered to some inferior officer to carry to jail, or shall, by order of the proper court, be removed from one place to another within the state for trial, or in case of fire, infection or other necessity; and if any person, after such commitment, shall make out or sign or countersign any warrant for such removal, contrary to this section, he or she shall for every such offense forfeit to the party aggrieved five hundred dollars.

29-2811.
Accessories before the fact in capital cases; not bailable.
When any person shall appear to be committed by any judge or magistrate, and charged as accessory before the fact to any felony, the punishment whereof is capital, which felony shall be plainly and especially charged in the warrant of commitment, such person shall not be removed or bailed by virtue of sections29-2801to29-2824, or in any other manner than as if said sections had not been enacted.

29-2812.
Extradition of citizens of Nebraska for prosecution in sister state; imprisonment for; general prohibition; penalty; exception.
No citizen of this state, being an inhabitant or resident of the same, shall be sent a prisoner to any place whatever out of the state, for any crime or offense committed within this state, except in cases specially authorized by law, and every such imprisonment is hereby declared to be illegal. If any such citizen shall be so imprisoned, he may for every such imprisonment maintain an action of false imprisonment, in any court having cognizance thereof, against the person or persons by whom he shall be so imprisoned or transported contrary to law, and against any person who shall contrive, write, seal, sign or countersign any writing for such imprisonment or transportation, or shall be aiding and assisting in the same or any of them, and shall recover triple costs besides damages, which damages, so to be given, shall not be less than five hundred dollars; and every person knowingly concerned in any manner as aforesaid in such illegal imprisonment or transportation, contrary to this section, and being thereof lawfully convicted, shall be disabled from henceforth to bear any office of trust or profit within this state;Provided,if any citizen of this state, or any person or persons at any time resident in the same, shall have committed or shall be charged with having committed any treason, felony or misdemeanor in any other part of the United States or territories where he or she ought to be tried for such offense, he, she or they may be sent to the state or territory having jurisdiction of the offense as provided by the Uniform Criminal Extradition Act of this state.

29-2813.
False imprisonment; penalties; action for; limitation.
The penalties recoverable pursuant to sections29-2801to29-2824shall be recovered by the party aggrieved, his or her executors or administrators, by civil action in any court having cognizance of the same;Provided,no person shall be sued or molested for any offense against the provisions of said sections, unless within two years after the time when such offense shall have been committed; but if the party aggrieved shall then be in prison, then within two years after the decease of the person imprisoned, or his or her delivery out of prison. In every such action it shall be lawful for the defendant to plead the general issue, and give the special matter in evidence.

29-2814.
Warrant or commitment; defects; when harmless.
If any person shall be committed to prison, or be in custody of any officer for any criminal matter, by virtue of any warrant or commitment of any magistrate of this state having jurisdiction of such criminal matter, such person shall not be discharged from such imprisonment or custody by reason of any informality or defect of such warrant or commitment;Provided,such warrant or commitment shall show substantially a criminal matter for which such magistrate had jurisdiction so to arrest or commit.

29-2815.
Applicant in custody of person not an officer; form of writ.
In case of confinement, imprisonment, or detention by any person not a sheriff, deputy sheriff, coroner, jailer, or marshal of this state, nor a marshal or other like officer of the courts of the United States, the writ of habeas corpus shall be in the form following:
The State of Nebraska,
ss.
..... County,
The People of the State of Nebraska to the Sheriff of such county, greeting:
We command you, that the body of ....., of ....., by ..... of ..... imprisoned and restrained of his or her liberty, as it is said, you take and have before ....., a judge of our ..... court ....., or, in case of his or her absence or disability, before some other judge of the same court at ....., to do and receive what our judge shall then and there consider ..... concerning him or her in his or her behalf, and summon ..... then and there to appear before our judge to show the cause of the taking and detaining .....; and have you there this writ, with your doings thereon.
Witness ....., at ....., this ..... day of ....., in the year ..... .

29-2816.
Writ; service and return.
Such writ may be served in any county by any sheriff of the same or of any other county. When such writ shall be issued by a court in session, if such court shall have adjourned when the same is returned, it shall be returned before any judge of the same court, and if such writ is returned before one judge at a time when the court is in session, he may adjourn the case into the court, there to be heard and determined.

29-2817.
Writ; return by person detaining; contents.
In every case in which a writ of habeas corpus has been allowed, the person to whom the writ is directed shall file a return in which he shall plainly and unequivocally state the following: (1) Whether he has or has not the party in his custody or power, or under restraint; (2) if he has the party in his custody or power, or under restraint, he shall set forth at large the authority and the true and whole cause of such imprisonment and restraint, with a copy of the writ, warrant, or other process, if any, upon which the party is detained; and (3) if he has had the party in his custody or power, or under restraint, and has transferred such custody or restraint to another, he shall state particularly to whom, at what time, for what cause and by what authority such transfer was made.

29-2818.
Writ; return by person detaining; signature and verification.
The return or statement shall be signed by the person making it, and it shall be sworn to by him, unless he is a public officer and makes the return in his official capacity.

29-2819.
Writ; return of person detaining; prima facie evidence of cause of detention, when; order for costs.
Upon the return of any writ of habeas corpus, issued as aforesaid, if it shall appear that the person detained or imprisoned is in custody under any warrant or commitment in pursuance of law, the return shall be considered as prima facie evidence of the cause of detention; but if the person so imprisoned or detained is restrained of liberty by any alleged private authority, the return of the writ shall be considered only as a plea of the facts therein set forth, and the party claiming the custody shall be held to make proof of such facts. Upon the final disposition of any case arising upon a writ of habeas corpus, the court or judge determining the same shall make such order as to costs as the case may require.

29-2820.
Writ; person detaining; how designated.
The person having the custody of the prisoner may, in all writs of habeas corpus issued under sections29-2801to29-2824, be designated by his name of office, if he has any, or by his own name; or if both such names are unknown or uncertain, he may be described by an assumed appellation, and any person who is served with the writ shall be deemed the person intended thereby.

29-2821.
Writ; person detained; how designated.
The person to be produced shall be designated by his name, if known, and if that is unknown or uncertain, he may be described in any other way so as to make known who is intended.

29-2822.
Writ; order for safekeeping of person detained.
When any writ of habeas corpus shall have been allowed, the court or judge to which the same shall be returned, or into which it

shall be adjourned, shall, for good cause shown, continue the cause and shall make order for the safekeeping of the person imprisoned, or detain him, as the nature of the case may require.

29-2823.
Habeas corpus proceedings; review; procedure; bail pending appeal.
The proceedings upon any writ of habeas corpus shall be recorded by the clerk and judges respectively, and may be reviewed as provided by law for appeal in civil cases. If the state shall appeal from a final order of a district court made upon the return of a writ of habeas corpus discharging a defendant in a criminal case, the defendant shall not be discharged from custody pending final decision upon appeal;Provided,said defendant may be admitted to bail pending disposition of said appeal as is otherwise provided by law.

29-2824.
Habeas corpus proceedings; fees; taxation as costs; payment by county; payment in advance not demandable.
The county judge shall be allowed the sum of five dollars for every allowance of the writ of habeas corpus and the hearing and determining of the case upon the return of the writ, which sum, together with the fees of the clerk, sheriff, and witnesses in the case, shall be taxed by the judge on his or her return of proceedings on the writ, and the same shall be taxed and collected as part of the original costs in the case whenever the person brought before the judge on the writ was in custody by virtue of the proceedings in any case in which such person is charged or attempted to be charged with the commission of any criminal offense, and when such person shall either be held to bail, or shall be remanded to custody by the judge, but when such person shall be wholly discharged by the judge the costs shall be taxed to the state, and paid out of the county treasury of the proper county, upon the order of the county board;Provided,no person or officer shall have the right to demand the payment in advance of any fees which such person or officer may be entitled to by virtue of such proceedings on habeas corpus, when the writ shall have been issued or demanded for the discharge from custody of any person confined under color of proceedings in any criminal case.

29-2922.
Act, how cited.
Sections29-2922to29-2936shall be known and may be cited as the Convicted Sex Offender Act.

29-2923.
Terms, defined.
For purposes of the Convicted Sex Offender Act:
(1) Aftercare treatment program shall mean any public or private facility or service which offers treatment on an outpatient basis or in a minimally restricted setting, which treatment is appropriate for a convicted sex offender after he or she has successfully completed an inpatient treatment program operated by the Department of Health and Human Services; and
(2) Convicted sex offender shall mean a person who is convicted of sexual assault in the first degree as provided in section28-319, sexual assault in the second degree as provided in section28-320, sexual assault of a child in the second or third degree as provided in section28-320.01, sexual assault of a child in the first degree as provided in section28-319.01, incest as provided in section28-703, or attempt to commit sexual assault in the first degree pursuant to section28-201and sentenced to a term of imprisonment in a Department of Correctional Services adult correctional facility.

29-2924.
Sentences authorized.
Nothing in the Convicted Sex Offender Act shall be construed to prohibit a court from sentencing a person convicted of a crime identified in subdivision (2) of section29-2923to probation or community service or imposing any other sentence or condition allowed by law.

29-2925.
Department of Correctional Services; Department of Health and Human Services; duties; evaluation of offender.
Within sixty days of the date of commitment to the Department of Correctional Services of a convicted sex offender to serve his or her sentence, the Department of Health and Human Services shall conduct an evaluation of the offender for purposes of determining whether treatment in a treatment program operated by the Department of Health and Human Services is appropriate for the offender. The evaluation process shall be based upon criteria and procedures established by the Department of Health and Human Services. The Department of Correctional Services shall provide the Department of Health and Human Services access to all correctional and presentence records determined by the Department of Health and Human Services to be relevant to the evaluation process.

29-2926.
Determination that treatment is not appropriate; review; procedure; no appeal.
(1) If the Department of Health and Human Services determines that treatment in an inpatient treatment program operated by the department is not appropriate for a convicted sex offender, the offender may request the sentencing judge to review the determination in accordance with subsection (2) of this section.

(2) Within thirty days of the determination of the Department of Health and Human Services that the treatment in an inpatient treatment program operated by the department is not appropriate for a convicted sex offender, the offender may apply to the sentencing judge for a review of the denial of treatment. The review shall be conducted under the following rules of procedure:
(a) The court may allow each party to call witnesses on its behalf at such party's expense. Witnesses may be subpoenaed at the expense of the party calling the witness;
(b) Each party shall be allowed to be represented by counsel at such party's expense;
(c) Each party may be allowed to cross-examine adverse witnesses;
(d) The Nebraska Evidence Rules shall not apply unless expressly provided for by law, and the court may consider all evidence which in its discretion is relevant to whether the determination of the department is appropriate;
(e) The court may affirm the determination of the department, remand the matter for further proceedings, or reverse or modify the determination if such determination is unsupported by competent, material, and substantial evidence in view of the entire record as made on review or if the determination is arbitrary and capricious; and
(f) The review pursuant to this section shall not be subject to appeal.

29-2928.
Treatment in inpatient treatment program; determination; procedure; departments; duties.
(1) If the Department of Health and Human Services determines that treatment in an inpatient treatment program operated by the Department of Health and Human Services is appropriate for a convicted sex offender, that the offender will enter the treatment program voluntarily, and that space is available in the program, the Director of Correctional Services shall transfer the offender to the treatment program designated by the Department of Health and Human Services for treatment. The Department of Correctional Services shall be responsible for physical transfer of the offender to the treatment facility.
(2) If the Department of Health and Human Services determines that treatment in an inpatient treatment program operated by the Department of Health and Human Services is not appropriate for a convicted sex offender, the offender shall serve the sentence in a facility operated by the Department of Correctional Services and may participate in treatment offered by the Department of Correctional Services if the Department of Correctional Services determines that such treatment is appropriate for the offender. The Department of Correctional Services may make a recommendation concerning treatment as provided in subsection (4) of this section.
(3) If the Department of Health and Human Services determines that treatment in an inpatient treatment program operated by the Department of Health and Human Services is not initially appropriate for a convicted sex offender but may be appropriate at a later time, a treatment decision may be deferred until a designated time, no later than two and one-half years prior to the offender's earliest parole eligibility date, when the offender will be reevaluated.
(4) If the Department of Correctional Services determines that an offender participating in treatment offered by the Department of Correctional Services will benefit from a treatment program operated by the Department of Health and Human Services, the Department of Correctional Services shall notify the Department of Health and Human Services and recommend admission of the offender to the treatment program. The evaluation process to determine whether such offender is to be admitted into a treatment program operated by the Department of Health and Human Services pursuant to this subsection shall be based upon criteria and procedures established by the Department of Health and Human Services and shall not be subject to appeal or review.

29-2929.
Inpatient treatment program; annual review and progress reports; uncooperative offender; transfer; credit for time in treatment.
(1) The inpatient treatment program operated by the Department of Health and Human Services shall conduct annual reviews of each convicted sex offender in the program and submit annual progress reports to the Department of Correctional Services.
(2) If the offender is uncooperative while in the inpatient treatment program or is found not to be amenable to treatment, the Department of Health and Human Services shall cause the offender to be returned to the Department of Correctional Services in accordance with procedures established by the Department of Health and Human Services. The Department of Correctional Services shall be responsible for physical transfer of the offender from the inpatient treatment facility to the Department of Correctional Services. The Department of Health and Human Services shall, at the time of the transfer, provide the Department of Correctional Services a report summarizing the offender's response to and progress while in treatment and the reasons for the transfer and shall provide access to the treatment records as requested by the Department of Correctional Services.
(3) All days of confinement in a treatment program operated by the Department of Health and Human Services shall be credited to the offender's term of imprisonment.

29-2930.
Inpatient treatment program; aftercare treatment program; individual discharge plan.
If the Department of Health and Human Services determines that the convicted sex offender has received the maximum benefit of the inpatient treatment program operated by the Department of Health and Human Services and is ready for treatment in an aftercare treatment program, the person in charge of the inpatient treatment program shall develop an individual discharge plan documenting the findings and recommendations of the program and a designated aftercare treatment program. The individual discharge plan shall be provided to the Department of Correctional Services, the Board of Parole, and the designated aftercare treatment program.

29-2934.

Person committed under prior law; procedures.
(1) Each person committed as a mentally disordered sex offender pursuant to sections29-2911to29-2921as such sections existed prior to July 15, 1992, who is being treated in a regional center or other secure public institution operated by the Department of Health and Human Services and has at least one year remaining on his or her sentence as of such date shall, within one hundred eighty days after such date, be returned to the district court which committed him or her for review and disposition consistent with the terms of this section.
(2) Each person committed to a regional center or other secure public institution operated by the Department of Health and Human Services as a mentally disordered sex offender by a court pursuant to sections29-2911to29-2921as such sections existed prior to July 15, 1992, who is in a facility operated by the Department of Correctional Services awaiting treatment as of such date shall be placed in a treatment facility operated by the Department of Health and Human Services for evaluation and treatment as soon as practical after space and staff become available. Within thirty days of such placement, the Department of Health and Human Services shall determine, based on criteria and procedures established by the Department of Health and Human Services, whether the offender will remain in the treatment program or be returned to the Department of Correctional Services to await court review or the end of his or her sentence. Within thirty days after the evaluation-and-treatment period, if the offender has at least one hundred eighty days remaining on his or her sentence, he or she shall be returned to the committing district court for review and disposition consistent with the terms of this section.
(3) The Department of Health and Human Services shall prepare and present a report and recommendations for each offender to be reviewed by the district court under subsection (1) or (2) of this section.
(4) Each person identified in subsections (1) and (2) of this section who was committed as a mentally disordered sex offender by a court after having entered a plea of guilty or nolo contendere shall, upon return to the district court, elect whether to be resentenced under the Convicted Sex Offender Act or continue his or her commitment pursuant to sections29-2911to29-2921as such sections existed prior to July 15, 1992.
(5) For each person identified in subsections (1) and (2) of this section who was committed as a mentally disordered sex offender by a court after having entered a plea of not guilty and for each person identified in subsection (4) of this section who elected to be resentenced under the act, subsections (6) and (7) of this section shall apply.
(6) If the court finds that the offender is treatable in an inpatient treatment program operated by the Department of Health and Human Services, the offender shall be returned to or placed in such a treatment program and sections29-2929and29-2930shall apply.
(7) If the court finds that the offender is not amenable to treatment, is uncooperative in treatment, or has reached the maximum benefit of treatment in an inpatient treatment program operated by the Department of Health and Human Services but cannot be placed in an aftercare treatment program under conditions set by the court consistent with public safety, the offender shall be placed in a facility operated by the Department of Correctional Services to serve the remainder of his or her original sentence.

29-2935.
Department of Health and Human Services; access to data and information for evaluation; authorized.
For purposes of evaluating the treatment process, the Division of Parole Supervision, the Department of Correctional Services, the Board of Parole, and the designated aftercare treatment programs shall allow appropriate access to data and information as requested by the Department of Health and Human Services.

29-2936.
Rules and regulations.
The Department of Health and Human Services shall adopt and promulgate rules and regulations as necessary to carry out the Convicted Sex Offender Act.

29-3001.
Postconviction relief; motion; limitation; procedure; costs.
(1) A prisoner in custody under sentence and claiming a right to be released on the ground that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, may file a verified motion, in the court which imposed such sentence, stating the grounds relied upon and asking the court to vacate or set aside the sentence.
(2) Unless the motion and the files and records of the case show to the satisfaction of the court that the prisoner is entitled to no relief, the court shall cause notice thereof to be served on the county attorney, grant a prompt hearing thereon, and determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, the court shall vacate and set aside the judgment and shall discharge the prisoner or resentence the prisoner or grant a new trial as may appear appropriate. Proceedings under the provisions of sections29-3001to29-3004shall be civil in nature. Costs shall be taxed as in habeas corpus cases.
(3) A court may entertain and determine such motion without requiring the production of the prisoner, whether or not a hearing is held. Testimony of the prisoner or other witnesses may be offered by deposition. The court need not entertain a second motion or successive motions for similar relief on behalf of the same prisoner.
(4) A one-year period of limitation shall apply to the filing of a verified motion for postconviction relief. The one-year limitation

period shall run from the later of:
(a) The date the judgment of conviction became final by the conclusion of a direct appeal or the expiration of the time for filing a direct appeal;
(b) The date on which the factual predicate of the constitutional claim or claims alleged could have been discovered through the exercise of due diligence;
(c) The date on which an impediment created by state action, in violation of the Constitution of the United States or the Constitution of Nebraska or any law of this state, is removed, if the prisoner was prevented from filing a verified motion by such state action;
(d) The date on which a constitutional claim asserted was initially recognized by the Supreme Court of the United States or the Nebraska Supreme Court, if the newly recognized right has been made applicable retroactively to cases on postconviction collateral review; or
(e) The date on which the Supreme Court of the United States denies a writ of certiorari or affirms a conviction appealed from the Nebraska Supreme Court. This subdivision only applies if, within thirty days after petitioning the Supreme Court of the United States for a writ of certiorari, the prisoner files a notice in the district court of conviction stating that the prisoner has filed such petition.

29-3002.
Postconviction relief; order; appeal; recognizance.
An order sustaining or overruling a motion filed under sections29-3001to29-3004shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal.

29-3003.
Postconviction remedy; cumulative; dismissal; when.
The remedy provided by sections29-3001to29-3004is cumulative and is not intended to be concurrent with any other remedy existing in the courts of this state. Any proceeding filed under the provisions of sections29-3001to29-3004which states facts which if true would constitute grounds for relief under another remedy shall be dismissed without prejudice.

29-3004.
Appointment of counsel; competency and effectiveness; compensation.
The district court may appoint not to exceed two attorneys to represent the prisoners in all proceedings under sections29-3001to29-3004. The district court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to the attorney or attorneys in the full amount determined by the court. The attorney or attorneys shall be competent and shall provide effective counsel.

29-3005.
Victim of sex trafficking; motion to set aside conviction or adjudication; procedure; court; findings; considerations; hearing; order; effect.
(1) For purposes of this section:
(a) Prostitution-related offense includes:
(i) Prostitution under section28-801, solicitation of prostitution under section28-801.01, keeping a place of prostitution under section28-804, public indecency under section28-806, or loitering for the purpose of engaging in prostitution or related or similar offenses under local ordinances; and
(ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses in subdivision (1)(a) of this section as the underlying offense;
(b) Trafficker means a person who engages in sex trafficking or sex trafficking of a minor as defined in section28-830; and
(c) Victim of sex trafficking means a person subjected to sex trafficking or sex trafficking of a minor, as those terms are defined in section28-830.
(2) At any time following the completion of sentence or disposition, a victim of sex trafficking convicted in county or district court of, or adjudicated in a juvenile court for, (a) a prostitution-related offense committed while the movant was a victim of sex trafficking or proximately caused by the movant's status as a victim of sex trafficking or (b) any other offense committed as a direct result of, or proximately caused by, the movant's status as a victim of sex trafficking, may file a motion to set aside such conviction or adjudication. The motion shall be filed in the county, district, or separate juvenile court of the county in which the movant was convicted or adjudicated.
(3)(a) If the court finds that the movant was a victim of sex trafficking at the time of the prostitution-related offense or finds that the movant's participation in the prostitution-related offense was proximately caused by the movant's status as a victim of sex trafficking, the court shall grant the motion to set aside a conviction or an adjudication for such prostitution-related offense.
(b) If the court finds that the movant's participation in an offense other than a prostitution-related offense was a direct result of or proximately caused by the movant's status as a victim of sex trafficking, the court shall grant the motion to set aside a conviction or an adjudication for such offense.

(4) Official documentation of a movant's status as a victim of sex trafficking at the time of the prostitution-related offense or other offense shall create a rebuttable presumption that the movant was a victim of sex trafficking at the time of the prostitution-related offense or other offense. Such official documentation shall not be required to obtain relief under this section. Such official documentation includes:
(a) A copy of an official record, certification, or eligibility letter from a federal, state, tribal, or local proceeding, including an approval notice or an enforcement certification generated from a federal immigration proceeding, that shows that the movant is a victim of sex trafficking; or
(b) An affidavit or sworn testimony from an attorney, a member of the clergy, a medical professional, a trained professional staff member of a victim services organization, or other professional from whom the movant has sought legal counsel or other assistance in addressing the trauma associated with being a victim of sex trafficking.
(5) In considering whether the movant is a victim of sex trafficking, the court may consider any other evidence the court determines is of sufficient credibility and probative value, including an affidavit or sworn testimony. Examples of such evidence include, but are not limited to:
(a) Branding or other tattoos on the movant that identified him or her as having a trafficker;
(b) Testimony or affidavits from those with firsthand knowledge of the movant's involvement in the commercial sex trade such as solicitors of commercial sex, family members, hotel workers, and other individuals trafficked by the same individual or group of individuals who trafficked the movant;
(c) Financial records showing profits from the commercial sex trade, such as records of hotel stays, employment at indoor venues such as massage parlors, bottle clubs, or strip clubs, or employment at an escort service;
(d) Internet listings, print advertisements, or business cards used to promote the movant for commercial sex; or
(e) Email, text, or voicemail records between the movant, the trafficker, or solicitors of sex that reveal aspects of the sex trade such as behavior patterns, meeting times, or payments or examples of the trafficker exerting force, fraud, or coercion over the movant.
(6) Upon request of a movant, any hearing relating to the motion shall be conducted in camera. The rules of evidence shall not apply at any hearing relating to the motion.
(7) An order setting aside a conviction or an adjudication under this section shall have the same effect as an order setting aside a conviction as provided in subsections (5) and (6) of section29-2264.

29-3101.
Arrest of accused person illegally in state; release; violation; warrant; documents filed; notify county attorney.
(a) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this state, a designated agent of the court, judge, or magistrate which authorized the release may request the issuance of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge, or magistrate. Before the warrant is issued, the designated agent must file with a judicial officer of this state having authority under the laws of this state to issue warrants for the arrest of persons charged with crime the following documents:
(1) An affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him;
(2) A certified copy of the order or other document specifying the terms and conditions under which the person was released from custody; and
(3) A certified copy of an order of the demanding court, judge, or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.
(b) Upon initially determining that the affiant is a designated agent of the demanding court, judge, or magistrate, and that there is probable cause for believing that the person whose removal is sought has violated the terms or conditions of his release, the judicial officer shall issue a warrant to a law enforcement officer of this state for the person's arrest.
(c) The judicial officer shall notify the county attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (a) and the identity and authority of the affiant.

29-3102.
Removal; hearing; rights of person accused; conditions for release.
(a) The person whose removal is sought shall be brought before the judicial officer immediately upon arrest pursuant to the warrant; whereupon the judicial officer shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing.
(b) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge, or magistrate. If a waiver is executed, the judicial officer shall issue an order pursuant to section29-3103.
(c) The judicial officer may impose conditions of release authorized by the laws of this state which will reasonably assure the appearance at the hearing of the person whose removal is sought.

29-3103.
Order; return to demanding court.
The county attorney shall appear at the hearing and report to the judicial officer the results of his investigation. If the judicial officer

finds that the affiant is a designated agent of the demanding court, judge, or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge, or magistrate, and that the person has violated the terms or conditions of his release, the judicial officer shall issue an order authorizing the return of the person to the custody of the demanding court, judge, or magistrate forthwith.

29-3104.
Severability.
If any provision of sections29-3101to29-3106or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections29-3101to29-3106which can be given effect without the invalid provision or application, and to this end the provisions of sections29-3101to29-3106are severable.

29-3105.
Sections, how construed.
Sections29-3101to29-3106shall be so construed as to effectuate their general purpose to make uniform the law of those states which enact them.

29-3106.
Act, how cited.
Sections29-3101to29-3106may be cited as the Uniform Rendition of Accused Persons Act.

29-3201.
Terms, defined.
As used in sections29-3201to29-3210,
(a) Witness means a person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.
(b) Penal institutions includes a jail, prison, penitentiary, house of correction, or other place of penal detention.
(c) State includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory of the United States.

29-3202.
Witness; summoning in this state to testify in another state; procedure.
A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in this state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the Attorney General, the judge in this state shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before him at the hearing.

29-3203.
Order; conditions; contents.
If at the hearing the judge determines (1) that the witness may be material and necessary, (2) that his attending and testifying are not adverse to the interests of this state or to the health or legal rights of the witness, (3) that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order, and (4) that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass, the judge shall issue an order, with a copy of the certificate attached, (a) directing the witness to attend and testify, (b) directing the person having custody of the witness to produce him, in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order, and (c) prescribing such conditions as the judge shall determine.

29-3204.
Order; mileage and expenses; order effective, when; conditions.
The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his or her testimony, proper safeguards on his or her custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the judge thinks proper or necessary. Mileage and expenses shall be allowed as provided in sections81-1174to81-1177for state employees. The order shall not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

29-3205.

Sections; exceptions.
Sections29-3201to29-3210do not apply to any person in this state confined as mentally ill or under sentence of death.

29-3206.
Prisoner from another state summoned to testify in this state; procedure.
If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the Attorney General of the state in which the prisoner is confined.

29-3207.
Order; compliance.
The judge of the court in this state may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined.

29-3208.
Exemptions from arrest and personal service.
If a witness from another state comes into or passes through this state under an order directing him to attend and testify in this or another state, he shall not while in this state pursuant to the order be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this state under the order.

29-3209.
Sections, how construed.
Sections29-3201to29-3210shall be so construed as to effectuate their general purpose to make uniform the law of those states which enact them.

29-3210.
Act, how cited.
Sections29-3201to29-3210may be cited as the Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act.

29-3301.
Terms, defined.
As used in sections29-3301to29-3307, the terms identifying physical characteristics or identification procedures shall include but not be limited to fingerprints, palm prints, footprints, measurements, handwriting exemplars, lineups, hand printing, voice samples, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance, and photographs of an individual.

29-3302.
Orders authorizing identification procedures; who may issue.
Judges and magistrates may issue orders authorizing identification procedures for the purpose of obtaining identifying physical characteristics in accordance with the procedures specified in sections29-3301to29-3307. An order may be issued by any judge of the district court, Court of Appeals, or Supreme Court for service and execution anywhere within the State of Nebraska. An order may also be issued by any judge of the county court or other magistrate for service within the county of issuance.

29-3303.
Order; issuance; requirements.
The order may issue upon a showing by affidavit of a peace officer that (1) there is probable cause to believe that an offense has been committed; (2) there is probable cause to believe that the person subject to the order has committed the offense; (3) procurement of evidence of identifying physical characteristics through nontestimonial identification procedures from an identified or particularly described individual may contribute to the identification of the individual who committed such offense; and (4) the identified or described individual has refused, or there is reason to believe he or she will refuse, to voluntarily provide the desired evidence of identifying physical characteristics. The contents of the affidavit may be supplemented or augmented by the affidavits of other persons or by sworn testimony given to the issuing judge or magistrate.

29-3304.
Order; when not required.
No order shall be required or necessary where the individual has been lawfully arrested, nor under any circumstances where peace officers may otherwise lawfully require or request the individual to provide evidence of identifying physical characteristics, and no order shall be required in the course of trials or other judicial proceedings.

29-3305.
Order; contents.
Any order issued under sections29-3301to29-3307shall specify (1) the character of the alleged criminal offense which is the subject of the application; (2) the specific type or types of identifying physical characteristic evidence which are sought; (3) the identity or description of the individual who may be detained for obtaining such evidence; (4) the name and official status of the peace officer or officers authorized to obtain such evidence and to effectuate any detention which may be necessary to obtain the evidence; (5) the place at which the obtaining of such evidence may be carried out; (6) that the person will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance except that required for voice identification; (7) that the individual shall forthwith accompany the officer serving the order for the purpose of carrying out its objectives, or, in the alternative, fixing a time at which the individual shall appear for the purpose of carrying out the objectives of the order; (8) that the person, if he fails to accompany the officer, or to appear at the time fixed, as may be provided, or to otherwise comply with the provisions of the order, shall be guilty of contempt of court and punished accordingly; (9) the period of time during which the named or described individual may be detained for obtaining such evidence, which in no event shall exceed five hours; (10) the period of time, not exceeding fifteen days, during which the order shall continue in force and effect; and (11) any other conditions which the issuing judge or magistrate finds to be necessary to properly protect the rights of the individual who is to supply such evidence.

29-3306.
Order; service; return.
A copy of the order shall be given to the individual at the time it is served on him. No more than thirty days after the identification procedures have been carried out, a return of the order shall be made to the issuing court setting forth the type of evidence taken. Where the order is not executed, a return so indicating shall be filed within thirty days of its issuance.

29-3307.
Contempt; penalty.
The penalty for contempt of court, as provided in sections29-3301to29-3307, shall not exceed thirty days' imprisonment in the county jail.

29-3401.
Interstate corrections compact.
The State of Nebraska ratifies and approves the following compact:
INTERSTATE CORRECTIONS COMPACT
Article I
Purpose and Policy
The party States, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party States to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this Compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.
Article II
Definitions
As used in this Compact, unless the context clearly requires otherwise:
(1) "State" means a State of the United States, the United States of America, a Territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico;
(2) "sending State" means a State party to this Compact in which conviction or court commitment was had;
(3) "receiving State" means a State party to this Compact to which an inmate is sent for confinement other than a State in which conviction or court commitment was had;
(4) "inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution;
(5) "institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in (4) above may lawfully be confined.
Article III
Contracts
(a) Each party State may make one or more contracts with any one or more of the other party States for the confinement of inmates on behalf of a sending State in institutions situated within receiving States. Any such contract shall provide for:
(1) its duration;
(2) payments to be made to the receiving State by the sending State for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;

(3) participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof, and the crediting of proceeds from or disposal of any products resulting therefrom;
(4) delivery and retaking of inmates;
(5) such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving States.
(b) The terms and provisions of this Compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

Article IV

Procedures and Rights

(a) Whenever the duly constituted authorities in a State party to this Compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party State is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party State, the receiving State to act in that regard solely as agent for the sending State.
(b) The appropriate officials of any State party to this Compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.
(c) Inmates confined in an institution pursuant to the terms of this Compact shall at all times be subject to the jurisdiction of the sending State and may at any time be removed therefrom for transfer to a prison or other institution within the sending State, for transfer to another institution in which the sending State may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending State, provided, that the sending State shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.
(d) Each receiving State shall provide regular reports to each sending State on the inmates of that sending State in institutions pursuant to this Compact including a conduct record of each inmate and certify said record to the official designated by the sending State, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending State and in order that the same may be a source of information for the sending State.
(e) All inmates who may be confined in an institution pursuant to the provisions of this Compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving State as may be confined in the same institution. The fact of confinement in a receiving State shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending State.
(f) Any hearing or hearings to which an inmate confined pursuant to this Compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending State, or of the receiving State, if authorized by the sending State. The receiving State shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending State. In the event such hearing or hearings are had before officials of the receiving State, the governing law shall be that of the sending State and a record of the hearing or hearings as prescribed by the sending State shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending State. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving State shall act solely as agents of the sending State and no final determination shall be made in any matter except by the appropriate officials of the sending State.
(g) Any inmate confined pursuant to this Compact shall be released within the territory of the sending State unless the inmate, and the sending and receiving States, shall agree upon release in some other place. The sending State shall bear the cost of such return to its territory.
(h) Any inmate confined pursuant to the terms of this Compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending State located within such State.
(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending State to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this Compact.

Article V

Acts Not Reviewable in Receiving State: Extradition

(a) Any decision of the sending State in respect of any matter over which it retains jurisdiction pursuant to this Compact shall be conclusive upon and not reviewable within the receiving State, but if at the time the sending State seeks to remove an inmate from an institution in the receiving State there is pending against the inmate within such State any criminal charge or if the inmate is formally accused of having committed within such State a criminal offense, the inmate shall not be returned without the consent of the receiving State until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending State shall be permitted to transport inmates pursuant to this Compact through any and all States party to this Compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this Compact shall be deemed a fugitive from the sending State and from the State in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving State, the responsibility for institution of extradition or rendition proceedings shall be that of the sending State, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article VI

Federal Aid

Any State party to this Compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this Compact or any contract pursuant hereto and any inmate in a receiving State pursuant to this Compact may participate in any such federally aided program or activity for which the sending and receiving States have made contractual provision;provided,that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending State shall be required therefor.

Article VII

Entry into Force

This Compact shall enter into force and become effective and binding upon the States so acting when it has been enacted into law by any 2 States. Thereafter, this Compact shall enter into force and become effective and binding as to any other of said States upon similar action by such State.

Article VIII

Withdrawal and Termination

This Compact shall continue in force and remain binding upon a party State until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the Compact to the appropriate officials of all other party States. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing State from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing State shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this Compact.

Article IX

Other Arrangements Unaffected

Nothing contained in this Compact shall be construed to abrogate or impair any agreement or other arrangement which a party State may have with a non-party State for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party State authorizing the making of cooperative institutional arrangements.

Article X

Construction and Severability

The provisions of this Compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any participating State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any State participating therein, the Compact shall remain in full force and effect as to the remaining States and in full force and effect as to the State affected as to all severable matters.

Article XI

An inmate must request a transfer in writing before such a transfer can be made pursuant to Article IV.

29-3402.

Department of Correctional Services; powers.

The Department of Correctional Services is hereby authorized and directed to do all things necessary or incidental to the carrying out of the Compact in every particular.

29-3501.

Act, how cited.

Sections29-209,29-210,29-3501to29-3528, and81-1423shall be known and may be cited as the Security, Privacy, and Dissemination of Criminal History Information Act.

29-3502.

Sections; purposes.

The purposes of sections29-209,29-210,29-3501to29-3528, and81-1423are (1) to control and coordinate criminal offender record keeping within this state, (2) to establish more efficient and uniform systems of criminal offender record keeping, (3) to assure periodic audits of such record keeping in order to determine compliance with sections29-209,29-210,29-3501to29-3528, and81-1423, (4) to establish a more effective administrative structure for the protection of individual privacy in connection with such record keeping, and (5) to preserve the principle of the public's right to know of the official actions of criminal justice agencies.

29-3503.

Definitions; sections found.
For the purposes of sections29-209,29-210,29-3501to29-3528, and81-1423, unless the context otherwise requires, the definitions found in sections29-3504to29-3514shall be used.

29-3504.
Administration of criminal justice, defined.
Administration of criminal justice shall mean performance of any of the following activities: Detection, apprehension, detention, pretrial release, pretrial diversion, posttrial release, prosecution, defense by a full-time public defender's office, defense by the Commission on Public Advocacy, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

29-3505.
Commission, defined.
Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice.

29-3506.
Criminal history record information,
defined.
Criminal history record information shall mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of issuance of arrest warrants, arrests, detentions, indictments, charges by information, and other formal criminal charges, and any disposition arising from such arrests, charges, sentencing, correctional supervision, and release. Criminal history record information shall include any judgment against or settlement with the state as a result of a wrongful conviction pursuant to the Nebraska Claims for Wrongful Conviction and Imprisonment Act. Criminal history record information shall not include intelligence or investigative information.

29-3507.
Complete, defined.
With reference to criminal history record information, complete shall mean that arrest records shall show the subsequent disposition of the case as it moves through the various stages of the criminal justice system; and accurate shall mean containing no erroneous information of a material nature.

29-3508.
Criminal history record information system or system, defined.
Criminal history record information system or system shall mean a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

29-3509.
Criminal justice agency, defined.
Criminal justice agency shall mean:
(1) Courts; and
(2) A government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

29-3510.
Direct access, defined.
Direct access shall mean having the custodial authority to handle and control the actual documents or automated or computerized documentary record which constitutes the criminal history database.

29-3511.
Disposition, defined.
Disposition shall mean information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, and also information disclosing the nature of the termination of the proceedings.

29-3512.
Operator, defined.
Operator shall mean the agency, person, or group of persons designated by the governing body of the jurisdiction served by a criminal history record information system to coordinate and supervise the system.

29-3513.
Person, defined.
Person shall mean any natural person, corporation, partnership, limited liability company, firm, or association.

29-3514.
Person in interest, defined.
Person in interest shall mean the person who is the primary subject of a criminal justice record or any representative designated by such person, except that if the subject of the record is under legal disability, person in interest shall mean the person's parent or duly appointed legal representative.

29-3515.
Criminal justice agency; criminal history record information; maintain.
Each criminal justice agency shall maintain complete and accurate criminal history record information with regard to the actions taken by the agency.

29-3516.
Criminal justice agency; disposition of cases; report; procedure; commission; forms; rules and regulations; adopt.
Each criminal justice agency in this state shall report the disposition of cases which enter its area in the administration of criminal justice. As to cases in which fingerprint records must be reported to the Nebraska State Patrol under section29-209, such disposition reports shall be made to the patrol. In all other cases when a centralized criminal history record information system is maintained by local units of government, dispositions made within the jurisdiction covered by such system shall be reported to the operator of that system or to the arresting agency in a noncentralized criminal history record information system. All dispositions shall be reported as promptly as feasible but not later than fifteen days after the happening of an event which constitutes a disposition. In order to achieve uniformity in reporting procedures, the commission shall prescribe the form to be used in reporting dispositions and may adopt rules and regulations to achieve efficiency and which will promote the ultimate purpose of insuring that each criminal justice information system maintained in this state shall contain complete and accurate criminal history information. All forms and rules and regulations relating to reports of dispositions by courts shall be approved by the Supreme Court of Nebraska.

29-3517.
Criminal justice agency; criminal history record information; process; assure accuracy.
Each criminal justice agency shall institute a process of data collection, entry, storage, and systematic audit of criminal history record information that will minimize the possibility of recording and storing inaccurate information. Any criminal justice agency which finds that it has reported inaccurate information of a material nature shall forthwith notify each criminal justice agency known to have received such information. Each criminal justice agency shall (1) maintain a listing of the individuals or agencies both in and outside of the state to which criminal history record information was released, a record of what information was released, and the date such information was released, (2) establish a delinquent disposition monitoring system, and (3) verify all record entries.

29-3518.
Criminal history record information; access; restrictions; requirements.
Direct access to criminal history record information system facilities, system operating environments, data file contents, and system documentation shall be restricted to authorized organizations and persons. Wherever criminal history record information is collected, stored, or disseminated, the criminal justice agency or agencies responsible for the operation of the system: (1) May determine for legitimate security purposes which personnel may work in a defined area where such information is stored, collected, or disseminated; (2) shall select and supervise all personnel authorized to have direct access to such information; (3) shall assure that an individual or agency authorized direct access is administratively held responsible for (a) the physical security of criminal history record information under its control or in its custody, and (b) the protection of such information from unauthorized access, disclosure, or dissemination; (4) shall institute procedures to reasonably protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters; (5) shall provide that each employee working with or having access to criminal history record information is to be made familiar with sections29-209,29-210,29-3501to29-3528, and81-1423and of any rules and regulations promulgated under such sections; and (6) shall require that direct access to criminal history record information shall be made available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system. This section shall not be construed to inhibit or limit dissemination of criminal history record information as authorized in other sections of sections29-209,29-210,29-3501to29-3528, and81-1423, including both review of

original records and the right to have copies made of records when not prohibited.

29-3519.
Criminal justice information systems; computerized; access; limitations; security; conditions.
Whenever computerized data processing is employed, effective and technologically advanced software and hardware designs shall be instituted to prevent unauthorized access to such information. Computer operations which support criminal justice information systems shall operate in accordance with procedures approved by the participating criminal justice agencies and assure that (1) criminal history record information is stored by the computer in such a manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by noncriminal justice terminals, (2) operation programs are used that will prohibit inquiry, record updates, or destruction of records from any terminal other than criminal justice system terminals which are so designated, (3) destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information, (4) operational programs are used to detect and store, for the output of designated criminal justice agency employees, all unauthorized attempts to penetrate any criminal history record information system, program, or file, (5) the programs specified in subdivisions (2) and (4) of this section are known only to criminal justice agency employees responsible for criminal history record information control, or individuals and agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and that the programs are kept continuously under maximum security conditions, and (6) a criminal justice agency may audit, monitor, and inspect procedures established in this section.

29-3520.
Criminal history record information; public record; criminal justice agencies; regulations; adopt.
Complete criminal history record information maintained by a criminal justice agency shall be a public record open to inspection and copying by any person during normal business hours and at such other times as may be established by the agency maintaining the record. Criminal justice agencies may adopt such regulations with regard to inspection and copying of records as are reasonably necessary for the physical protection of the records and the prevention of unnecessary interference with the discharge of the duties of the agency.

29-3521.
Information; considered public record; classifications.
In addition to public records under section29-3520, information consisting of the following classifications shall be considered public record for purposes of dissemination: (1) Posters, announcements, lists for identifying or apprehending fugitives or wanted persons, or photographs taken in conjunction with an arrest for purposes of identification of the arrested person; (2) original records of entry such as police blotters, offense reports, or incident reports maintained by criminal justice agencies; (3) court records of any judicial proceeding; and (4) records of traffic offenses maintained by the Department of Motor Vehicles for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's or other operator's licenses.

29-3522.
Criminal justice agency records; application to inspect; unavailable; procedure to provide records.
If the requested criminal justice history record or other public record, as defined in section29-3521, of a criminal justice agency is not in the custody or control of the person to whom application is made, such person shall immediately notify the applicant of this fact. Such notification shall be in writing if requested by the applicant and shall state the agency, if known, which has custody or control of the record in question. If the requested criminal history record or other public record of a criminal justice agency is in the custody and control of the person to whom application is made but is not available at the time an applicant asks to examine it, the custodian shall immediately notify the applicant of such fact, in writing, if requested by the applicant. When requested by the applicant, the custodian shall set a date and hour within three working days at which time the record shall be available for inspection.

29-3523.
Criminal history record information; dissemination; limitations; removal; certain information not part of public record; court; duties; sealed record; effect; expungement.
(1) After the expiration of the periods described in subsection (3) of this section or after the granting of a motion under subsection (4), (5), or (6) of this section, a criminal justice agency shall respond to a public inquiry in the same manner as if there were no criminal history record information and criminal history record information shall not be disseminated to any person other than a criminal justice agency, except as provided in subsection (2) of this section or when the subject of the record:
(a) Is currently the subject of prosecution or correctional control as the result of a separate arrest;
(b) Is currently an announced candidate for or holder of public office;
(c) Has made a notarized request for the release of such record to a specific person; or
(d) Is kept unidentified, and the record is used for purposes of surveying or summarizing individual or collective law enforcement agency activity or practices, or the dissemination is requested consisting only of release of criminal history record information showing (i) dates of arrests, (ii) reasons for arrests, and (iii) the nature of the dispositions including, but not limited to, reasons for

not prosecuting the case or cases.
(2) That part of criminal history record information described in subsection (7) of this section may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that specifically authorizes access to the information, limits the use of the information to research, evaluative, or statistical activities, and ensures the confidentiality and security of the information.
(3) Except as provided in subsections (1) and (2) of this section, in the case of an arrest, citation in lieu of arrest, or referral for prosecution without citation, all criminal history record information relating to the case shall be removed from the public record as follows:
(a) When no charges are filed as a result of the determination of the prosecuting attorney, the criminal history record information shall not be part of the public record after one year from the date of arrest, citation in lieu of arrest, or referral for prosecution without citation;
(b) When charges are not filed as a result of a completed diversion, the criminal history record information shall not be part of the public record after two years from the date of arrest, citation in lieu of arrest, or referral for prosecution without citation; and
(c) When charges are filed, but the case is dismissed by the court (i) on motion of the prosecuting attorney, (ii) as a result of a hearing not the subject of a pending appeal, (iii) after acquittal, (iv) after a deferred judgment, or (v) after completion of a program prescribed by a drug court or any other problem solving court approved by the Supreme Court, the criminal history record information shall not be part of the public record immediately upon notification of a criminal justice agency after acquittal pursuant to subdivision (3)(c)(iii) of this section or after the entry of an order dismissing the case.
(4) Upon the granting of a motion to set aside a conviction or an adjudication pursuant to section29-3005, a person who is a victim of sex trafficking, as defined in section29-3005, may file a motion with the sentencing court for an order to seal the criminal history record information related to such conviction or adjudication. Upon a finding that a court issued an order setting aside such conviction or adjudication pursuant to section29-3005, the sentencing court shall grant the motion and:
(a) For a conviction, issue an order as provided in subsection (7) of this section; or
(b) For an adjudication, issue an order as provided in section43-2,108.05.
(5) Any person who has received a pardon may file a motion with the sentencing court for an order to seal the criminal history record information and any cases related to such charges or conviction. Upon a finding that the person received a pardon, the court shall grant the motion and issue an order as provided in subsection (7) of this section.
(6) Any person who is subject to a record which resulted in a case being dismissed prior to January 1, 2017, as described in subdivision (3)(c) of this section, may file a motion with the court in which the case was filed to enter an order pursuant to subsection (7) of this section. Upon a finding that the case was dismissed for any reason described in subdivision (3)(c) of this section, the court shall grant the motion and enter an order as provided in subsection (7) of this section.
(7) Upon acquittal or entry of an order dismissing a case described in subdivision (3)(c) of this section, or after granting a motion under subsection (4), (5), or (6) of this section, the court shall:
(a) Order that all records, including any information or other data concerning any proceedings relating to the case, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, are not part of the public record and shall not be disseminated to persons other than criminal justice agencies, except as provided in subsection (1) or (2) of this section;
(b) Send notice of the order (i) to the Nebraska Commission on Law Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and (iii) to law enforcement agencies, county attorneys, and city attorneys referenced in the court record;
(c) Order all parties notified under subdivision (7)(b) of this section to seal all records pertaining to the case; and
(d) If the case was transferred from one court to another, send notice of the order to seal the record to the transferring court.
(8) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person cannot be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection, the person may respond as if the offense never occurred.
(9) Any person arrested due to the error of a law enforcement agency may file a petition with the district court for an order to expunge the criminal history record information related to such error. The petition shall be filed in the district court of the county in which the petitioner was arrested. The county attorney shall be named as the respondent and shall be served with a copy of the petition. The court may grant the petition and issue an order to expunge such information if the petitioner shows by clear and convincing evidence that the arrest was due to error by the arresting law enforcement agency.
(10) The changes made by Laws 2018, LB1132, to the relief set forth in this section shall apply to all persons otherwise eligible in accordance with the provisions of this section, whether arrested, cited in lieu of arrest, referred for prosecution without citation, charged, convicted, or adjudicated prior to, on, or subsequent to July 19, 2018.

29-3524.
Criminal justice agencies; fees; assessment.
Criminal justice agencies may assess reasonable fees, not to exceed actual costs, for search, retrieval, storing, maintaining, and copying of criminal justice records and may waive fees at their discretion. When fees for certified copies or other copies, printouts, or photographs of such records are specifically prescribed by law, such specific fees shall apply. All fees collected by the Nebraska State Patrol pursuant to this section shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund.

29-3525.

Criminal history record information; review by person in interest; identity; verification.
Any person in interest, who asserts that he or she has reason to believe that criminal history information relating to him or her or the person in whose interest he or she acts is maintained by any system in this state, shall be entitled to review and receive a copy of such information for the purpose of determining its accuracy and completeness by making application to the agency operating such system. The applicant shall provide satisfactory verification of the subject's identity, which shall include name, date, and place of birth, and, when identification is doubtful, a set of fingerprint impressions may be taken upon fingerprint cards or forms commonly used for law enforcement purposes by law enforcement agencies. The review authorized by this section shall be limited to a review of criminal history record information.

29-3526.
Commission; powers and duties; rules and regulations.
The commission may by rule authorize a fee for each application for review under section29-3525, and may charge for making copies or printouts as provided in section29-3524. The commission shall implement section29-3525by rule and regulation, including but not limited to provisions for (1) administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete, (2) administrative appeal when a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates, (3) supplying to an individual whose record has been corrected, upon his or her request, the names of all noncriminal justice agencies and individuals to which the data has been given, and (4) requiring the correcting agency to notify all criminal justice recipients of corrected information.

29-3527.
Violations; penalty.
Any person who (1) permits unauthorized direct access to criminal history record information, (2) knowingly fails to disseminate or make public criminal history record information of official acts as required under sections29-209,29-210,29-3501to29-3528, and81-1423, or (3) knowingly disseminates nondisclosable criminal history record information in violation of sections29-209,29-210,29-3501to29-3528, and81-1423, shall be guilty of a Class IV misdemeanor.

29-3528.
Violations; person aggrieved; remedies.
Whenever any officer or employee of the state, its agencies, or its political subdivisions, or whenever any state agency or any political subdivision or its agencies fails to comply with the requirements of sections29-209,29-210,29-3501to29-3528, and81-1423or of regulations lawfully adopted to implement sections29-209,29-210,29-3501to29-3528, and81-1423, any person aggrieved may bring an action, including but not limited to an action for mandamus, to compel compliance and such action may be brought in the district court of any district in which the records involved are located or in the district court of Lancaster County. The commission may request the Attorney General to bring such action.

29-3601.
Legislative findings.
The Legislature finds that pretrial diversion offers persons charged with criminal offenses and minor traffic violations an alternative to traditional criminal justice proceedings in that: (1) It permits participation by the accused only on a voluntary basis; (2) the accused has access to counsel for criminal offenses prior to a decision to participate; (3) it occurs prior to an adjudication but after arrest and a decision has been made by the prosecutor that the offense will support criminal charges; and (4) it results in dismissal of charges, or its equivalent, if the individual successfully completes the diversion process.

29-3602.
Pretrial diversion program; established.
The county attorney of any county may establish a pretrial diversion program with the concurrence of the county board. Any city attorney may establish a pretrial diversion program with the concurrence of the governing body of the city. Such programs shall be established pursuant to sections29-3603and29-3605to29-3609.

29-3603.
Pretrial diversion plan for criminal offenses; requirements.
A pretrial diversion plan for criminal offenses shall include, but not be limited to:
(1) Formal eligibility guidelines established following consultation with criminal justice officials and program representatives. The guidelines shall be written and made available and routinely disseminated to all interested parties;
(2) A maximum time limit for any defendant's participation in a diversion program, beyond which no defendant shall be required or permitted to participate. Such maximum term shall be long enough to effect sufficient change in participants to deter them from criminal activity, but not so long as to prejudice the prosecution or defense of the case should the participant be returned to the ordinary course of prosecution;
(3) The opportunity for eligible defendants to review, with their counsel present, a copy of general diversion program requirements including average program duration and possible outcome, prior to making the decision to enter a diversion program;

(4) Dismissal of the diverted case upon completion of the program;
(5) A provision that participants shall be able to withdraw at any time before the program is completed and be remanded to the court process without prejudice to them during the ordinary course of prosecution;
(6) Enrollment shall not be conditioned on a plea of guilty; and
(7) Defendants who are denied enrollment in a diversion program shall be afforded an administrative review of the decision and written reasons for denial.

29-3604.
Driving while intoxicated, implied consent refusal; not eligible for pretrial diversion.
No person charged with a violation of section60-6,196or60-6,197shall be eligible for pretrial diversion under a program established pursuant to sections29-3601to29-3603and29-3605to29-3609.

29-3605.
Minor traffic violations; terms, defined.
For purposes of sections29-3606to29-3609:
(1) Department means the Department of Motor Vehicles; and
(2) Minor traffic violation does not include leaving the scene of an accident, sections60-696to60-698, driving under the influence of alcoholic liquor or drugs, sections60-4,164,60-6,196, and60-6,211.01, reckless driving or willful reckless driving, sections60-6,213and60-6,214, participating in a speed competition, section60-6,195, operating a motor vehicle to avoid arrest, section28-905, refusing a breath or blood test, sections60-4,164,60-6,197,60-6,197.04, and60-6,211.02, driving on a suspended or revoked operator's license, sections60-4,107to60-4,110and60-6,197.06, speeding twenty or more miles per hour over the speed limit, operating a motor vehicle without insurance or other financial responsibility in violation of the Motor Vehicle Safety Responsibility Act, any injury accident, or any violation which is classified as a misdemeanor or a felony.

29-3606.
Minor traffic violations; pretrial diversion plan; driver's safety training program.
(1) A pretrial diversion plan for minor traffic violations shall consist of a driver's safety training program.
(2) A driver's safety training program shall:
(a) Provide a curriculum of driver's safety training, as approved by the department, which is designed to educate persons committing minor traffic violations and to deter future violations; and
(b) Require payment of a fee approved by the department which is reasonable and appropriate to defray the cost of the presentation of the program. A jurisdiction shall charge a uniform fee for participation in a driver's safety training program regardless of the traffic violation for which the applicant was cited. Fees received by a jurisdiction offering a driver's safety training program may be utilized by such jurisdiction to pay for the costs of administering and operating such program, to promote driver safety, and to pay for the costs of administering and operating other safety and educational programs within such jurisdiction.
(3) The program administrator of each driver's safety training program shall keep a record of attendees and shall be responsible for determining eligibility. A report of attendees at all driver's safety training programs in the state shall be shared only with similar programs throughout the state. All procedures for sharing records of attendees among such programs shall conform with the rules and regulations adopted and promulgated by the department to assure that no individual takes the approved course more than once within any three-year period in Nebraska. Such record of attendees and any related records shall not be considered a public record as defined in section84-712.01.
(4) The department shall approve the curriculum and fees of each program and shall adopt and promulgate rules and regulations governing such programs, including guidelines for fees, curriculum, and instructor certification.

29-3607.
Minor traffic violations; driver's safety training program; certificate; fee.
Any organization or governmental entity desiring to offer a driver's safety training program shall first obtain a certificate from the department, to be renewed annually. The certificate fee and the annual renewal fee shall each be fifty dollars. The fee collected by the department from the organization or governmental entity shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

29-3608.
Minor traffic violations; pretrial
diversion program; eligibility.
Any driver holding a commercial
driver's license or CLP-commercial
learner's permit issued pursuant to the Motor Vehicle Operator's License Act shall
not be eligible to participate in a program under sections29-3605to29-3609if such participation would be in noncompliance with federal law or regulation
and subject the state to possible loss of federal funds.

29-3609.
Minor traffic violations; applicability.
Sections29-3605to29-3609shall not apply to programs of pretrial diversion for offenses other than minor traffic violations.

29-3701.
Verdict of acquittal; probable cause hearing; finding; referral or confinement; evaluations; conditions of confinement; order; preparation of treatment plan; contents.
(1) Following receipt of a verdict of acquittal on grounds of insanity, the court shall forthwith conduct a hearing to determine whether there is probable cause to believe the person is dangerous to himself, herself, or others by reason of mental illness or defect or will be so dangerous in the foreseeable future, as demonstrated by omissions, threats, or overt acts. In making this determination the court shall consider all evidence adduced at trial and all additional relevant evidence. If the court finds probable cause it shall order an evaluation not to exceed ninety days in length of the person's mental condition and a treatment plan pursuant to subsection (4) of this section. The evaluation of the person may be conducted as an outpatient at a regional center or other appropriate facility if the court finds by clear and convincing evidence that the person poses no current danger to society at the time of the probable cause hearing and will not become a danger to society during the evaluation period. Otherwise the evaluation of the person shall be conducted as an inpatient at a locked and secure regional center facility or other appropriate locked and secure facility. When the court orders such an inpatient evaluation, the court shall specify in a detailed written order all conditions of the person's confinement during the evaluation and under what, if any, circumstances the person may leave the locked and secure facility. The written order specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked and secure facility is consistent with the safety of the public.
(2) The superintendent of the regional center or the director of the facility to which the person has been referred or confined for evaluation shall be responsible for supervising the evaluation and the preparation of an individualized treatment plan.
(3) The report of the evaluation shall address the following to the extent that the available information allows: (a) The person's psychological condition at the time of the evaluation; (b) the probable course of development of the person's condition, with special attention to the probable relationship between the person's current condition and the person's condition at the time of any omissions, threats, or overt acts establishing dangerousness, including the crime for which he or she was acquitted on grounds of insanity; (c) the probable relationship, if any, between the previous omissions, threats, or overt acts establishing dangerousness and the person's condition at the time of the omissions, threats, or overt acts; and (d) the prognosis for change in the person's condition in light of available treatment.
(4) The individualized treatment plan shall contain a statement of the nature of the specific mental and physical problems and needs of the person, a statement of the least restrictive treatment conditions necessary to achieve the purposes of the plan, a statement of the least restrictive treatment conditions consistent with the safety of the public, and a description of intermediate and long-range treatment goals and a projected timetable for their attainment.
(5) Such evaluation and treatment plan shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. Copies of the evaluation and treatment plan shall be furnished to the prosecuting attorney and to the person.
(6) If the person desires a separate evaluation, he or she may file a motion with the court requesting an evaluation by one or more qualified experts of his or her choice. Such evaluation shall be at the person's expense unless otherwise ordered by the court. Any such expert evaluating a person pursuant to this subsection shall have access to the person's records at his or her place of confinement. The court may extend the person's referral or confinement for an additional period not to exceed sixty days, if necessary to permit completion of the separate evaluation. The evaluation shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. A copy of such evaluation shall be furnished the prosecuting attorney.

29-3702.
Evidentiary hearing; determination; release or court-ordered treatment; personnel at facility violating order of commitment; contempt.
(1) Prior to the expiration of the evaluation period provided for in section29-3701, the court shall conduct an evidentiary hearing regarding the condition of the person, at which time a representative of the facility where he or she was evaluated may testify as to the results of the evaluation and the contents of the treatment plan. Based upon the results of the evaluation, evidence adduced at trial, evidence of other omissions, threats, or overt acts indicative of dangerousness, and any other relevant evidence, the court shall determine whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, will be so dangerous in the foreseeable future, or will be so dangerous absent continuing participation in appropriate treatment.
(2) If the court does not find that there is clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall unconditionally release the person from further court-ordered treatment. If the court finds clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall order that such person participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the

person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public. Personnel at the facility providing the treatment program shall obey the court-ordered conditions, and any person who fails to do so shall upon conviction be subject to the full contempt powers of the court.

29-3703.
Trial court; person found not responsible by reason of insanity; review records; conduct hearing; evaluation; treatment program; discharge plan; compliance with conditions; reports.
(1) The court which tried a person who is found not responsible by reason of insanity shall annually and may, upon its own motion or upon motion of the person or the prosecuting attorney, review the records of such person and conduct an evidentiary hearing on the status of the person. The court may, upon its own motion or upon a motion by the person or the prosecuting attorney, order an independent psychiatric or psychological evaluation of the person. The court shall consider the results of the evaluation at the evidentiary hearing. When the independent evaluation is conducted pursuant to a motion by the court or the prosecuting attorney, the cost of such independent evaluation shall be the expense of the county. When the evaluation is conducted pursuant to a motion by the person and if the person is not indigent, the cost of the evaluation shall be borne by the person.
(2) If as a result of such hearing the court finds that such person is no longer dangerous to himself, herself, or others by reason of mental illness or defect and will not be so dangerous in the foreseeable future, the court shall order such person unconditionally released from court-ordered treatment. If the court does not so find, the court shall order that such person participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public.
(3) If the person has been treated in a regional center or other appropriate facility and is ordered placed in a less restrictive treatment program, the regional center or other appropriate facility shall develop an individual discharge plan consistent with the order of the court and shall provide the less restrictive treatment program a copy of the discharge plan and all relevant treatment information.
(4) Upon motion of the prosecuting attorney or upon its own motion, but at least annually, the court shall hold a hearing to determine whether the person is complying with the conditions set by the court. Upon an initial showing of probable cause by affidavit or sworn testimony that the person is not complying with the court-ordered conditions, the court may issue a warrant directing the sheriff or any peace officer to take the person into custody and place him or her into a mental health center, regional center, or other appropriate facility with available space where he or she shall be held pending the hearing. When a person has been taken into custody pursuant to this subsection, the hearing shall be held within ten days. Following the hearing, the court shall determine whether placement in the current treatment program should be continued or ceased and whether the conditions of the placement should be continued or modified.
(5) Any treatment program to which a person is committed on July 16, 1994, under this section or section29-3702shall submit reports to the trial court and the prosecuting attorney documenting the treatment progress of that person at least annually. Additionally, if the person fails to comply with any condition specified by the court, the court and the prosecuting attorney shall be notified forthwith.

29-3704.
Hearing; person's rights.
At each hearing conducted pursuant to sections29-3701to29-3703, the person shall be entitled to assistance of counsel and such additional rights as are guaranteed by the laws and Constitution of the State of Nebraska and by the United States Constitution.

29-3705.
Person acquitted prior to May 29, 1981; jurisdiction of trial court; petition; hearing.
The court which tried and acquitted any person who, as of May 29, 1981, stands committed by an order of a mental health board pursuant to the Nebraska Mental Health Commitment Act in consequence of the insanity or derangement which was the ground of the acquittal, shall have jurisdiction over such person for disposition consistent with the provisions of sections29-2203and29-3701to29-3704. Within sixty days of May 29, 1981, the county attorney in the jurisdiction of the court which tried and acquitted the person shall file with the court which tried and acquitted the person and shall serve on the person a petition asserting the court's jurisdiction over the person for disposition consistent with sections29-3701to29-3704. The court shall then conduct an evidentiary hearing on the status of the person pursuant to section29-3703.

29-3706.
Records of proceedings; part of criminal case records; medical and psychiatric records; how treated.
All pleadings, evidence admitted, orders, judgments, and memoranda of findings and conclusions made in the proceedings held pursuant to sections29-3701to29-3704shall be made a part of the official record of the underlying criminal case. The court may direct that the medical and psychiatric records not received into evidence at such proceedings be kept confidential and not be available for public inspection.

29-3801.

Terms, defined.
As used in sections29-3801to29-3809, unless the context otherwise requires:
(1) Director shall mean the Director of Correctional Services; and
(2) Prosecutor shall mean a prosecuting attorney as defined in section29-104.

29-3802.
Notice of untried charges and rights; director; duties.
The director shall promptly inform in writing each prisoner in the custody of the Department of Correctional Services of the source and nature of any untried indictment, information, or complaint against him or her of which the director has knowledge and of his or her right to make a request for final disposition thereof.

29-3803.
Prisoner; request final disposition; director; duties.
Any person who is imprisoned in a facility operated by the Department of Correctional Services may request in writing to the director final disposition of any untried indictment, information, or complaint pending against him or her in this state. Upon receiving any request from a prisoner for final disposition of any untried indictment, information, or complaint, the director shall:
(1) Furnish the prosecutor with a certificate stating the term of commitment under which the prisoner is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of the prisoner's parole eligibility, and any decision of the Board of Parole relating to the prisoner;
(2) Send by registered or certified mail, return receipt requested, one copy of the request and the certificate to the court in which the untried indictment, information, or complaint is pending and one copy to the prosecutor charged with the duty of prosecuting it; and
(3) Offer to deliver temporary custody of the prisoner to the appropriate authority in the city or county where the untried indictment, information, or complaint is pending.

29-3804.
Prosecutor; require prisoner's attendance; procedure.
The prosecutor in a city or county in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner, against whom he or she has lodged a detainer and who is serving a term of imprisonment in any facility operated by the Department of Correctional Services, made available upon presentation of a written request for temporary custody or availability to the director. The court having jurisdiction of such indictment, information, or complaint shall duly approve, record, and transmit the prosecutor's request. Upon receipt of the prosecutor's written request the director shall:
(1) Furnish the prosecutor with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the good time earned, the time of the prisoner's parole eligibility, and any decision of the Board of Parole relating to the prisoner; and
(2) Offer to deliver temporary custody of the prisoner to the appropriate authority in the city or county where the untried indictment, information, or complaint is pending in order that speedy and efficient prosecution may be had.

29-3805.
Untried charges; trial; when.
Within one hundred eighty days after the prosecutor receives a certificate from the director pursuant to section29-3803or29-3804or within such additional time as the court for good cause shown in open court may grant, the untried indictment, information, or complaint shall be brought to trial with the prisoner or his or her counsel being present. The parties may stipulate for a continuance or a continuance may be granted on a notice to the attorney of record and an opportunity for him or her to be heard. If the indictment, information, or complaint is not brought to trial within the time period stated in this section, including applicable continuances, no court of this state shall any longer have jurisdiction thereof nor shall the untried indictment, information, or complaint be of any further force or effect and it shall be dismissed with prejudice.

29-3806.
Temporary custody; conditions; limitations.
The temporary custody referred to in sections29-3803and29-3804shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of a detainer lodged with the director or for prosecution on any other charge or charges arising out of the same transaction. Except for attendance at court and transportation to or from any place where the prisoner's presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution. However, the prisoner shall not be classified as a pretrial detainee but shall be deemed to remain in custody of the Department of Correctional Services and any escape from temporary custody may be dealt with in the same manner as an escape from the Department of Correctional Services' facility to which he or she was confined.

29-3807.
Escape from custody; effect.

Escape from custody by a prisoner subsequent to execution of a request for final disposition of any untried indictment, information, or complaint shall void the request.

29-3808.
Mentally ill person; sections not applicable.
No provision of sections29-3801to29-3809and no remedy made available by sections29-3801to29-3809shall apply to any person who is adjudged to be mentally ill.

29-3809.
Transportation costs; how paid.
The costs of transporting prisoners to and from the city or county in which any untried indictment, information, or complaint is pending as provided in sections29-3801to29-3809shall be paid by the city or county.

29-3901.
Terms, defined.
For purposes of sections29-3901to29-3908:
(1) Court shall mean a district court or a county court;
(2) Felony defendant shall mean a person who is charged by complaint, information, or indictment with or who is under arrest for investigation or on suspicion that he or she may have committed any criminal offense which may be punishable by imprisonment in a Department of Correctional Services adult correctional facility;
(3) Indigent shall mean the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. Before a felony defendant's initial court appearance, the determination of his or her indigency shall be made by the public defender, but thereafter it shall be made by the court; and
(4) Judge shall mean a judge of the district court, a judge of the county court, or a clerk magistrate.

29-3902.
Indigent defendant; right to counsel.
At a felony defendant's first appearance before a court, the court shall advise him or her of the right to court-appointed counsel if he or she is indigent.
If he or she asserts indigency, the court shall make a reasonable inquiry to determine his or her financial condition and may require him or her to execute an affidavit of indigency. If the court determines him or her to be indigent, it shall formally appoint the public defender to represent him or her in all proceedings before the court and shall make a notation of such appointment and appearances of the public defender upon the felony complaint. The same procedure shall be followed by the court in misdemeanor cases punishable by imprisonment.

29-3903.
Indigent defendant; right to counsel; appointment.
At a felony defendant's first appearance before a judge, the judge shall advise him or her of the right to court-appointed counsel if such person is indigent. If he or she asserts indigency, the court shall make a reasonable inquiry to determine such person's financial condition and shall require him or her to execute an affidavit of indigency for filing with the clerk of the court.
If the court determines the defendant to be indigent, it shall formally appoint the public defender or, in counties not having a public defender, an attorney or attorneys licensed to practice law in this state, not exceeding two, to represent the indigent felony defendant at all future critical stages of the criminal proceedings against such defendant, consistent with the provisions of section23-3402, but appointed counsel other than the public defender must obtain leave of court before being authorized to proceed beyond an initial direct appeal to either the Court of Appeals or the Supreme Court of Nebraska to any further direct, collateral, or postconviction appeals to state or federal courts.
A felony defendant who is not indigent at the time of his or her first appearance before a judge may nevertheless assert his or her indigency at any subsequent stage of felony proceedings, at which time the judge shall consider appointing counsel as otherwise provided in this section.
The judge, upon filing such order for appointment, shall note all appearances of appointed counsel upon the record. If at the time of appointment of counsel the indigent felony defendant and appointed counsel have not had a reasonable opportunity to consult concerning the prosecution, the judge shall continue the arraignment, trial, or other next stage of the felony proceedings for a reasonable period of time to allow for such consultation.

29-3904.
Appointment of other counsel; when.
(1) Nothing in sections23-3402,29-3902, and29-3903shall prevent any judge from appointing counsel other than the public defender or other substitute counsel when the public defender or counsel initially appointed might otherwise be required to represent conflicting interests or for other good cause shown, from not appointing any counsel for any indigent felony defendant who expressly waives his or her right to such counsel at any stage of felony proceedings, or from appointing the public defender or other

counsel as may be required or permitted by other applicable law.
(2) In selecting counsel to represent an indigent felony defendant, the prosecuting attorney shall not have any role whatsoever in the selection or appointment process of the counsel by the court, including, but not limited to, any individual appointment suggestions.

29-3905.
Appointed counsel; fees and expenses.
Appointed counsel for an indigent felony defendant other than the public defender shall apply to the district court which appointed him or her for all expenses reasonably necessary to permit him or her to effectively and competently represent his or her client and for fees for services performed pursuant to such appointment, except that if the defendant was not bound over for trial in the district court, the application shall be made in the appointing court. The court, upon hearing the application, shall fix reasonable expenses and fees, and the county board shall allow payment to counsel in the full amount determined by the court.

29-3906.
Misdemeanor defendant; indigent; counties with no public defender; court-appointed counsel; compensation.
In counties not having public defenders, the court may appoint an attorney licensed to practice law in this state to represent any indigent person who is charged with a misdemeanor offense punishable by imprisonment. When such a defendant asserts indigency, the court shall make a reasonable inquiry to determine the defendant's financial condition and may require him or her to execute an affidavit of indigency. Attorneys appointed pursuant to this section shall be compensated in the manner provided by section29-3905with application being made to the appointing court.

29-3907.
Counsel; right to consult with accused privately.
Any public defender, assistant public defender, or other attorney representing an indigent felony defendant who is incarcerated by law enforcement officers or other government officials without bond or in lieu of bond shall have full access to and the right to consult privately with such defendant at all reasonable hours.

29-3908.
Indigent; reimburse county for costs; when.
Whenever any court finds subsequent to its appointment of the public defender or other counsel to represent a felony defendant that its initial determination of indigency was incorrect or that during the course of representation by appointed counsel the felony defendant has become no longer indigent, the court may order such felony defendant to reimburse the county for all or part of the reasonable cost of providing such representation.

29-3909.
Judicial district public defender; established.
There is hereby established the office of judicial district public defender subject to the provisions of sections29-3910to29-3918.

29-3910.
Judicial district public defender; determination; district judge; conditions; certification to Governor; salary.
Whenever the district judge or judges determine that a public defender should be named for his, her, or their judicial district, as provided in section24-301.02, the fact of such determination shall be certified to the Governor. In making the determination, the judge or judges shall consider (1) the number of indigent persons in the district for whom appointment of counsel was necessary in the preceding year, (2) the number and geographic distribution within the district of attorneys available for appointment as counsel on an individual case basis, and (3) the relative expense of providing counsel for the indigent on an individual case basis as compared to the expense of providing a public defender.
At the time of making the determination, the judge or judges shall also fix the salary of the public defender and make a determination whether the office shall be full time or part time. For succeeding terms the district judge or judges shall fix the salary of the public defender at least sixty days prior to the closing of filings for the primary election for such office. All salary determinations shall be filed with the clerk of the district court of each county in the district and shall be available for public inspection.
When it is deemed desirable to have the same public defender for more than one judicial district, the same may be accomplished by having the district judges concerned jointly make the determinations provided for in sections29-3910to29-3918.

29-3911.
Judicial district public defender; appointment; salary; payment.
Within thirty days following receipt of a certification as provided in section29-3910, the Governor shall authorize the judge or judges to appoint a public defender for the district. The salary and all expenses, including trial expense and expert witness fees, of the judicial district public defender shall be paid out of funds appropriated to the office of Governor for that purpose.

29-3912.

Judicial district public defender; office; equipment; personnel.
If necessary office space is not available in a courthouse within the district, the judicial district public defender may rent or lease such space. He or she may also purchase, through the materiel administrator of the Department of Administrative Services, necessary furniture, equipment, books, stationery, and other supplies necessary for the operation of the office. The public defender may employ, with the approval of the appropriate district judge or judges, necessary assistant public defenders and other employees at salaries which are to be approved by the judge or judges. Such judge or judges shall also determine whether assistant public defenders and other employees are to be part time or full time. Public defenders may employ law students authorized by the Supreme Court to engage in a limited form of the practice of law and may enter into agreements with law schools to provide clinical training for their students under the provisions of the Higher Education Act of 1965 and other similar federal programs.

29-3913.
Judicial district public defender; election; term.
The successor to the judicial district public defender initially appointed shall be elected at the next general election and shall take office at the same time as other elected state officers. The term of office of an elected judicial district public defender shall be four years. With the exception of being nominated and elected within their respective districts, candidates for such office shall be nominated and elected as nearly as may be practicable in the same manner as candidates for the office of Governor. Candidates for such office shall file with the Secretary of State as provided in section32-607and pay the filing fee provided in section32-608.

29-3914.
Judicial district public defender; qualifications.
A judicial district public defender shall be a lawyer duly admitted to and engaged in the practice of law in Nebraska.

29-3915.
Persons entitled to representation.
The following persons who are financially unable to obtain counsel shall be entitled to be represented by a judicial district public defender:
(1) A person charged with a felony, including appeals from convictions for a felony;
(2) A person pursuing a postconviction proceeding under sections29-3001to29-3004after conviction of a felony, when the public defender after investigation concludes that there may be merit to such a proceeding or when the court in which such proceeding is pending directs the public defender to represent the person;
(3) A minor brought before the juvenile court when neither the minor nor his or her parent or guardian is able to afford counsel; and
(4) A person against whom a petition has been filed with a mental health board as provided in sections71-945to71-947.

29-3916.
Application for counsel; inquiry by court or magistrate; waiver of counsel.
Any person described in section29-3915or any other person entitled by law to representation by counsel may at any time request the court in which the matter is pending or the court in which the person was convicted to appoint the public defender to provide representation. Upon a request for the appointment of counsel, the court or magistrate shall proceed to make appropriate inquiry into the financial circumstances of the applicant who shall submit, unless waived in whole or in part by the court, a financial statement under oath or affirmation setting forth his or her assets and liabilities, source or sources of income, and such other information as may be required by the court or magistrate. The information contained in such a statement shall be confidential and for the exclusive use of the court or magistrate unless it is made to appear to the satisfaction of the court or magistrate that the statement may contain false, misleading, or incomplete information, in which event the person making the statement shall be punished as for contempt if it is established after a hearing that the statement was in whole or in part false, misleading, or incomplete. A refusal to execute a financial statement as provided in this section shall constitute a waiver of the right to the appointment of the public defender.

29-3917.
Office of public defender; abolished; when.
Any county in a judicial district in which a determination is made that a public defender should be named in accordance with section29-3910shall no longer be subject to section23-3401, and the office created by section23-3401shall be abolished as of the date specified in such determination.

29-3918.
Special counsel; appointment; procedure; cost; payment.
Nothing in sections29-3910to29-3918shall prevent a court from appointing counsel other than the public defender to represent indigent defendants or other persons by law entitled to legal representation, but appointments of counsel other than the public defender shall be limited to situations in which there are multiple defendants requiring separate representation or when other exigent circumstances are present which in the opinion of the court require appointment of other than the public defender. In all such cases of appointments of other than the public defender, the procedure shall be in accordance with sections43-272and43-273and the cost of such appointments shall be paid by the county as provided in such sections.

29-3919.
Act, how cited.
Sections29-3919to29-3933shall be known and may be cited as the County Revenue Assistance Act.

29-3920.
Legislative findings.
The Legislature finds that:
(1) County property owners should be given some relief from the obligation of providing mandated indigent defense services which in most instances are required because of state laws establishing crimes and penalties;
(2) Property tax relief can be accomplished if the state begins to assist the counties with the obligation of providing indigent defense services required by state laws establishing crimes and penalties;
(3) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also increase accountability because the state, which is the governmental entity responsible for passing criminal statutes, will likewise be responsible for paying some of the costs;
(4) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also improve inconsistent and inadequate funding of indigent defense services by the counties;
(5) Property tax relief in the form of state assistance to the counties of Nebraska in providing for indigent defense services will also lessen the impact on county property taxpayers of the cost of a high profile death penalty case which can significantly affect the finances of the counties; and
(6) To accomplish property tax relief in the form of the state assisting the counties of Nebraska in providing for indigent defense services, the Commission on Public Advocacy Operations Cash Fund should be established to fund the operation of the Commission on Public Advocacy and to fund reimbursement requests as determined by section29-3933.

29-3921.
Commission on Public Advocacy
Operations Cash Fund; created; use; investment; transfers; use.
(1) The Commission on Public Advocacy Operations Cash Fund is created.
The fund shall be used for the operations of the commission, except that transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. The Commission on Public Advocacy Operations Cash Fund shall consist of money remitted pursuant to section33-156. It is the intent of the Legislature that the commission shall be funded solely from the fund.
Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(2) On July 1, 2011, or as soon thereafter as administratively possible, the State Treasurer shall transfer one hundred thousand dollars from the Commission on Public Advocacy Operations Cash Fund to the Supreme Court Education Fund.
The State Court Administrator shall use these funds to assist the juvenile justice system in providing prefiling and diversion programming designed to reduce excessive absenteeism and unnecessary involvement with the juvenile justice system.
(3) The State Treasurer shall transfer the following amounts from the Commission on Public Advocacy Operations Cash Fund to the Court Appointed Special Advocate Fund:
(a) On July 1, 2011, or as soon thereafter as administratively possible, one hundred thousand dollars; and
(b) On July 1, 2012, or as soon thereafter as administratively possible, two hundred thousand dollars.
(4) On July 1, 2012,
or as soon thereafter as administratively possible, the State Treasurer shall transfer sixty thousand dollars from the Commission on Public Advocacy Operations Cash Fund to the Nebraska State Patrol Cash Fund.
The Nebraska State Patrol shall
use such funds to contract with the University of Nebraska to study sex offender recidivism data before and after the passage of Laws 2009, LB285, which changed the Nebraska sex offender classification system from an evaluation of risk assessment system to an offense-based assessment system in the attempt by the state to comply with federal requirements under the Adam Walsh Child Protection

and Safety Act of 2006.

29-3922.
Terms, defined.
For purposes of the County Revenue Assistance Act:
(1) Chief counsel means an attorney appointed to be the primary administrative officer of the commission pursuant to section29-3928;
(2) Commission means the Commission on Public Advocacy;
(3) Commission staff means attorneys, investigators, and support staff who are performing work for the capital litigation division, appellate division, DNA testing division, and major case resource center;
(4) Contracting attorney means an attorney contracting to act as a public defender pursuant to sections23-3404to23-3408;
(5) Court-appointed attorney means an attorney other than a contracting attorney or a public defender appointed by the court to represent an indigent person;
(6) Indigent defense services means legal services provided to indigent persons by an indigent defense system in capital cases, felony cases, misdemeanor cases, juvenile cases, mental health commitment cases, child support enforcement cases, and paternity establishment cases;
(7) Indigent defense system means a system of providing services, including any services necessary for litigating a case, by a contracting attorney, court-appointed attorney, or public defender;
(8) Indigent person means a person who is indigent and unable to obtain legal counsel as determined pursuant to subdivision (3) of section29-3901; and
(9) Public defender means an attorney appointed or elected pursuant to sections23-3401to23-3403.

29-3923.
Commission on Public Advocacy; created; duties.
The Commission on Public Advocacy is created. The commission shall provide legal services and resources to assist counties in fulfilling their obligation to provide for effective assistance of counsel for indigent persons.

29-3924.
Commission; members; term.
The commission shall consist of nine members appointed by the Governor from a list of attorneys submitted by the executive council of the Nebraska State Bar Association after consultation with the board of directors of the Nebraska Criminal Defense Attorneys Association. A member shall be appointed from each of the six Supreme Court judicial districts, and three members shall be appointed at large. The executive council of the Nebraska State Bar Association shall ensure that the selection process promotes appointees who are independent from partisan political influence. To be eligible for appointment, a person shall be a member of the Nebraska State Bar Association who has substantial experience in criminal defense work and, for appointments made after September 13, 1997, substantial experience in civil legal matters that commonly affect low-income persons and, at the time of selection or at any time during the term of office, shall not be a prosecutor, law enforcement official, or judge. All members shall be committed to the principle of providing indigent defense services and civil legal services to low-income persons free from unwarranted judicial or political influence. Each member shall serve for a term of six years, except that three of the initial appointees shall serve terms of two years and three shall serve terms of four years as designated by the Governor. Members may be removed from the commission by the Governor for cause.

29-3925.
Commission; chairperson; expenses.
The Governor shall designate one of the members of the commission as the chairperson. The members of the commission shall be reimbursed for expenses incurred in the performance of their duties as provided in sections81-1174to81-1177.

29-3926.
Commission; quorum.
Five members of the commission constitute a quorum for the transaction of business. The commission may act by a majority of the members present at any meeting at which a quorum is in attendance.

29-3927.
Commission; duties.
(1) With respect to its duties under section29-3923, the
commission shall:
(a) Adopt and promulgate rules and regulations for its organization
and internal management and rules and regulations governing the exercise of
its powers and the fulfillment of its purpose;
(b) Appoint and abolish such advisory committees as may be

necessary for the performance of its functions and delegate appropriate powers and duties to them;
(c) Accept and administer loans, grants, and donations from the United States and its agencies, the State of Nebraska and its agencies, and other sources, public and private, for carrying out the functions of the commission;
(d) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under this section with agencies of state or local government, corporations, or persons;
(e) Acquire, hold, and dispose of personal property in the exercise of its powers;
(f) Provide legal services to indigent persons through the divisions in section29-3930; and
(g) Adopt guidelines and standards for county indigent defense systems, including, but not limited to, standards relating to the following: The use and expenditure of funds appropriated by the Legislature to reimburse counties which qualify for reimbursement; attorney eligibility and qualifications for court appointments; compensation rates for salaried public defenders, contracting attorneys, and court-appointed attorneys and overall funding of the indigent defense system; maximum caseloads for all types of systems; systems administration, including rules for appointing counsel, awarding defense contracts, and reimbursing defense expenses; conflicts of interest; continuing legal education and training; and availability of supportive services and expert witnesses.
(2) The standards adopted by the commission under subdivision (1)(g) of this section are intended to be used as a guide for the proper methods of establishing and operating indigent defense systems. The standards are not intended to be used as criteria for the judicial evaluation of alleged misconduct of defense counsel to determine the validity of a conviction. They may or may not be relevant in such judicial evaluation, depending upon all the circumstances.
(3) With respect to its duties related to the provision of civil legal services to eligible low-income persons, the commission shall have such powers and duties as described in sections25-3001to25-3004.
(4) The commission may adopt and promulgate rules and regulations governing the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act which are recommended by the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board pursuant to the act. The commission shall have the powers and duties provided in the act.

29-3928.
Chief counsel; qualifications; salary.
The commission shall appoint a chief counsel. The responsibilities and duties of the chief counsel shall be defined by the commission and shall include the overall supervision of the workings of the various divisions of the commission. The chief counsel shall be qualified for his or her position, shall have been licensed to practice law in the State of Nebraska for at least five years prior to the effective date of the appointment, and shall be experienced in the practice of criminal defense, including the defense of capital cases. The chief counsel shall serve at the pleasure of the commission. The salary of the chief counsel shall be set by the commission.

29-3929.
Chief counsel; duties.
The primary duties of the chief counsel shall be to provide direct legal services to indigent defendants, and the chief counsel shall:
(1) Supervise the operations of the appellate division, the capital litigation division, the DNA testing division, and the major case resource center;
(2) Prepare a budget and disburse funds for the operations of the commission;
(3) Present to the commission an annual report on the operations of the commission, including an accounting of all funds received and disbursed, an evaluation of the cost-effectiveness of the commission, and recommendations for improvement;
(4) Convene or contract for conferences and training seminars related to criminal defense;

(5) Perform other duties as directed by the commission;
(6) Establish and administer projects and programs for the operation of the commission;
(7) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;
(8) Adopt and promulgate rules and regulations for the management and administration of policies of the commission and the conduct of employees of the commission;
(9) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;
(10) Execute and carry out all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons; and
(11) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

29-3930.
Commission; divisions established.
The following divisions are established within the commission:
(1) The capital litigation division shall be available to assist in the defense of capital cases in Nebraska, subject to caseload standards of the commission;
(2) The appellate division shall be available to prosecute appeals to the Court of Appeals and the Supreme Court, subject to caseload standards of the commission;
(3) The violent crime and drug defense division shall be available to assist in the defense of certain violent and drug crimes as defined by the commission, subject to the caseload standards of the commission;
(4) The DNA testing division shall be available to assist in representing persons who are indigent who have filed a motion pursuant to the DNA Testing Act, subject to caseload standards; and
(5) The major case resource center shall be available to assist public defenders, contracting attorneys, or court-appointed attorneys with the defense of a felony offense, subject to caseload standards of the commission.

29-3933.
Request for reimbursement; requirements.
(1) Any county which intends to request reimbursement for a portion of its expenditures for its indigent defense system must comply with this section.
(2) In order to assist the Commission on Public Advocacy in its budgeting process for determining future reimbursement amounts, after July 1, 2002, and before July 15, 2002, and for each year thereafter in which the county intends to seek reimbursement for a portion of its expenditures for indigent defense services in felony cases for the next fiscal year, the county shall present to the Commission on Public Advocacy (a) a plan, in a format approved by the commission, describing how the county intends to provide indigent defense services in felony cases, (b) a statement of intent declaring that the county intends to comply with the standards set by the commission for felony cases and that the county intends to apply for reimbursement, and (c) a projection of the total dollar amount of expenditures for that county's indigent defense services in felony cases for the next fiscal year.
(3) The commission may conduct whatever investigation is necessary and may require certifications by key individuals in the criminal justice system, in order to determine if the county is in compliance with the standards. If a county is certified by the commission as having met the standards established by the commission for felony cases, the county shall be eligible for reimbursement according to the following schedule and procedures: The county clerk of the county seeking reimbursement may submit, on a quarterly basis, a certified request to the commission, for reimbursement from funds appropriated by the Legislature, for an amount equal to one-fourth of the county's actual expenditures for indigent defense services in felony cases.
(4) Upon certification by the county clerk of the amount of the expenditures, and a determination by the commission that the request is in compliance with the standards set by the commission for felony cases, the commission shall quarterly authorize an amount of reimbursement to the county as set forth in this section.
(5) If the appropriated funds are insufficient in any quarter to meet the amount needed for full payment of all county reimbursements for net expenditures that are certified for that quarter, the commission shall pay the counties their pro rata share of the remaining funds based upon the percentage of the county's certified request in comparison to the total certified requests for that quarter.
(6) For purposes of section13-519, for any year in which a county first seeks reimbursement from funds appropriated by the Legislature or has previously qualified for reimbursement and is seeking additional reimbursement for improving its indigent criminal defense program, the last prior year's total of restricted funds shall be the last prior year's total of restricted funds plus any increased amount budgeted for indigent defense services that is required to develop a plan and meet the standards necessary to qualify for reimbursement of expenses from funds appropriated by the Legislature. This subsection applies to fiscal years beginning prior to July 1, 2025.

29-4001.
Act, how cited.
Sections29-4001to29-4014shall be known and may be cited
as the Sex Offender Registration Act.

29-4001.01 .

Terms, defined.
For purposes of the Sex Offender Registration Act:
(1) Aggravated offense means any registrable offense under section29-4003which involves the penetration of, direct genital touching of, oral to anal contact with, or oral to genital contact with (a) a victim age thirteen years or older without the consent of the victim, (b) a victim under the age of thirteen years, or (c) a victim who the sex offender knew or should have known was mentally or physically incapable of resisting or appraising the nature of his or her conduct;
(2) DNA sample has the same meaning as in section29-4103;
(3) Habitual living location means any place that an offender may stay for a period of more than three days even though the sex offender maintains a separate permanent address or temporary domicile;
(4) Minor means a person under eighteen years of age;
(5) State DNA Database means the database established pursuant to section29-4104; and
(6) Temporary domicile means any place at which the person actually lives or stays for a period of at least three working days.

29-4002.
Legislative findings.
The Legislature finds that sex offenders present a high risk to commit repeat offenses. The Legislature further finds that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pleaded guilty to or have been found guilty of sex offenses and who live, work, or attend school in their jurisdiction. The Legislature further finds that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

29-4003.
Applicability of act.
(1)(a) The Sex Offender Registration Act applies to any person who on or after January 1, 1997:
(i) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any of the following:
(A) Kidnapping of a minor pursuant to section28-313, except when the person is the parent of the minor and was not convicted of any other offense in this section;
(B) False imprisonment of a minor pursuant to section28-314or28-315;
(C) Sexual assault pursuant to section28-319or28-320;
(D) Sexual abuse by a school employee pursuant to section28-316.01;
(E) Sexual assault of a child in the second or third degree pursuant to section28-320.01;
(F) Sexual assault of a child in the first degree pursuant to section28-319.01;
(G) Sexual abuse of a vulnerable adult or senior adult pursuant to subdivision (1)(c) of section28-386;
(H) Incest of a minor pursuant to section28-703;
(I) Pandering of a minor pursuant to section28-802;
(J) Visual depiction of sexually explicit conduct of a child pursuant to section28-1463.03or subdivision (2)(b) or (c) of section28-1463.05;
(K) Knowingly possessing any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers pursuant to subsection (1) or (4) of section28-813.01;
(L) Criminal child enticement pursuant to section28-311;
(M) Child enticement by means of an electronic communication device pursuant to section28-320.02;
(N) Debauching a minor pursuant to section28-805; or
(O) Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A) through (1)(a)(i)(N) of this section;
(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable offense under subdivision (1)(a)(i) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under section29-2264or any other procedure to nullify a conviction other than by pardon;
(iii) Is incarcerated in a jail, a penal or correctional facility, or any other public or private institution or is under probation or parole as a result of pleading guilty to or being found guilty of a registrable offense under subdivision (1)(a)(i) or (ii) of this section prior to January 1, 1997; or
(iv) Enters the state and is required to register as a sex offender under the laws of another village, town, city, state, territory, commonwealth, or other jurisdiction of the United States.
(b) In addition to the registrable offenses under subdivision (1)(a) of this section, the Sex Offender Registration Act applies to any person who on or after January 1, 2010:
(i)(A) Except as provided in subdivision (1)(b)(i)(B) of this section, has ever pled guilty to, pled nolo contendere to, or been found guilty of any of the following:
(I) Murder in the first degree pursuant to section28-303;

(II) Murder in the second degree pursuant to section28-304;
(III) Manslaughter pursuant to section28-305;
(IV) Assault in the first degree pursuant to section28-308;
(V) Assault in the second degree pursuant to section28-309;
(VI) Assault in the third degree pursuant to section28-310;
(VII) Stalking pursuant to section28-311.03;
(VIII) Violation of section28-311.08requiring registration under the act pursuant to subsection (6) of section28-311.08;
(IX) Kidnapping pursuant to section28-313;
(X) False imprisonment pursuant to section28-314or28-315;
(XI) Sexual abuse of an inmate or parolee in the first degree pursuant to section28-322.02;
(XII) Sexual abuse of an inmate or parolee in the second degree pursuant to section28-322.03;
(XIII) Sexual abuse of a protected individual pursuant to section28-322.04;
(XIV) Incest pursuant to section28-703;
(XV) Child abuse pursuant to subdivision (1)(d) or (e) of section28-707;
(XVI) Enticement by electronic communication device pursuant to section28-833; or
(XVII) Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed in subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
(B) In order for the Sex Offender Registration Act to apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V), (VI), (VII), (IX), and (X) of this section, a court shall have found that evidence of sexual penetration or sexual contact, as those terms are defined in section28-318, was present in the record, which shall include consideration of the factual basis for a plea-based conviction and information contained in the presentence report;
(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable offense under subdivision (1)(b)(i) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under section29-2264or any other procedure to nullify a conviction other than by pardon; or
(iii) Enters the state and is required to register as a sex offender under the laws of another village, town, city, state, territory, commonwealth, or other jurisdiction of the United States.
(c) In addition to the registrable offenses under subdivisions (1)(a) and (b) of this section, the Sex Offender Registration Act applies to any person who on or after January 1, 2020:
(i) Has ever pled guilty to, pled nolo contendere to, or been found guilty of sexual abuse of a detainee under section28-322.05; or
(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable offense under subdivision (1)(c)(i) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under section29-2264or any other procedure to nullify a conviction other than by pardon.
(d) In addition to the registrable offenses under subdivisions (1)(a), (b), and (c) of this section, the Sex Offender Registration Act applies to any person who on or after January 1, 2023:
(i) Has ever pled guilty to, pled nolo contendere to, or been found guilty of human trafficking under subsection (1) or (2) of section28-831, and the court determines either by notification of sex offender registration responsibilities or notation in the sentencing order that the human trafficking was sex trafficking or sex trafficking of a minor and not solely labor trafficking or labor trafficking of a minor; or
(ii) Has ever pled guilty to, pled nolo contendere to, or been found guilty of any offense that is substantially equivalent to a registrable offense under subdivision (1)(d)(i) of this section by any village, town, city, state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction, notwithstanding a procedure comparable in effect to that described under section29-2264or any other procedure to nullify a conviction other than by pardon.
(2) A person appealing a conviction of a registrable offense under this section shall be required to comply with the act during the appeals process.

29-4004.
Registration;
location; sheriff; duties; Nebraska State Patrol; duties; name-change order; treatment.
(1) Any person subject to the Sex Offender Registration Act
shall register within three working days after becoming subject to the act
at a location designated by the Nebraska State Patrol for purposes of accepting
such registration.
(2) Any person required to register under the act shall inform
the sheriff of the county in which he or she resides, in person, and complete
a form as prescribed by the Nebraska State Patrol for such purpose, if he

or she has a new address, temporary domicile, or habitual living location, within three working days before the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

(3) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she has a new address, temporary domicile, or habitual living location in a different county in this state, within three working days before the address change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location within the State of Nebraska, the division shall notify the sheriff of each affected county of the new address, temporary domicile, or habitual living location, within three working days. The person shall report to the county sheriff of his or her new county of residence and register with such county sheriff within three working days after the address change.

(4) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she moves to a new out-of-state address, within three working days before the address change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location outside of the State of Nebraska, the division shall notify the sheriff of each affected county in Nebraska and the other state's, country's, or territory's central repository for sex offender registration of the new out-of-state address, temporary domicile, or habitual living location, within three working days.

(5) Any person required to register under the act who is employed, carries on a vocation, or attends school shall inform, in person, the sheriff of the county in which he or she is employed, carries on a vocation, or attends school and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff, in person, of any changes in employment, vocation, or school of attendance, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose.

(6) Any person required to register under the act who is residing, has a temporary domicile, or is habitually living in another state, and is employed, carries on a vocation, or attends school in this state, shall report and register, in person, with the sheriff of the county in which he or she is employed, carries on a vocation, or attends school in this state and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff of any changes in employment, vocation, or school of attendance, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. For purposes of this subsection:

(a) Attends school means enrollment in any educational institution

in this state on a full-time or part-time basis; and
(b) Is employed or carries on a vocation means any full-time or part-time employment, with or without compensation, which lasts for a duration of more than fourteen days or for an aggregate period exceeding thirty days in a calendar year.
(7) Any person incarcerated for a registrable offense under section29-4003in a jail, penal or correctional facility, or other public or private institution shall be registered by the jail, penal or correctional facility, or public or private institution prior to his or her discharge, parole, furlough, work release, or release. The person shall be informed and information shall be obtained as required in section29-4006.
(8) Any person required to register or who is registered under the act, but is incarcerated for more than three working days, shall inform the sheriff of the county in which he or she is incarcerated, in writing, within three working days after incarceration, of his or her incarceration and his or her expected release date, if any such date is available. The sheriff shall forward the information regarding incarceration to the sex offender registration and community notification division of the Nebraska State Patrol immediately on the day on which it was received and in a manner prescribed by the Nebraska State Patrol for such purpose.
(9) Any person required to register or who is registered under the act who no longer has a residence, temporary domicile, or habitual living location shall report such change in person to the sheriff of the county in which he or she is located, within three working days after such change in residence, temporary domicile, or habitual living location. Such person shall update his or her registration, in person, to the sheriff of the county in which he or she is located, on a form approved by the sex offender registration and community notification division of the Nebraska State Patrol at least once every thirty calendar days during the time he or she remains without residence, temporary domicile, or habitual living location.
(10) Each registering entity shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose. The information shall be forwarded on forms furnished by the division. The division shall maintain a central registry of sex offenders required to register under the act. Any collected DNA samples shall be forwarded to the State DNA Database.
(11) The sex offender registration and community notification division of the Nebraska State Patrol shall determine whether a name-change order received from the clerk of a district court pursuant to section25-21,271is for a person in the central registry of sex offenders and, if so, shall include the changed name with the former name in the registry, file or cross-reference the information under both names, and notify the sheriff of the county in which such person then resides.

29-4005.
Registration duration; reduction in time; request; proof.
(1)(a) Except as provided in subsection (2) of this section, any person to whom the Sex Offender Registration Act applies shall be required to register during any period of supervised release, probation, or parole and shall continue to comply with the act for the period of time after the date of discharge from probation, parole, or supervised release or release from incarceration, whichever date is most recent, as set forth in subdivision (b) of this subsection. A sex offender shall keep the registration current for the full registration period but shall not be subject to verification procedures during any time the sex offender is in custody or under an inpatient

civil commitment, unless the sex offender is allowed a reduction in his or her registration period under subsection (2) of this section.
(b) The full registration period is as follows:
(i) Fifteen years, if the sex offender was convicted of a registrable offense under section29-4003not punishable by imprisonment for more than one year;
(ii) Twenty-five years, if the sex offender was convicted of a registrable offense under section29-4003punishable by imprisonment for more than one year; or
(iii) Life, if the sex offender was convicted of a registrable offense under section29-4003punishable by imprisonment for more than one year and was convicted of an aggravated offense or had a prior sex offense conviction or has been determined to be a lifetime registrant in another state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, by court-martial or other military tribunal, or by a foreign jurisdiction.
(2) A sex offender who is required to register for fifteen years may request a reduction in the registration period to ten years upon completion of ten years of the registration period after the date of discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. The sex offender shall make the request to the Nebraska State Patrol. The sex offender shall provide proof that, during such registration period, he or she:
(a) Was not convicted of any offense for which imprisonment for more than one year could have been imposed;
(b) Was not convicted of any sex offense;
(c) Successfully completed any period of probation, parole, supervised release, or incarceration; and
(d) Successfully completed an appropriate sex offender treatment program.
(3) Any time period when any person who is required to register under the act knowingly or willfully fails to comply with such registration requirement shall not be counted as completed registration time and shall be used to recalculate the registration period. The recalculation shall be completed by the sex offender registration and community notification division of the Nebraska State Patrol.

29-4006.
Registration format; contents; verification; name change; duties; information provided to sheriff; violation; warrant.
(1) Registration information required by the Sex Offender Registration Act shall be entered into a database in a format approved by the sex offender registration and community notification division of the Nebraska State Patrol and shall include, but not be limited to, the following information:
(a) The legal name and all aliases which the person has used or under which the person has been known;
(b) The person's date of birth and any alias dates of birth;
(c) The person's social security number;
(d) The address of each residence at which the person resides, has a temporary domicile, has a habitual living location, or will reside;
(e) The name and address of any place where the person is an employee or will be an employee, including work locations without a single worksite;
(f) The name and address of any place where the person is a student or will be a student;
(g) The license plate number and a description of any vehicle owned or operated by the person and its regular storage location;
(h) The person's motor vehicle operator's license number, including the person's valid motor vehicle operator's license or state identification card submitted for photocopying;
(i) The person's original travel and immigration documents submitted for photocopying;
(j) The person's original professional licenses or certificates submitted for photocopying;
(k) The person's telephone numbers;
(l) A physical description of the person;
(m) A digital link to the text of the provision of law defining the criminal offense or offenses for which the person is registered

under the act;
(n) Access to the criminal history of the person, including the date of all arrests and convictions, the status of parole, probation, or supervised release, registration status, and the existence of any outstanding arrest warrants for the person;
(o) A current photograph of the person;
(p) A set of fingerprints and palm prints of the person; and
(q) A DNA sample of the person.
(2) Except as provided in section29-4005, the registration information shall be verified as provided in subsections (3), (4), and (5) of this section for the duration of the registration period. The person shall appear in person for such verification at the office of the sheriff of the county in which he or she resides, has a temporary domicile, or is habitually living for purposes of accepting verifications and shall have his or her photograph and fingerprints taken upon request of verification personnel.
(3) A person required to register under the act for fifteen years shall report every twelve months in the month of his or her birth, in person, to the office of the sheriff of the county in which he or she resides for purposes of accepting verifications, regardless of the original registration month. The sheriff shall submit such verification information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.
(4) A person required to register under the act for twenty-five years shall report, in person, every six months to the office of the sheriff of the county in which he or she resides for purposes of accepting verification. The person shall report, in person, in the month of his or her birth and in the sixth month following the month of his or her birth, regardless of the original registration month. The sheriff shall submit such verification information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.
(5) A person required to register under the act for life shall report, in person, every three months to the office of the sheriff of the county in which he or she resides for purposes of accepting verification. The person shall report, in person, in the month of his or her birth and every three months following the month of his or her birth, regardless of the original registration month. The sheriff shall submit such verification information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.
(6) The verification form shall be signed by the person required to register under the act and state whether the address last reported to the division is still correct.
(7) Upon receipt of registration and confirmation of the registry requirement, the sex offender registration and community notification division of the Nebraska State Patrol shall notify the person by certified mail of his or her registry duration and verification schedule.
(8) If the person required to register under the act fails to report in person as required in subsection (3), (4), or (5) of this section, the person shall be in violation of this section.
(9) If the person required to register under the act falsifies the registration or verification information or form or fails to provide or timely update law enforcement of any of the information required to be provided by the Sex Offender Registration Act, the person shall be in violation of this section.
(10) The verification requirements of a person required to register under the act shall not apply during periods of such person's incarceration or inpatient civil commitment. Verification shall be resumed as soon as such person is placed on any type of supervised release, parole, or probation or outpatient civil commitment or is released from incarceration or civil commitment. Prior to any type of release from incarceration or inpatient civil commitment, the person shall report a change of address, in writing, to the sheriff of the county in which he or she is incarcerated and the sheriff of the county in which he or she resides, has a temporary domicile, or has a habitual living location. The sheriff shall submit the change of address to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.
(11) Any person required to register under the act shall, in person, inform the sheriff of any legal change in name within three working days after such change and provide a copy of the legal documentation supporting the change in name. The sheriff shall submit the information to the sex offender registration and community notification division of the Nebraska State Patrol, in writing, immediately after receipt of the information and in a manner prescribed by the Nebraska State Patrol for such purpose.
(12) At any time that a person required to register under the act violates the registry requirements and cannot be located, the registry information shall reflect that the person has absconded, a warrant shall be sought for the person's arrest, and the United States Marshals Service shall be notified.

29-4007.
Sentencing court; duties; Department of Correctional Services or local facility; Department of Motor Vehicles; notification requirements; Attorney General; approve form.
(1) When sentencing a person convicted of a registrable offense under section29-4003, the court shall:
(a) Provide written notification of the duty to register under the Sex Offender Registration Act at the time of sentencing to any defendant who has pled guilty or has been found guilty of a registrable offense under section29-4003. The written notification shall:
(i) Inform the defendant of whether or not he or she is subject to the act, the duration of time he or she will be subject to the act, and that he or she shall report to a location designated by the Nebraska State Patrol for purposes of accepting such registration within three working days after the date of the written notification to register;

(ii) Inform the defendant that if he or she moves to another address within the same county, he or she must report to the county sheriff of the county in which he or she is residing within three working days before his or her move;
(iii) Inform the defendant that if he or she no longer has a residence, temporary domicile, or habitual living location, he or she shall report such change in person to the sheriff of the county in which he or she is located within three working days after such change in residence, temporary domicile, or habitual living location;
(iv) Inform the defendant that if he or she moves to another county in the State of Nebraska, he or she must notify, in person, the county sheriff of the county in which he or she had been last residing, had a temporary domicile, or had a habitual living location and the county sheriff of the county in which he or she is residing, has a temporary domicile, or is habitually living of his or her current address. The notice must be given within three working days before his or her move;
(v) Inform the defendant that if he or she moves to another state, he or she must report, in person, the change of address to the county sheriff of the county in which he or she has been residing, has had a temporary domicile, or has had a habitual living location and must comply with the registration requirements of the state to which he or she is moving. The notice must be given within three working days before his or her move;
(vi) Inform the defendant that he or she shall (A) inform the sheriff of the county in which he or she resides, has a temporary domicile, or is habitually living, in person, of each educational institution at which he or she is employed, carries on a vocation, or attends school, within three working days after such employment or attendance, and (B) notify the sheriff of any change in such employment or attendance status of such person at such educational institution, within three working days;
(vii) Inform the defendant that he or she shall (A) inform the sheriff of the county in which the employment site is located, in person, of the name and address of any place where he or she is or will be an employee, within three working days after such employment, and (B) inform the sheriff of the county in which the employment site is located, in person, of any change in his or her employment;
(viii) Inform the defendant that if he or she goes to another state to work or goes to another state as a student and still resides, has a temporary domicile, or has a habitual living location in this state, he or she must comply with the registration requirements of both states;
(ix) Inform the defendant that fingerprints, palm prints, a DNA sample if not previously collected, and a photograph will be obtained by any registering entity in order to comply with the registration requirements;
(x) Inform the defendant of registry and verification locations; and
(xi) Inform the defendant of the reduction request requirements, if eligible, under section29-4005;
(b) Require the defendant to read and sign the registration form stating that the duty of the defendant to register under the Sex Offender Registration Act has been explained;
(c) Retain the original notification signed by the defendant; and
(d) Provide a copy of the filed notification, the information or amended information, and the sentencing order of the court to the county attorney, the defendant, the sex offender registration and community notification division of the Nebraska State Patrol, and the county sheriff of the county in which the defendant resides, has a temporary domicile, or has a habitual living location.
(2) When a person is convicted of a registrable offense under section29-4003and is not subject to immediate incarceration upon sentencing, prior to being released by the court, the sentencing court shall ensure that the defendant is registered by a Nebraska State Patrol office or other location designated by the patrol for purposes of accepting registrations.
(3)(a) The Department of Correctional Services or a city or county correctional or jail facility shall provide written notification of the duty to register pursuant to the Sex Offender Registration Act to any person committed to its custody for a registrable offense under section29-4003prior to the person's release from incarceration. The written notification shall:
(i) Inform the person of whether or not he or she is subject to the act, the duration of time he or she will be subject to the act, and that he or she shall report to a location designated by the Nebraska State Patrol for purposes of accepting such registration within three working days after the date of the written notification to register;
(ii) Inform the person that if he or she moves to another address within the same county, he or she must report all address changes, in person, to the county sheriff of the county in which he or she has been residing within three working days before his or her move;
(iii) Inform the defendant that if he or she no longer has a residence, temporary domicile, or habitual living location, he or she shall report such change in person to the sheriff of the county in which he or she is located within three working days after such change in residence, temporary domicile, or habitual living location;
(iv) Inform the person that if he or she moves to another county in the State of Nebraska, he or she must notify, in person, the county sheriff of the county in which he or she had been last residing, had a temporary domicile, or had a habitual living location and the county sheriff of the county in which he or she is residing, has a temporary domicile, or is habitually living of his or her current address. The notice must be given within three working days before his or her move;
(v) Inform the person that if he or she moves to another state, he or she must report, in person, the change of address to the county sheriff of the county in which he or she has been residing, has had a temporary domicile, or has been habitually living and must comply with the registration requirements of the state to which he or she is moving. The report must be given within three working days before his or her move;
(vi) Inform the person that he or she shall (A) inform the sheriff of the county in which he or she resides, has a temporary domicile, or is habitually living, in person, of each educational institution at which he or she is employed, carries on a vocation, or attends school, within three working days after such employment or attendance, and (B) notify the sheriff of any change in such employment or attendance status of such person at such educational institution, within three working days after such change;

(vii) Inform the person that he or she shall (A) inform the sheriff of the county in which the employment site is located, in person, of the name and address of any place where he or she is or will be an employee, within three working days after such employment, and (B) inform the sheriff of the county in which the employment site is located, in person, of any change in his or her employment;
(viii) Inform the person that if he or she goes to another state to work or goes to another state as a student and still resides, has a temporary domicile, or has a habitual living location in this state, he or she must comply with the registration requirements of both states;
(ix) Inform the defendant that fingerprints, palm prints, a DNA sample if not previously collected, and a photograph will be obtained by any registering entity in order to comply with the registration requirements;
(x) Inform the defendant of registry and verification locations; and
(xi) Inform the defendant of the reduction request requirements, if eligible, under section29-4005.
(b) The Department of Correctional Services or a city or county correctional or jail facility shall:
(i) Require the person to read and sign the notification form stating that the duty to register under the Sex Offender Registration Act has been explained;
(ii) Retain a signed copy of the written notification to register; and
(iii) Provide a copy of the signed, written notification to register to the person and to the sex offender registration and community notification division of the Nebraska State Patrol.
(4) If a person is convicted of a registrable offense under section29-4003and is immediately incarcerated, he or she shall be registered as required under the act prior to discharge, parole, or work release.
(5) The Department of Motor Vehicles shall cause written notification of the duty to register to be provided on the applications for a motor vehicle operator's license and for a commercial driver's license.
(6) All written notification as provided in this section shall be on a form approved by the Attorney General.

29-4008.
False or misleading
information prohibited; updates
required.
No person subject to the
Sex Offender Registration Act shall knowingly and willfully furnish any false
or misleading information in the registration or fail to provide or timely update law enforcement of
any of the information required to be provided by the act.

29-4009.
Information not confidential; limit on disclosure.
(1) Information obtained under
the Sex Offender Registration Act shall not be
confidential, except that the following information shall only
be disclosed to law enforcement agencies, including federal or state probation
or parole agencies, if appropriate:
(a) A sex
offender's social security number;
(b) Any references to arrests of a sex
offender that did not result in conviction;
(c) A sex offender's travel or immigration
document information;
(d) A sex offender's remote communication device identifiers and
addresses;
(e) A sex offender's email addresses, instant messaging identifiers,
chat room identifiers, global unique identifiers, and other Internet communication
identifiers;
(f) A sex offender's telephone numbers;
(g) A sex offender's
motor vehicle operator's license information or state identification card
number; and
(h) The name of any employer of a sex offender.
(2) The identity of any victim
of a sex offense shall not be released.
(3) The
release of information authorized by this section shall conform with the rules
and regulations adopted and promulgated by the Nebraska State Patrol pursuant
to section29-4013.

29-4011.
Violations; penalties; investigation and enforcement.
(1) Any person required to register under the Sex Offender Registration Act who violates the act is guilty of a Class IIIA felony.
(2) Any person required to register under the act who violates the act and who has previously been convicted of a violation of the act is guilty of a Class IIA felony and shall be sentenced to a mandatory minimum term of at least one year in prison unless the violation which caused the person to be placed on the registry was a misdemeanor, in which case the violation of the act shall be a Class IIIA felony.
(3) Any law enforcement agency with jurisdiction in the area in which a person required to register under the act resides, has a temporary domicile, maintains a habitual living location, is employed, carries on a vocation, or attends school shall investigate and enforce violations of the act.

29-4012.
Immunity from liability.
Law enforcement officials, their employees, and state officials shall be immune from liability for good faith conduct under the Sex Offender Registration Act.

29-4013.
Rules and regulations;
release of information; duties; access
to public notification information; access to documents.
(1) The Nebraska State Patrol shall adopt and promulgate
rules and regulations to carry out the registration provisions of the Sex
Offender Registration Act.
(2)(a) The Nebraska State Patrol shall adopt and promulgate
rules and regulations for the release of information pursuant to section29-4009.
(b) The procedures for release
of information established by the Nebraska State Patrol shall provide for law enforcement and public notification using electronic systems.
(3) Information
concerning the address or whereabouts of a sex offender may be disclosed to
his or her victim or victims.
(4) The following shall have access to public notification
information: Any agency responsible for conducting employment-related background
checks under section 3 of the National Child Protection Act of 1993, 42 U.S.C.
5119a; any social service entity responsible for protecting minors in the
child welfare system; any volunteer organization in which contact with minors
or other vulnerable individuals might occur; any public housing agency in
each area in which a registered sex offender resides or is an employee or
a student; any governmental agency conducting confidential background checks
for employment, volunteer, licensure, or certification purposes; and any health
care provider who serves children or vulnerable adults for the purpose of
conducting confidential background checks for employment. If any
means of notification proposes a fee for usage, then nonprofit organizations
holding a certificate of exemption under section 501(c) of the Internal Revenue
Code shall not be charged.
(5) Personnel for the sex
offender registration and community notification division of the Nebraska
State Patrol shall have access to all documents that are generated by any
governmental agency that may have bearing on sex offender registration and community notification. This may include, but is not limited to, law enforcement reports, presentence reports, criminal
histories, birth
certificates, or death certificates.
The division shall not be charged for access to documents under this subsection. Access to such documents will ensure that a fair determination of what is an appropriate
registration period is completed using the totality of all information
available.
(6) Nothing in subsection
(2) of this section shall be construed to prevent law enforcement officers
from providing community notification concerning any person who poses a danger

under circumstances that are not provided for in the Sex Offender Registration Act.

29-4014.
Person committed to Department of Correctional Services; attend sex offender treatment and counseling programming.
Any person convicted of a crime requiring registration as a sex offender pursuant to section29-4003and committed to the Department of Correctional Services shall attend appropriate sex offender treatment and counseling programming offered by the department. Refusal to participate in such programming shall not result in disciplinary action or a loss of good time credit on the part of the offender but shall require a civil commitment evaluation pursuant to section83-174.02prior to the completion of his or her criminal sentence.

29-4015.
Act, how cited.
Sections29-4015to29-4017shall be known and may be cited as the Sexual Predator Residency Restriction Act.

29-4016.
Terms, defined.
For purposes of the Sexual Predator Residency Restriction Act:
(1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
(2) Political subdivision means a village, a city, a county, a school district, a public power district, or any other unit of local government;
(3) School means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Chapter 79;
(4) Sex offender means an individual who has been convicted of a crime listed in section29-4003and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
(5) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in section29-4001.01, and who has victimized a person eighteen years of age or younger.

29-4017.
Political subdivision restrictions on sex offender residency; requirements.
(1) A political subdivision may enact an ordinance, resolution, or other legal restriction prescribing where sex offenders may reside only if the restrictions are limited to sexual predators, extend no more than five hundred feet from a school or child care facility, and meet the requirements of subsection (2) of this section.
(2) An ordinance, resolution, or other legal restriction enacted by a political subdivision shall not apply to a sexual predator who:
(a) Resides within a prison or a correctional or treatment facility operated by the state or a political subdivision;
(b) Established a residence before July 1, 2006, and has not moved from that residence; or
(c) Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.
(3) Any ordinance, resolution, or other legal restriction prescribing where sex offenders may reside which does not meet the requirements of this section is void, regardless of whether such ordinance, resolution, or legal restriction was adopted prior to, on, or after July 14, 2006.

29-4018.
Offense requiring civil commitment evaluation; sentencing court; duties.
When sentencing a person convicted of an offense which requires a civil commitment evaluation pursuant to section83-174.02, the sentencing court shall:
(1) Provide written notice to the defendant that a civil commitment evaluation is required prior to his or her release from incarceration;
(2) Require the defendant to read and sign a form stating that the defendant has been informed that a civil commitment evaluation is required prior to his or her release from incarceration; and
(3) Retain a copy of the written notification signed by the defendant.

29-4019.
Offense requiring lifetime community supervision; sentencing court; duties.
(1) When sentencing a person convicted of an offense which requires lifetime community supervision upon release pursuant to

section83-174.03, the sentencing court shall:
(a) Provide written notice to the defendant that he or she shall be subject to lifetime community supervision by the Division of Parole Supervision upon release from incarceration or civil commitment. The written notice shall inform the defendant (i) that he or she shall be subject to lifetime community supervision by the division upon release and that the division shall conduct a risk assessment and evaluation to determine the conditions of community supervision which will minimize, in the least restrictive manner that is compatible with public safety, the risk of the defendant committing additional offenses, (ii) that a violation of any of the conditions of community supervision imposed by the division may result in the revision of existing conditions, the addition of new conditions, a recommendation that civil commitment proceedings should be instituted, or criminal prosecution, and (iii) of his or her right to challenge the determination of the conditions of community supervision by the division and the right to a periodic review of the conditions of community supervision pursuant to section83-174.03to determine if the conditions are still necessary to protect the public;
(b) Require the defendant to read and sign a form stating that the duty of the defendant to comply with the conditions of community supervision and his or her rights to challenge the conditions of community supervision imposed by the division has been explained; and
(c) Retain a copy of the written notification signed by the defendant.
(2) Prior to the release of a person serving a sentence for an offense requiring lifetime community supervision by the Division of Parole Supervision pursuant to section83-174.03, the Department of Correctional Services, the Department of Health and Human Services, or a city or county correctional or jail facility shall:
(a) Provide written notice to the person that he or she shall be subject to lifetime community supervision by the division upon release from incarceration. The written notice shall inform the person (i) that he or she shall be subject to lifetime community supervision by the division upon release and that the division shall conduct a risk assessment and evaluation of the defendant to determine the conditions of community supervision which will minimize, in the least restrictive manner that is compatible with public safety, the risk of the person committing additional offenses, (ii) that a violation of any of the conditions of community supervision imposed by the division may result in the revision of existing conditions, the addition of new conditions, a recommendation that civil commitment proceedings should be instituted, or criminal prosecution, and (iii) of his or her right to challenge the determination of the conditions of community supervision by the division and the right to a periodic review of the conditions of community supervision pursuant to section83-174.03to determine if the conditions are still necessary to protect the public;
(b) Require the defendant to read and sign a form stating that the duty of the defendant to comply with the conditions of community supervision and his or her right to challenge the conditions of community supervision imposed by the division has been explained; and
(c) Retain a copy of the written notification signed by the person.

29-4101.
Act, how cited.
Sections29-4101to29-4115.01shall be known
and may be cited as the DNA Identification Information Act.

29-4102.
Legislative findings.
The Legislature finds that DNA data banks are an important
tool in criminal investigations, in the exclusion of individuals who are the
subject of criminal investigations or prosecutions, in deterring and detecting
recidivist acts, and in locating and identifying missing persons and human
remains. Several states have enacted laws requiring persons convicted of certain
crimes to
provide genetic samples for DNA typing tests. Moreover, it is the policy of
this state to assist federal, state, and local criminal justice and law enforcement
agencies in the identification and detection of individuals in criminal investigations
and in locating and identifying missing persons and human remains. It is in
the best interest of this state to establish a State DNA Database for DNA
records and a State DNA Sample Bank as a repository for DNA samples from individuals
convicted of felony offenses
and other specified offenses and from individuals for purposes of assisting
in locating and identifying missing persons and human remains.

29-4103.
Terms, defined.
For purposes of the DNA Identification Information Act:
(1) Combined DNA Index System means the Federal Bureau of Investigation's national DNA identification index system that allows

the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;
(2) DNA means deoxyribonucleic acid which is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;
(3) DNA record means the DNA identification information stored in the State DNA Database or the Combined DNA Index System which is derived from DNA typing test results;
(4) DNA sample means a blood, tissue, or bodily fluid sample provided by any person covered by the DNA Identification Information Act for analysis or storage, or both;
(5) DNA typing tests means the laboratory procedures which evaluate the characteristics of a DNA sample which are of value in establishing the identity of an individual;
(6) Law enforcement agency includes a police department, a town marshal, a county sheriff, and the Nebraska State Patrol;
(7) Other specified offense means misdemeanor stalking pursuant to sections28-311.02to28-311.05or false imprisonment in the second degree pursuant to section28-315or an attempt, conspiracy, or solicitation to commit stalking pursuant to sections28-311.02to28-311.05, false imprisonment in the first degree pursuant to section28-314, false imprisonment in the second degree pursuant to section28-315, knowing and intentional sexual abuse of a vulnerable adult or senior adult pursuant to subdivision (1)(c) of section28-386, or a violation of the Sex Offender Registration Act pursuant to section29-4011; and
(8) Released means any release, parole, furlough, work release, prerelease, or release in any other manner from a prison, a jail, or any other detention facility or institution.

29-4104.
State DNA Database; established; contents; Nebraska State Patrol; duties.
The State DNA Database is established. The Nebraska State Patrol shall administer the State DNA Database and shall provide DNA records to the Federal Bureau of Investigation for storage and maintenance in the Combined DNA Index System. The patrol shall provide for liaison with the Federal Bureau of Investigation and other law enforcement agencies in regard to the state's participation in the Combined DNA Index System. The State DNA Database shall store and maintain DNA records related to:
(1) Forensic casework, including, but not limited to, forensic casework relating to missing persons, relatives of missing persons, and unidentified human remains;
(2) Convicted offenders required to provide a DNA sample under the DNA Identification Information Act;
(3) Anonymous DNA records used for research or quality control; and
(4) Missing persons, relatives of missing persons, and unidentified human remains.

29-4105.
DNA samples and records; access restrictions; Nebraska State Patrol; duties.
(1) The Nebraska State Patrol shall prescribe procedures to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples in the State DNA Sample Bank and DNA records in the State DNA Database. These procedures shall include quality assurance guidelines for laboratories which submit DNA records to the State DNA Database and shall also require that all laboratories be accredited by the American Society of Crime Laboratory Directors-LAB-Laboratory Accreditation Board or the National Forensic Science Technology Center or by any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than those of the society or center. The State DNA Database shall be compatible with the procedures specified by the Federal Bureau of Investigation, including the use of comparable test procedures, laboratory equipment, supplies, and computer software. The DNA records shall be securely stored in the State DNA Database and retained in a manner consistent with the procedures established by the Federal Bureau of Investigation.
(2) The Nebraska State Patrol may contract with the University of Nebraska Medical Center to establish the State DNA Sample Bank at the medical center and for DNA typing tests. The State DNA Sample Bank shall serve as the repository of DNA samples collected under the DNA Identification Information Act and other forensic casework. Any such contract shall require that the University of Nebraska Medical Center be subject to the same restrictions and requirements of the act, insofar as applicable, as the Nebraska State Patrol, as well as any additional restrictions imposed by the patrol.
(3) The DNA samples and DNA records shall only be used by the Nebraska State Patrol (a) to create a separate population database comprised of DNA records obtained after all personal identification is removed and (b) for quality assurance, training, and research purposes related to human DNA identification. The patrol may share or disseminate the population database with other law enforcement agencies or forensic DNA laboratories which assist the patrol with statistical databases. The population database may be made available to and searched by other agencies participating in the Combined DNA Index System.
(4) Except for records and samples expunged under section29-4109, the Nebraska State Patrol shall permanently retain DNA samples and records of an individual obtained under section29-4106. Any other DNA samples and records related to forensic casework, other than those used for research or quality control, shall not be permanently retained but shall be retained only as long as needed for a criminal investigation or criminal prosecution.
(5) If the Nebraska State Patrol determines after analysis that a forensic sample has been submitted by an individual who has been eliminated as a suspect in a crime, the patrol or the law enforcement agency which submitted the sample shall destroy the DNA sample and record in the presence of a witness. After destruction, the patrol or law enforcement agency shall make and keep a written record of the destruction, signed by the individual who witnessed the destruction. After the patrol or the law enforcement agency destroys the DNA sample and record, it shall notify the individual if he or she is not a minor or the parent or legal guardian

of a minor by certified mail that the sample and record have been destroyed. Destruction of a DNA sample and record under this section shall not be considered the offense of tampering with physical evidence under section28-922.

29-4106.
Person subject
to DNA sample; payment of costs.
(1) A person who
is convicted of a felony offense or other specified offense on or after July
15, 2010, who does not have a DNA sample available for use in the State DNA
Sample Bank, shall, at his or her own expense, have a DNA sample collected:
(a) Upon intake to a prison, jail, or other detention facility
or institution to which such person is sentenced. If the person is already
confined at the time of sentencing, the person shall have a DNA sample collected
immediately after the sentencing. Such DNA sample shall be collected
at the place of incarceration or confinement. Such person shall not be released
unless and until a DNA sample has been collected; or
(b) As a condition for any sentence which will not involve
an intake into a prison, jail, or other detention facility or institution.
Such DNA samples shall be collected
as follows:
(i) In any
county containing a city of the metropolitan class, a person placed on probation
or who received a penalty of a fine or time served shall have such DNA sample
collected by a probation officer at a probation office. Such person shall
not be released unless and until a DNA sample has been collected; and
(ii) In all other counties, a person placed
on probation shall have such DNA sample collected by a probation officer at
a probation office, and a person not placed on probation who receives a penalty
of a fine or time served shall have such DNA sample collected by
the county sheriff. Such person shall not be released unless and
until a DNA sample has been collected.
(2) A person who has been convicted of a felony offense or
other specified offense before July 15, 2010, who does not have a DNA sample
available for use in the State DNA Sample Bank, and who is still serving a
term of confinement or probation for such felony offense or other specified
offense on July 15, 2010, shall not be released prior to the expiration of
his or her maximum term of confinement or revocation or discharge from his
or her probation unless and until a DNA sample has been collected.
(3) A person who is serving a term of probation and has a
DNA sample collected pursuant to this section shall pay all costs associated
with the collection of the DNA sample.
(4) If the
court waives the cost of taking a DNA sample for any reason, a county jail
or other county detention facility or institution collecting the DNA sample
shall not be held financially responsible for the cost of the DNA sample kit.

29-4106.01.
DNA samples; collection method choice.
A person required to submit a DNA sample pursuant to section29-4106shall be given the choice of having the sample collected by a blood draw or a buccal cell collection kit. Any person who collects a DNA sample pursuant to section29-4106shall honor the choice of collection method made by the person providing the DNA sample. If the person required to submit the DNA sample does not indicate a preference as to the method of collection, either method may be used to collect the sample.

29-4107.
DNA samples; persons authorized to
obtain samples; immunity.
(1) Only individuals (a) who are
physicians or registered nurses, (b) who are trained to withdraw human blood
for scientific or medical purposes and are obtaining blood specimens while
working under orders of or protocols and procedures approved by a physician,

registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens, or (c) who are both employed by a licensed institution or facility and have been trained to withdraw human blood for scientific or medical purposes shall withdraw blood for a DNA blood sample under the DNA Identification Information Act. Withdrawal of blood shall be performed in a medically approved manner using a collection kit provided or accepted by the Nebraska State Patrol. The collection of buccal cell samples shall be performed by any person approved or designated by the Nebraska State Patrol and using a collection kit provided or accepted by the Nebraska State Patrol.

(2) In addition to the DNA sample, one thumb print or fingerprint shall be taken from the person from whom the DNA sample is being collected for the exclusive purpose of verifying the identity of such person. The DNA sample and the thumb print or fingerprint shall be delivered to the Nebraska State Patrol within five working days after collecting the sample unless the DNA sample was collected from buccal cell samples, in which case the DNA sample shall be delivered within ten working days after collecting the sample.

(3) A person authorized to collect DNA samples under the act is not criminally liable for collecting a DNA sample and transmitting DNA records pursuant to the act if he or she performs these activities in good faith and is not civilly liable for such activities if he or she performed such activities in a reasonable manner according to generally accepted medical standards for blood samples or in accordance with the collection kit and procedures approved by the Nebraska State Patrol for tissue samples.

29-4108.

DNA samples and DNA records; confidentiality.

(1) All DNA samples and DNA records submitted to the State DNA Sample Bank or the State DNA Database are confidential except as otherwise provided in the DNA Identification Information Act. The Nebraska State Patrol shall make DNA records in the State DNA Database available:

(a) To law enforcement agencies and forensic DNA laboratories which serve such agencies and which participate in the Combined DNA Index System; and

(b) Upon written or electronic request and in furtherance of an official investigation of a criminal offense or offender or suspected offender.

(2) The Nebraska State Patrol shall adopt and promulgate rules and regulations governing the methods of obtaining information from the State DNA Database and the Combined DNA Index System and procedures for verification of the identity and authority of the requester.

(3) The Nebraska State Patrol may, for good cause shown, revoke or suspend the right of a forensic DNA laboratory in this state to have access to or submit records to the State DNA Database.

(4) For purposes of this subsection, person means a law enforcement agency, the Federal Bureau of Investigation, any forensic DNA laboratory, or person. No records or DNA samples shall be provided to any person unless such person enters into a written agreement with the Nebraska State Patrol to comply with the provisions of section29-4109relative to expungement, when notified by the Nebraska State Patrol that expungement has been granted. Every person shall comply with the provisions of section29-4109within ten calendar days of receipt of such notice and certify in writing to the Nebraska State Patrol that such compliance has been effectuated. The Nebraska State Patrol shall provide notice of such certification to the person who was granted expungement.

29-4109.

DNA record; expungement; procedure.

A person whose DNA record has been included in the State DNA Database pursuant to the DNA Identification Information Act may request expungement on the grounds that the conviction on which the authority for including such person's DNA record was based has been reversed and the case dismissed. The Nebraska State Patrol shall purge all DNA records and identifiable information in the database pertaining to the person and destroy all DNA samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the final court order reversing and dismissing the conviction.

Within ten calendar days of granting expungement, the Nebraska State Patrol shall provide written notice of such expungement pursuant to subsection (4) of section29-4108, to any person to whom DNA records and samples have been made available. The Nebraska State Patrol shall establish procedures for providing notice of certification of expungement to the person who was granted expungement.

29-4110.

Unlawfully obtaining or possessing DNA samples or records; penalty.
(1) Any person who has possession of or access to individually identifiable DNA samples or DNA records in the State DNA Database or in the State DNA Sample Bank shall not disclose such samples or records in any manner to any person or agency not authorized to receive them knowing that such person or agency is not authorized to receive them.
(2) No person shall obtain individually identifiable DNA samples or DNA records from the State DNA Database or the State DNA Sample Bank without authorization to do so. Any person who knowingly violates this subsection is guilty of a Class III misdemeanor.

29-4111.
Unlawful disclosure for pecuniary gain; penalty; attorney's fees.
(1) Any person who has possession of or access to individually identifiable DNA samples or DNA records contained in the State DNA Database or in the State DNA Sample Bank and who for pecuniary gain for such person or for any other person discloses such samples and records in any manner to any person or agency not authorized to receive them is guilty of a Class III misdemeanor.
(2) Any person aggrieved by a knowing violation of this section has the substantive right to bring an action for damages for such violation in a court of competent jurisdiction. A person found by the court to have been aggrieved by a knowing violation of this section may receive damages of not less than one hundred dollars for each violation and may recover the reasonable costs of the litigation and attorney's fees.

29-4112.
Injunction.
The Nebraska State Patrol or any other aggrieved individual or agency may institute an action in a court of proper jurisdiction against any person, including law enforcement agencies, to enjoin such person or agency from violating the DNA Identification Information Act.

29-4113.
DNA samples; additional offenses; Nebraska State Patrol; duties.
The Nebraska State Patrol may recommend to the Legislature that the Legislature enact legislation for the inclusion of additional offenses for which DNA samples shall be collected and otherwise subjected to the DNA Identification Information Act. In determining whether to recommend additional offenses, the Nebraska State Patrol shall consider those offenses for which DNA testing will have a substantial impact on the detection and identification of sexual offenders and violent offenders.

29-4114.
Rules and regulations.
The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the DNA Identification Information Act.

29-4115.
Act; how construed.
Except as provided in section29-4105, the DNA Identification Information Act shall not limit or abrogate any existing authority of peace officers to collect, maintain, store, and utilize DNA samples for law enforcement purposes.

29-4115.01.
State DNA Sample and Database Fund; created; use; investment.
The State DNA Sample and Database Fund is created. The fund shall be maintained by the Nebraska State Patrol and administered by the Superintendent of Law Enforcement and Public Safety. The fund shall consist of any funds transferred to the fund by the Legislature or made available by any department or agency of the United States Government if so directed by such department or agency. The fund shall be used to pay the expenses of the Department of Correctional Services and the Nebraska State Patrol as needed to collect DNA samples as provided in section29-4106. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

29-4116.
Act, how cited.
Sections29-4116to29-4125shall be known and may be cited as the DNA Testing Act.

29-4117.
Legislative intent.
It is the intent of the Legislature that wrongfully convicted persons have an opportunity to establish their innocence through deoxyribonucleic acid, DNA, testing.

29-4118.
Legislative findings.

The Legislature finds and declares:
(1) Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying persons when biological material is found at a crime scene or transferred from the victim to the person responsible and transported from the crime scene;
(2) Because of its scientific precision and reliability, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA may not conclusively establish guilt or innocence but may have significant probative value to a finder of fact;
(3) While DNA testing is increasingly commonplace in pretrial investigations currently, it was not widely available in cases prior to 1994. Moreover, new forensic DNA testing procedures, such as polymerase chain reaction amplification, DNA short tandem repeat analysis, and mitochondrial DNA analysis, make it possible to obtain results from minute samples that previously could not be tested and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce. As a result, in some cases, convicted inmates have been exonerated by new DNA tests after earlier tests had failed to produce definitive results;
(4) Because DNA testing is often feasible on relevant biological material that is decades old, it can in some circumstances prove that a conviction which predated the development of DNA testing was based upon incorrect factual findings. DNA evidence produced even decades after a conviction can provide a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial. DNA testing, therefor, can and has resulted in postconviction exoneration of innocent men and women;
(5) In the past decade, there have been multiple postconviction exonerations in the United States and Canada based upon DNA testing. In addition, a disturbing number of persons sentenced to death have been exonerated through postconviction DNA testing, some of these exonerations coming within days of their execution date;
(6) DNA testing responds to serious concerns regarding wrongful convictions, especially those arising out of mistaken eyewitness identification testimony; and
(7) There is a compelling need to ensure the preservation of biological material for postconviction DNA testing, for a limited period.

29-4119.
Exculpatory evidence, defined.
For purposes of the DNA Testing Act, exculpatory evidence means evidence which is favorable to the person in custody and material to the issue of the guilt of the person in custody.

29-4120.
DNA testing; procedure.
(1) Notwithstanding any other provision of law, a person in custody pursuant to the judgment of a court may, at any time after conviction, file a motion, with or without supporting affidavits, in the court that entered the judgment requesting forensic DNA testing of any biological material that:
(a) Is related to the investigation or prosecution that resulted in such judgment;
(b) Is in the actual or constructive possession or control of the state or is in the possession or control of others under circumstances likely to safeguard the integrity of the biological material's original physical composition; and
(c) Was not previously subjected to DNA testing or can be subjected to retesting with more current DNA techniques that provide a reasonable likelihood of more accurate and probative results.
(2) Notice of such motion shall be served by the person in custody upon the county attorney of the county in which the prosecution was held.
(3) Upon receiving notice of a motion filed pursuant to subsection (1) of this section, the county attorney shall take such steps as are necessary to ensure that any remaining biological material that was secured by the state or a political subdivision in connection with the case is preserved pending the completion of proceedings under the DNA Testing Act.
(4) The county attorney shall prepare an inventory of all evidence that was secured by the state or a political subdivision in connection with the case and shall submit a copy of the inventory to the person or the person's counsel and to the court. If evidence is intentionally destroyed after notice of a motion filed pursuant to this section, the court shall impose appropriate sanctions, including criminal contempt.
(5) Upon consideration of affidavits or after a hearing, the court shall order DNA testing pursuant to a motion filed under subsection (1) of this section upon a determination that (a)(i) the biological material was not previously subjected to DNA testing or (ii) the biological material was tested previously, but current technology could provide a reasonable likelihood of more accurate and probative results, (b) the biological material has been retained under circumstances likely to safeguard the integrity of its original physical composition, and (c) such testing may produce noncumulative, exculpatory evidence relevant to the claim that the person was wrongfully convicted or sentenced.
(6) All forensic DNA tests shall be performed by a laboratory which is accredited by the American Society of Crime Laboratory Directors-LAB-Laboratory Accreditation Board or the National Forensic Science Technology Center or by any other national accrediting body or public agency which has requirements that are substantially equivalent to or more comprehensive than those of the society or center.

29-4121.
DNA testing; costs.
The cost of DNA testing ordered under subsection (5) of section29-4120shall be paid by the person filing the motion, unless the

court determines such person to be indigent. If the person filing such motion is determined by the court to be indigent, the costs shall be paid by the state in the following manner:
(1) If the Commission on Public Advocacy has been appointed to represent the person filing the motion, as determined under section29-4122, the costs of testing shall be paid by the commission from funds appropriated by the Legislature; and
(2) If the Commission on Public Advocacy has not been appointed to represent the person filing the motion, the court shall hold a hearing to determine the costs for DNA testing. The court shall order the commission to pay such costs. The order shall be forwarded by the clerk of the court to the commission, along with copies of all invoices for such DNA testing. Upon receipt, the commission shall pay such costs from funds appropriated by the Legislature.

29-4122.
Appointed counsel; when.
Upon a showing by the person that DNA testing may be relevant to the person's claim of wrongful conviction, the court shall appoint counsel for an indigent person as follows:
(1) The court shall first contact the chief counsel for the Commission on Public Advocacy to inquire if the commission is able to accept the appointment. If the chief counsel determines that the commission can accept the appointment, then the court shall appoint the commission pursuant to the County Revenue Assistance Act; and
(2) If the chief counsel declines the appointment because of a conflict of interest or the case would exceed the caseload standards set by the commission, then the court shall appoint an attorney licensed to practice law in this state with at least five years experience in felony litigation to represent the indigent person at all stages of the proceedings. Counsel appointed under this subdivision, other than the public defender, shall obtain leave of court before proceeding beyond an initial direct appeal to either the Court of Appeals or the Supreme Court to any further direct, collateral, or postconviction appeals to state or federal courts. Counsel appointed under this subdivision shall file an application for fees and expenses in the district court which appointed him or her for all fees and expenses reasonably necessary to permit him or her to effectively and competently represent the client. The court, upon hearing the application, shall fix reasonable attorney's fees and expenses. The court's order shall require that such fees and expenses be paid by the Commission on Public Advocacy from funds appropriated by the Legislature. Upon receipt of the order, the commission shall pay such fees and expenses in the full amount determined by the court.

29-4123.
DNA testing results; effect.
(1) The results of the final DNA or other forensic testing ordered under subsection (5) of section29-4120shall be disclosed to the county attorney, to the person filing the motion, and to the person's attorney.
(2) Upon receipt of the results of such testing, any party may request a hearing before the court when such results exonerate or exculpate the person. Following such hearing, the court may, on its own motion or upon the motion of any party, vacate and set aside the judgment and release the person from custody based upon final testing results exonerating or exculpating the person.
(3) If the court does not grant the relief contained in subsection (2) of this section, any party may file a motion for a new trial under sections29-2101to29-2103.

29-4124.
Act; how construed.
Nothing in the DNA Testing Act shall be construed to limit the circumstances under which a person may obtain DNA testing or other postconviction relief under any other provision of law.

29-4125.
Biological material; secured; when.
(1) Notwithstanding any other provision of law and subject to subsection (2) or (4) of this section, state agencies and political subdivisions shall preserve any biological material secured in connection with a criminal case for such period of time as any person remains incarcerated in connection with that case.
(2) State agencies or political subdivisions that have secured biological material for use in criminal cases may dispose of biological material before expiration of the period of time specified in subsection (1) of this section if:
(a) The state agency or political subdivision which secured the biological material for use in a criminal case notifies any person who remains incarcerated in connection with the case, such person's counsel of record, or if there is no counsel of record, the public defender, if applicable, in the county in which the judgment of conviction of such person was entered. The notice shall include:
(i) The intention of the state agency or political subdivision to dispose of the material after ninety days after receipt of the notice; and
(ii) The provisions of the DNA Testing Act;
(b) The person, such person's counsel of record, or the public defender does not file a motion under section29-4120within ninety days after receipt of notice under this section; and
(c) No other provision of law or court order requires that such biological material be preserved.
(3) The person, such person's counsel of record, or the public defender who receives notice under subdivision (2)(a) of this section, may, in lieu of a motion under section29-4120, request in writing to take possession of the biological material for the purpose of

having the material available for any future discovery of scientific or forensic techniques. Copies of any such written request shall be provided to both the court and to the county attorney. The costs of acquisition, preservation, and storage of any such material shall be at the expense of the person.
(4) The Department of Health and Human Services shall preserve biological material obtained for the purpose of determining the concentration of alcohol in a person's blood for two years unless a request is made for the retention of such material beyond such period in connection with a pending legal action.

29-4126.
Limitations on obtaining and using samples.
Notwithstanding any other provision of law:
(1) No DNA sample shall be obtained from any person for any law enforcement purpose in connection with an investigation of a crime without probable cause, a court order, or voluntary consent as described in subdivision (2) of this section;
(2) In the absence of probable cause, if any person is requested by a law enforcement person or agency to consent to the taking of a DNA sample in connection with a law enforcement investigation of a particular crime, such consent shall be deemed voluntary only if:
(a) The sample is knowingly and voluntarily given in connection with the investigation of a particular crime;
(b) The person was informed by a written advisory prepared by the law enforcement agency that the request may be refused and that such refusal does not provide probable cause or reasonable suspicion to believe that the person has committed a crime, and the person signs the advisory; and
(c) No threat, pressure, duress, or coercion of any kind was employed, whether (i) direct or indirect, (ii) express or implied, or (iii) physical or psychological;
(3) Any DNA sample obtained in violation of this section is not admissible in any proceeding for any purpose whatsoever;
(4) A person shall be notified in writing by the law enforcement agency immediately upon the determination that he or she has not been implicated by his or her DNA sample in the commission of the particular crime in connection with which the DNA sample was obtained;
(5) Except as authorized in subdivision (7) of this section, such sample and all identifying information pertaining to the person shall be delivered to the person within ten days after the notification required by subdivision (4) of this section with a written explanation that the materials are being turned over in compliance with this section;
(6) Except as authorized in subdivision (7) of this section, the law enforcement agency shall purge all records and identifiable information pertaining to the person specified in subdivisions (4) and (5) of this section;
(7) An accredited laboratory authorized to perform DNA testing under section29-4105shall be allowed to maintain the minimum records and supporting documentation of DNA tests that it has performed as needed for the sole purpose of complying with the laboratory accreditation standards as set forth by a national accrediting body or public agency;
(8) No record authorized for retention under subdivision (7) of this section shall be transferred, shared, or otherwise provided to any national, state, county, or local law enforcement agency unless such person has been implicated in the case by his or her DNA sample;
(9) Any aggrieved person may file an action in district court against any person, including any law enforcement agency, to enjoin such person or law enforcement agency from violating this section; and
(10) Any person aggrieved by a knowing violation of this section may bring an action in district court for damages. A person found by the court to be aggrieved by a violation of this section shall receive damages of not less than one thousand dollars and may recover reasonable costs and attorney's fees.
For purposes of this section, DNA means deoxyribonucleic acid.

29-4201.
Legislative intent.
It is the intent and purpose of sections29-4201to29-4207to authorize the usage of audiovisual court appearances and certain written waivers and pleas in
criminal proceedings consistent with the statutory and constitutional rights
guaranteed by the Constitution of the United States and the Constitution of
Nebraska.

29-4202.
Audiovisual court appearance; when permitted.
(1) Except for trials, when the appearance of a detainee or prisoner is required in any court at a nonevidentiary criminal proceeding, the detainee or prisoner may make an audiovisual court appearance. However, a judge or magistrate is not required to allow an audiovisual court appearance and may order the detainee or prisoner to appear physically in the courtroom.
(2) An audiovisual court appearance shall meet the conditions required by sections29-4201to29-4207.

29-4204.
Audiovisual communication system

and facilities; requirements.
The audiovisual communication
system and the facilities for an audiovisual court appearance shall:
(1) Operate so that the detainee or prisoner and the judge or magistrate
can see each other simultaneously and converse with each other verbally and
documents can be transmitted between the judge or magistrate and the detainee
or prisoner;
(2) Operate so that the detainee or prisoner and his or her counsel,
if any, are both physically in the same location during the audiovisual court
appearance; or if the
detainee or prisoner and his or her counsel are in different locations, operate
so that the detainee or prisoner and counsel can communicate privately and
confidentially and be allowed to confidentially transmit papers back and forth;
and
(3) Be at locations conducive to judicial proceedings. Audiovisual court
proceedings may be conducted in the courtroom, the judge's or magistrate's
chambers, or any other location suitable for audiovisual communications. The
locations shall be sufficiently lighted for use of the audiovisual equipment.
The location provided for the judge or magistrate to preside shall be accessible
to the public and shall be operated so that interested persons have an opportunity
to observe the proceeding.

29-4205.
Audiovisual court appearance; procedures.
In a proceeding in which an audiovisual court appearance is made:
(1) Facsimile signatures or electronically reproduced signatures are acceptable for purposes of releasing the detainee or prisoner from custody; however, actual signed copies of the release documents must be promptly filed with the court and the detainee or prisoner must promptly be provided with a copy of all documents which the detainee or prisoner signs;
(2) The record of the court reporting personnel shall be the official record of the proceeding; and
(3) On motion of the detainee or prisoner or the prosecuting attorney or in the court's discretion, the court may terminate an audiovisual appearance and require an appearance by the detainee or prisoner.

29-4206.
County
or district court; accept written waivers; when; form; use; effect.
(1) The county courts and district
courts may accept a written
waiver of preliminary hearing and a written waiver of arraignment
and plea of not guilty from any defendant. The
written waivers shall only be accepted if the defendant is represented by
counsel. The written waivers shall contain
the necessary consent and waiver of the right to a physical appearance and comply with subsection (2) of this section, shall be signed by the defendant and his or her counsel
of record, and
shall be filed with the clerk of the court.
(2) The written waivers
authorized under subsection (1) of this section shall be in substantially
the following form:
STATE OF NEBRASKA,PLEA OF NOT GUILTY/Plaintiff,WAIVER OF APPEARANCE-vs-Case No. .....,Arrest No. .....(Print or Type)Defendant
I, the defendant in the
above-entitled action, advise the court that I have retained .....
to represent me in this matter. I understand that I have been charged with
the following violation(s): ..... Preliminary Hearing Date or Arraignment Date ..... and in the event
that the charges have been amended or new charges added I wish to waive a
formal preliminary hearing or arraignment before the court and ask the court
to enter plea(s) of not guilty on my behalf. My attorney has advised me of
my rights: The right to trial and to a jury trial, if appropriate; my right
to confront accusers; to subpoena witnesses; to remain silent; to counsel;

to have this matter transferred to juvenile court, if appropriate; and my
right to be presumed innocent until proven guilty beyond reasonable doubt.
My attorney has also advised me of the possible penalties for the violations
with which I am charged, and the possibility that I will be required to make
restitution for damages, if appropriate.
I understand that my attorney will notify me of all
appearance dates in this matter.
Date: .....Defendant's Signature:
.....APPEARANCE OF COUNSEL
I, ...,
advise the court that I am the attorney of record for the above-named defendant.
I have advised my client of all rights and the possible penalties for the
charges filed against him or her. I understand that the court will expect
me to represent the defendant in all hearings before the court in this matter.
(Please Print or Type).....Attorney's Name.....Attorney's
Address.....(Telephone Number)(Attorney Number)Date:.....Attorney's
Signature:.....
(3) A defendant's use
of written forms under this section shall not prevent his or her right to
all other process, procedures, and defenses allowed by state and federal law.

29-4207.
Rules of practice and procedure.
The Supreme Court may promulgate rules of practice and procedure for implementation of sections29-4201to29-4207.

29-4301.
Legislative findings.
The Legislature finds that because of the fear and stigma that often results from crimes of sexual assault or domestic violence, and because of the risk of retaliatory violence by the perpetrator, many victims hesitate to seek help even when it is available at no cost to them. Without assurances that communications made while receiving assistance in overcoming the adverse effects of a sexual assault or domestic violence situation will be confidential and protected from disclosure, victims will be even more reluctant to seek assistance or to confide openly to their advocates and to explore legal and social remedies fully. As a result, victims may fail to receive needed vital care and counseling and thus lack the support, resources, and information necessary to recover from the crime, to report the crime, to assist in the prosecution of the crime, to participate effectively in the justice system, to achieve legal protections, and to prevent future sexual assaults and domestic violence. This is a matter of statewide concern, and the prevention of violence is for the protection of the health, safety, and welfare of the public.

29-4302.
Terms, defined.
For purposes of sections29-4301to29-4304:
(1) Advocate means any employee or supervised volunteer of a domestic violence and sexual assault victim assistance program or of any other agency, business, or organization that is not affiliated with a law enforcement or prosecutor's office, whose primary purpose is assisting domestic violence and sexual assault victims;
(2) Victim means a person who communicates with an advocate for assistance in overcoming the adverse effects of domestic violence or sexual assault; and
(3) Confidential communication means any written or spoken information exchanged between a victim and an advocate in private or in the presence of a third party who is necessary to facilitate communication or further the advocacy process and which is disclosed to the advocate for the purposes of overcoming the adverse effects of domestic violence or sexual assault.

29-4303.
Confidential communications; disclosure; when.
(1) A victim, an advocate without the consent of the victim, a third party as described in subdivision (3) of section29-4302without the consent of the victim, or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party, shall not be compelled to give testimony or to produce records concerning a confidential communication for any purpose in any criminal, civil, legislative, administrative, or other proceeding, except as follows:
(a) The party seeking disclosure of a confidential communication shall, in a criminal, civil, or administrative proceeding, file a motion that sets forth specifically the issues on which disclosure is sought and enumerates the reasons why the party is seeking disclosure and why disclosure is necessary, accompanied by an affidavit or affidavits containing specific information which establishes that the confidential communication constitutes relevant and material evidence in the case; and
(b) If the party seeking disclosure has complied with subdivision (a) of this subsection, the court or a hearing officer shall review the

confidential communication in camera and out of the presence and hearing of all persons, except the victim, the advocate, and any other person the victim is willing to have present, to determine whether a failure to disclose the confidential communication would violate the constitutional rights of the party seeking disclosure.
(2) An advocate, a victim, or a third party as described in subdivision (3) of section29-4302cannot be compelled to provide testimony in any criminal, civil, legislative, administrative, or other proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense that is the subject of the proceeding unless the facility is a party to the proceeding.

29-4304.
Confidential communications; waiver; sections, how construed.
(1) A victim does not waive the protections afforded by sections29-4301to29-4304by testifying in court about the offense, except that:
(a) If the victim partially discloses the contents of a confidential communication in the course of testifying, then either party may request the court to rule that justice requires the protections afforded by sections29-4301to29-4304be waived to the extent the protections apply to that portion of the confidential communication; and
(b) Any waiver shall apply only to the extent necessary to require any witness to respond to counsel's questions concerning a confidential communication that is relevant to the case.
(2) An advocate cannot waive the protections afforded a victim under sections29-4301to29-4304. However, if a victim brings suit against an advocate or the agency, business, or organization in which the advocate was employed or served as a volunteer at the time of the advocacy relationship, the advocate may testify or produce records regarding confidential communications with the victim and is not in violation of sections29-4301to29-4304.
(3) Sections29-4301to29-4304shall not relieve an advocate of any duty to report suspected adult abuse or neglect as required by section28-372or suspected child abuse or neglect as required by section28-711or any other legal duty to report a criminal or unlawful act.
(4) Sections29-4301to29-4304shall not be construed to limit any other testimonial privilege available to any person under the laws of this state.

29-4305.
Law enforcement agencies, prosecuting attorneys, and Office of Probation Administration; duties.
On or before July 1, 2005, all law enforcement agencies, prosecuting attorneys, and the Office of Probation Administration shall develop, adopt, promulgate, and implement written policies and procedures regarding crimes between intimate partners as defined in section28-323.

29-4306.
Collection of evidence; requirements.
Every health care professional as defined in section44-5418or any person in charge of any emergency room in this state:
(1) Shall utilize a standardized sexual assault evidence collection kit approved by the Attorney General; and
(2) Shall collect forensic evidence with the consent of the sexual assault or domestic violence victim without separate authorization by a law enforcement agency. If the sexual assault or domestic violence victim is eighteen years of age, the consent of or notification of the parent, parents, guardian, or any other person having custody of the sexual assault or domestic violence victim is not required.

29-4307.
City of the primary or metropolitan class; annual report.
On or before December 1, 2020, and annually thereafter, each city of the primary class and city of the metropolitan class shall make a report listing the number of untested sexual assault evidence collection kits for such city. The report shall contain aggregate data only and shall not contain any personal identifying information. The report shall be made publicly available on the city's website and shall be electronically submitted to the Attorney General and to the Legislature.

29-4308.
Act, how cited.
Sections29-4308to29-4315shall be known and may be cited as the Sexual Assault Victims' Bill of Rights Act.

29-4309.
Terms, defined.
For the purposes of the Sexual Assault Victims' Bill of Rights Act:
(1)(a) Advocate means:

(i) Any employee or supervised volunteer of a domestic violence and sexual assault victim assistance program or of any other agency, business, or organization that is not affiliated with a law enforcement or prosecutor's office, whose primary purpose is assisting domestic violence and sexual assault victims. This includes employees or supervised volunteers of an Indian tribe or a postsecondary educational institution;
(ii) A representative from a victim and witness assistance center as established in sections81-1845to81-1847or a similar entity affiliated with a law enforcement agency or prosecutor's office; or
(iii) An advocate who is employed by a child advocacy center that meets the requirements of subsection (2) of section28-728.
(b) If reasonably possible, an advocate shall speak the victim's preferred language or use the services of a qualified interpreter;
(2) Health care provider means any individual who is licensed, certified, or registered to perform specified health services consistent with state law;
(3) Sexual assault means a violation of section28-319,28-319.01,28-320,28-320.01,28-320.02,28-322.01,28-322.02,28-322.03,28-322.04,28-322.05,28-703, or28-1463.03, sex trafficking or sex trafficking of a minor under section28-831, or subdivision (1)(c) or (g) of section28-386or subdivision (1)(d), (e), or (f) of section28-707;
(4) Sexual assault forensic evidence means evidence collected by a health care provider contained within any sexual assault forensic evidence collection kit, including a toxicology kit, or any forensic evidence collected by law enforcement through the course of an investigation; and
(5)(a) Sexual assault victim or victim means any person who is a victim of sexual assault who reports such sexual assault:
(i) To a health care provider, law enforcement, or an advocate, including anonymous reporting as provided in section28-902; and
(ii) In the case of a victim who is under eighteen years of age, to the Department of Health and Human Services.
(b) Sexual assault victim or victim also includes, if the victim described in subdivision (5)(a) of this section is incompetent, deceased, or a minor who is unable to consent to counseling services, such victim's parent, guardian, or spouse, unless such person is the reported assailant.

29-4310.
Privileged communication; presence of others; effect; prosecutor; duty.
Notwithstanding any provision of Chapter 27, article 5, any communication with a victim which is privileged, whether by statute, court order, or common law, shall retain such privilege regardless of who is present during the communication so long as the victim has a privilege with respect to each individual present. Nothing in this section shall relieve the prosecutor of the prosecutor's duty to disclose and make known to the defendant or the defendant's attorney any and all exculpatory material or information suitable for impeachment which is known to the prosecutor.

29-4311.
Medical evidentiary or physical examinations; rights of victim.
(1) A victim has the right to have an advocate of the victim's choosing present during a medical evidentiary or physical examination. The health care provider shall contact the advocate before beginning the medical evidentiary or physical examination, unless declined by the victim. If an advocate cannot appear in a timely manner, the health care provider shall inform the victim of the potential impact of delaying the examination.
(2) A victim retains such right to have an advocate present at any time during any medical evidentiary or physical examination, regardless of whether the victim has previously waived such right.
(3) A victim has the right to a free forensic medical examination as provided in section81-1429.03without regard to whether a victim participates in the criminal justice system or cooperates with law enforcement.
(4) A victim has the right to be provided health care in accordance with best practices and established protocols for age-appropriate sexual assault forensic medical examinations as set forth in publications of the Office on Violence Against Women of the United States Department of Justice.
(5) A victim has the protection of confidential communications as provided in sections29-4301to29-4304.
(6) A victim has the right to shower at no cost after the medical evidentiary or physical examination, unless showering facilities are not available.
(7) A victim has the right to anonymous reporting as provided in section28-902.

29-4312.
Interview or deposition; rights of victim.
(1)(a) A victim has the right to have an advocate present during an interview by a peace officer, prosecutor, or defense attorney, unless no advocate can appear in a reasonably timely manner. In an interview involving a prosecutor, the prosecutor shall inform the victim of the victim's rights under this subsection. The peace officer, prosecutor, or defense attorney shall contact the advocate before beginning the interview, unless declined by the victim.
(b) A victim has the right to have an advocate present during a deposition as provided in sections29-1917and29-1926.
(c) An advocate present at an interview or deposition under this subsection shall not interfere in the interview or deposition or provide legal advice.
(d) Nothing in this subsection shall preclude law enforcement officers or prosecutors from contacting a victim directly to make

limited inquiries regarding the sexual assault.
(2) A victim has the right to be interviewed by a peace officer of the gender of the victim's choosing, if such request can be reasonably accommodated by a peace officer that is properly trained to conduct such interviews.
(3) A victim has the right to be interviewed by a peace officer that speaks the victim's preferred language or to have a qualified interpreter available, if such request can be reasonably accommodated.
(4) A peace officer, prosecutor, or defense attorney shall not, for any reason, discourage a victim from receiving a medical evidentiary or physical examination.
(5) A victim has the right to counsel. This subsection does not create a new obligation by the state or a political subdivision to appoint or pay for counsel. Treatment of the victim shall not be affected or altered in any way as a result of the victim's decision to exercise such right to counsel.
(6) A victim who is a child three to eighteen years of age has the right to a forensic interview at a child advocacy center by a professional with specialized training as provided in section28-728. The right to have an advocate, representative, or attorney present shall not apply during such a forensic interview.

29-4313.
Sexual assault forensic evidence; rights of victim.
(1) A victim has the right to timely analysis of sexual assault forensic evidence.
(2) Subject to section28-902, a health care provider shall notify the appropriate law enforcement agency of a victim's reported sexual assault and submit to law enforcement the sexual assault forensic evidence, if evidence has been obtained.
(3)(a) A law enforcement agency shall collect the sexual assault forensic evidence upon notification by the health care provider and shall retain the sexual assault forensic evidence for the longer of the statute of limitations applicable to the sexual assault or the retention period set forth in subsection (4) of section28-902.
(b)(i) Except as provided in subdivision (3)(b)(ii) of this section, no later than sixty days before expiration of the retention period described in subdivision (3)(a) of this section, the law enforcement agency shall notify the victim of any intended destruction or disposal of the sexual assault forensic evidence. Upon request by the victim, the law enforcement agency shall preserve the sexual assault forensic evidence for an additional twenty years.
(ii) Subdivision (3)(b)(i) of this section does not apply to sexual assault forensic evidence which has been provided anonymously.
(c) Each law enforcement agency which stores sexual assault forensic evidence shall have a written policy that details retention periods for sexual assault forensic evidence and methods for carrying out the notifications required by subdivision (3)(b) of this section.
(4) A victim has a right to contact the investigating law enforcement agency and be provided with information on the status of the processing and analysis of the victim's sexual assault forensic evidence, if the victim did not report anonymously.
(5) A victim has the right to have the results of the analysis of the victim's sexual assault forensic evidence uploaded to the appropriate local, state, and federal DNA databases, as allowed by law.
(6) A victim has the right to be informed by the investigating law enforcement agency, upon the victim's request, of the results of analysis of the victim's sexual assault forensic evidence, whether the analysis yielded a DNA profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a suspect already in the Federal Bureau of Investigation's Combined DNA Index System, so long as the provision of such information would not hinder or interfere with investigation or prosecution of the case associated with such information.
(7) A victim has the right to be informed, upon the victim's request, when there is any change in the status of the victim's case, including if a case has been closed or reopened.
(8) A victim has the right to inspect or request copies of law enforcement reports concerning the sexual assault at the conclusion of the case.

29-4314.
Sexual assault forensic evidence; uses prohibited.
Sexual assault forensic evidence from a victim shall not be used:
(1) To prosecute such victim for any misdemeanor crime or any crime under the Uniform Controlled Substances Act; or
(2) As a basis to search for further evidence of any misdemeanor crime or any crime under the Uniform Controlled Substances Act that may have been committed by the victim.

29-4315.
Explanation of rights; required, when; contents.
(1) Upon an initial interaction with a victim relating to or arising from a sexual assault of such victim, a health care provider or peace officer, and in the case of a victim under eighteen years of age, the Department of Health and Human Services, shall provide the victim with information that explains the rights of victims under the Sexual Assault Victims' Bill of Rights Act and other relevant law. The information shall be presented in clear language that is comprehensible to a person proficient in English at the fifth grade level, accessible to persons with visual disabilities, and available in all major languages spoken in this state. This information shall include, but not be limited to:
(a) A clear statement that a victim is not required to participate in the criminal justice system or to undergo a medical evidentiary or

physical examination in order to retain the rights provided by the act and other relevant law;
(b) Contact information for appropriate services provided by professionals in the fields of domestic violence and sexual assault, including advocates;
(c) State and federal relief available to victims of crime;
(d) Law enforcement protection available to the victim, including domestic violence protection orders, harassment protection orders, and sexual assault protection orders and the process to obtain such protection;
(e) Instructions for requesting information regarding the victim's sexual assault forensic evidence as provided in section29-4313; and
(f) State and federal compensation funds for medical and other costs associated with the sexual assault and information on any municipal, state, or federal right to restitution for a victim in the event of a conviction.
(2) The information to be provided under subsection (1) of this section shall be developed by the Attorney General and the Nebraska Commission on Law Enforcement and Criminal Justice with input from prosecutors, sexual assault victims, and organizations with a statewide presence with expertise on domestic violence, sexual assault, and child sexual assault.
(3) The information to be provided under subsection (1) of this section shall be made available for viewing and download on the websites of the Department of Health and Human Services and the Nebraska Commission on Law Enforcement and Criminal Justice. Other relevant state agencies are also encouraged to make such information available on their websites.

29-4316.
Criminal justice agencies and attorneys; maintain confidentiality of victim of sexual assault or sex trafficking.
(1) For purposes of this section:
(a) Criminal justice agency has the same meaning as in section29-3509;
(b) Sex trafficking means sex trafficking or sex trafficking of a minor in violation of section28-831; and
(c) Sexual assault means a violation of section28-319,28-319.01,28-320,28-320.01,28-320.02,28-322.01,28-322.02,28-322.03,28-322.04,28-322.05,28-703, or28-1463.03or subdivision (1)(c) or (g) of section28-386or subdivision (1)(d), (e), or (f) of section28-707.
(2) Except as provided in subsection (3) of this section, and unless otherwise required by statute, a criminal justice agency and any attorney involved in the investigation or prosecution of an alleged sexual assault or sex trafficking violation shall maintain the confidentiality of the identity and personal identifying information of the alleged victim. Such information may be shared by such criminal justice agencies and between such criminal justice agencies and attorneys as necessary to carry out their duties.
(3) The confidentiality required by subsection (2) of this section does not apply:
(a) To the extent waived by the alleged victim;
(b) If criminal charges involving the alleged sexual assault or sex trafficking are filed;
(c) If the victim has died as a result of, or in connection with, the alleged sexual assault or sex trafficking;
(d) In cases where personal identifying information or the identity of the victim are released as part of a child abduction alert system used by law enforcement agencies, such as the AMBER Alert system;
(e) To a person making a report of suspected child abuse or neglect as required in section28-711;
(f) To the sharing of reports and information regarding child abuse and neglect with a child abuse and neglect investigation team or child abuse and neglect treatment team provided for in section28-728;
(g) To the Department of Health and Human Services and other assisting agencies as necessary to carry out their duties in investigations of child abuse or neglect;
(h) To communication with an individual that an educational entity, as defined in section79-1201.01, has designated:
(i) As a Title IX coordinator; or
(ii) To receive reports related to sexual assault or sex trafficking or to provide supportive measures related to such reports; or
(i) To communication with advocates and health care providers as defined in section29-4309.

29-4317.
Health care provider, emergency medical services provider, laboratory, or pharmacy; provision of certain services related to sexual assault, domestic assault, or child abuse; acts prohibited.
(1) A health care provider, an emergency medical services provider, a laboratory, or a pharmacy providing medical services, transportation, medications, or other services related to the examination or treatment of injuries arising out of sexual assault as defined in section29-4309, domestic assault under section28-323, or child abuse under section28-707shall not:
(a) Refer a bill for such services to a collection agency or an attorney for collection against the victim or the victim's guardian or family;
(b) Distribute information regarding such services and status of payment in any way that would affect the credit rating of the victim or the victim's guardian or family; or
(c) Take any other action adverse to the victim or the victim's guardian or family on account of providing such services.
(2) This section shall not be construed to prevent an entity described in subsection (1) of this section from otherwise seeking payment for such services from the victim or any other source.
(3) If a collection agency or an attorney is referred a debt for a bill described in subsection (1) of this section, then upon notice of the applicability of this section, the collection agency or attorney shall return the debt to the referring health care provider, emergency medical services provider, laboratory, or pharmacy.

(4) No private cause of action shall exist under this section against a debt collector.

29-4401.
Presentence investigation; sentence suspension; probation; court orders; considerations.
(1) When any person is found guilty of a crime involving abuse as defined in section42-903, the judge shall order a presentence investigation to be completed and returned to the court for consideration at the time of sentencing.
(2) At the time of sentencing, the court shall consider the safety and protection of the victim of abuse and any member of the victim's family or household when suspending a sentence or granting probation.
(3) The court may order the convicted person to complete a domestic abuse intervention program at the convicted person's expense in addition to any other penalties.

29-4402.
House arrest; prohibited.
When a person is found guilty of a crime involving abuse as defined in section42-903, a court shall not order house arrest for the person in the residence of the victim, regardless of the ownership of the residence.

29-4501.
Legislative findings.
The Legislature finds that to electronically record statements made during a custodial interrogation is an effective way to document a free, knowing, voluntary, and intelligent waiver of a person's right to remain silent, to agree to answer questions, to decide to have an attorney present during such questioning, and to decide to have an attorney provided to such person if he or she cannot afford an attorney, as provided by the Constitution of the United States and the Constitution of Nebraska. Providing a record of the statement made during a custodial interrogation and any waiver of constitutional rights will reduce speculation and claims that may arise as to the content of the statement. Such a record of the content of the statement will aid law enforcement officers in analyzing and rejecting untruthful statements and will aid the factfinder in determining whether a statement was freely, knowingly, voluntarily, and intelligently made.

29-4502.
Terms, defined.
For purposes of sections29-4501to29-4508:
(1) Custodial interrogation has the meaning prescribed to it under the Fourth and Fifth Amendments to the Constitution of the United States and Article I, sections 3 and 7, of the Constitution of Nebraska, as interpreted by the United States Supreme Court and the Nebraska Supreme Court;
(2) Electronically record means to record using an audio recording device, a digital recording device, or a video recording device;
(3) Place of detention means a police station, sheriff's office, troop headquarters, courthouse, county attorney's office, juvenile or adult correctional or holding facility, community correctional center, or building under the permanent control of law enforcement at which the person is in custody pursuant to the authority of a law enforcement officer; and
(4) Reasonable exception means circumstances in which:
(a) A statement was made when it was not practicable to electronically record the statement;
(b) Equipment to electronically record the statement could not be reasonably obtained;
(c) The person in custody refused to have the statement electronically recorded;
(d) The equipment used to electronically record the statement malfunctioned; or
(e) The law enforcement officer conducting the statement reasonably believed that the crime for which the person was taken into custody was not a crime described in subsection (2) of section29-4503.

29-4503.
Electronic recordation of statements and waiver of rights required; when.
(1) All statements relating to crimes described in subsection (2) of this section and statements regarding rights described in section29-4501or the waiver of such rights made during a custodial interrogation at a place of detention that are described in subsection (2) of this section shall be electronically recorded.
(2) Statements subject to subsection (1) of this section are those statements relating to:
(a) Crimes resulting in death or felonies involving (i) sexual assault, (ii) kidnapping, (iii) child abuse, or (iv) strangulation; or
(b) Offenses being investigated as part of the same course of conduct as the offenses described in subdivision (a) of this subsection.

29-4504.
Law enforcement officer; failure to comply with electronic recordation requirement; jury instruction.
Except as otherwise provided in sections29-4505to29-4507, if a law enforcement officer fails to comply with section29-4503, a court shall instruct the jury that they may draw an adverse inference for the law enforcement officer's failure to comply with such section.

29-4505.

Defendant; testimony contrary to statement; use of statement authorized.
(1) If a defendant testifies contrary to his or her statement made during a custodial interrogation at a place of detention which was not electronically recorded, such statement may be used for the purpose of impeachment if it is shown that the statement was freely, knowingly, voluntarily, and intelligently made.
(2) A jury instruction shall not be required if the prosecution proves, by a preponderance of the evidence, that there is a reasonable exception for there not being an electronic recording.

29-4506.
Law enforcement officer; failure to comply with electronic recordation requirement; admissibility of evidence.
If a law enforcement officer fails to comply with section29-4503, such failure shall not bar the use of any evidence derived from such statement if the court determines that the evidence is otherwise admissible.

29-4507.
Statement obtained out-of-state or by federal law enforcement officer; admissible; when.
Any statement made during a custodial interrogation shall be admissible against such person in a criminal proceeding in this state if:
(1) The statement was obtained in another state and was obtained in compliance with the laws of that state; or
(2) The statement was obtained by a federal law enforcement officer in this state or another state, was obtained in compliance with the laws of the United States, and was not taken by a federal law enforcement officer in an attempt to circumvent sections29-4501to29-4508.

29-4508.
Inaudible portions; how treated.
The existence of inaudible portions of an electronic recording, which are not the result of bad faith by a law enforcement officer to produce an inaudible result, standing alone, shall not render a statement out of compliance with section29-4503.

29-4601.
Act, how cited.
Sections29-4601to29-4608shall be known and may be cited as the Nebraska Claims for Wrongful Conviction and Imprisonment Act.

29-4602.
Legislative findings.
The Legislature finds that innocent persons who have been wrongly convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct problems reentering society, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. The Legislature also finds that such persons should have an available avenue of redress. In light of the particular and substantial horror of being imprisoned for a crime one did not commit, the Legislature intends by enactment of the Nebraska Claims for Wrongful Conviction and Imprisonment Act that persons who can demonstrate that they were wrongfully convicted shall have a claim against the state as provided in the act.

29-4603.
Recovery; claimant; proof required.
In order to recover under the Nebraska Claims for Wrongful Conviction and Imprisonment Act, the claimant shall prove each of the following by clear and convincing evidence:
(1) That he or she was convicted of one or more felony crimes and subsequently sentenced to a term of imprisonment for such felony crime or crimes and has served all or any part of the sentence;
(2) With respect to the crime or crimes under subdivision (1) of this section, that the Board of Pardons has pardoned the claimant, that a court has vacated the conviction of the claimant, or that the conviction was reversed and remanded for a new trial and no subsequent conviction was obtained;
(3)

That he or she was innocent of the crime or crimes under subdivision (1) of this section; and

(4) That he or she did not commit or suborn perjury, fabricate evidence, or otherwise make a false statement to cause or bring about such conviction or the conviction of another, with respect to the crime or crimes under subdivision (1) of this section, except that a guilty plea, a confession, or an admission, coerced by law enforcement and later found to be false, does not constitute bringing about his or her own conviction of such crime or crimes.

29-4604.
Recovery of damages; determination of amount; restrictions.

(1) A claimant under the Nebraska Claims for Wrongful Conviction and Imprisonment Act shall recover damages found to proximately result from the wrongful conviction and that have been proved based upon a preponderance of the evidence.

(2) The following costs shall not offset damages:

(a) Costs of imprisonment; and

(b) Value of any care or education provided to the claimant while he or she was imprisoned.

(3) No damages shall be payable to the claimant for any period of time during which he or she was concurrently imprisoned for any unrelated criminal offense.

(4) In no case shall damages awarded under the act exceed five hundred thousand dollars per claimant per occurrence.

(5) A claimant's cause of action under the act shall not be assignable and shall not survive the claimant's death.

29-4605.
Extinguishment of lien for costs of defense services.

If the court finds that any property of the claimant was subjected to a lien to recover costs of defense services rendered by the state to defend the claimant in connection with the criminal case that resulted in his or her wrongful conviction, the court shall extinguish the lien.

29-4606.
Provision of services to claimant; how treated.

Nothing contained in the Nebraska Claims for Wrongful Conviction and Imprisonment Act shall preclude the state from providing services to the claimant upon exoneration, and the reasonable value of services provided shall be treated as an advance against any award or judgment under the act.

29-4607.
Filing of claim.

A claim brought pursuant to the Nebraska Claims for Wrongful Conviction and Imprisonment Act shall be filed under the State Tort Claims Act.

29-4608.
Claimant; rights; recovery under act; effect.

Nothing in the Nebraska Claims for Wrongful Conviction and Imprisonment Act shall limit the claimant from making any other claim available against any other

party or based upon any other theory of recovery, except that a claimant who recovers a claim under the act shall not have any other claim against the state based upon any other theory of recovery or law.

29-4701.
Terms, defined.
For purposes of sections29-4701to29-4706:
(1) Benefit means any plea bargain, bail consideration, reduction or modification of sentence, or any other leniency, immunity, financial payment, reward, or amelioration of current or future conditions of incarceration that has been requested by the jailhouse informant or that has been offered or may be offered in the future to the jailhouse informant in connection with his or her testimony in the criminal proceeding in which the prosecutor intends to call him or her as a witness; and
(2) Jailhouse informant means a person who offers testimony about statements made by a suspect or defendant while the suspect or defendant and jailhouse informant were in the custody of any jail or correctional institution and who has requested or received or may in the future receive a benefit in connection with such testimony.

29-4702.
Applicability.
Sections29-4701to29-4706apply to any case in which a suspect or defendant is charged with a felony.

29-4703.
Prosecutor's office; duties.
Each prosecutor's office shall undertake measures to maintain a searchable record of:
(1) Each case in which:
(a) Trial testimony is offered or provided by a jailhouse informant against a suspect's or defendant's interest; or
(b) A statement from a jailhouse informant against a suspect's or defendant's interest is used and a criminal conviction is obtained; and
(2) Any benefit requested by or offered or provided to a jailhouse informant in connection with such statement or trial testimony.

29-4704.
Disclosures required; deadline; redaction of information; prosecutor; duties.
(1) Except as provided in subsection (3) of this section, if a prosecutor intends to use the testimony or statement of a jailhouse informant at a defendant's trial, the prosecutor shall disclose to the defense:
(a) The known criminal history of the jailhouse informant;
(b) Any benefit requested by or offered or provided to a jailhouse informant or that may be offered or provided to the jailhouse informant in the future in connection with such testimony;
(c) The specific statements allegedly made by the defendant against whom the jailhouse informant will testify or provide a statement and the time, place, and manner of the defendant's disclosures;
(d) The case name and jurisdiction of any criminal case known to the prosecutor in which the jailhouse informant testified or a prosecutor intended to have the jailhouse informant testify about statements made by another suspect or criminal defendant that were disclosed to the jailhouse informant and whether the jailhouse informant requested, was offered, or received any benefit in exchange for or subsequent to such testimony; and
(e) Any occasion known to the prosecutor in which the jailhouse informant recanted testimony about statements made by another suspect or defendant that were disclosed to the jailhouse informant and any transcript or copy of such recantation.
(2) The prosecutor shall disclose the information described in subsection (1) of this section to the defense as soon as practicable after discovery, but no later than thirty days before trial. If the prosecutor seeks to introduce the testimony of a jailhouse informant that was not known until after such deadline, or if the information described in subsection (1) of this section could not have been discovered or obtained by the prosecutor with the exercise of due diligence at least thirty days before the trial or other criminal proceeding, the court may permit the prosecutor to disclose the information as soon as is practicable after the thirty-day period.
(3) If the court finds by clear and convincing evidence that disclosing information listed in subsection (1) of this section will result in the possibility of bodily harm to a jailhouse informant or that a jailhouse informant will be coerced, the court may permit the prosecutor to redact some or all of such information.
(4) If, at any time subsequent to the deadline in subsection (2) of this section, the prosecutor discovers additional material required to be disclosed under subsection (1) of this section, the prosecutor shall promptly:
(a) Notify the court of the existence of the additional material; and
(b) Disclose such material to the defense, except as provided in subsection (3) of this section.

29-4705.
Jailhouse informant receiving leniency; notice to victim.
If a jailhouse informant receives leniency related to a pending charge, a conviction, or a sentence for a crime against a victim as defined in section29-119, in connection with offering or providing testimony against a suspect or defendant, the prosecutor shall

notify such victim. Prior to reaching a plea agreement, the prosecutor shall proceed as provided in subsection (1) of section23-1201. For purposes of this section, leniency means any plea bargain, reduced or dismissed charges, bail consideration, or reduction or modification of sentence.

29-4706.
Court orders authorized.
If, at any time during the course of the proceedings, it is brought to the attention of the court that the prosecutor has failed to comply with section29-4704, or an order issued pursuant to this section, the court may:
(1) Order the prosecutor to disclose materials not previously disclosed;
(2) Grant a continuance;
(3) Prohibit the prosecutor from calling a witness not disclosed or introducing in evidence the material not disclosed; or
(4) Enter such other order as it deems just under the circumstances.

29-4801.
Terms, defined.
For purposes of sections29-4801to29-4807:
(1) Case plan means a set of goals, conditions, and programs that is:
(a) Based on a professional risk and needs assessment;
(b) Tailored to the specific risks and needs of the veteran; and
(c) Developed in collaboration with the veteran;
(2) Condition from military service means substance-use disorder, military sexual trauma, traumatic brain injury, post-traumatic stress disorder, or another mental health condition that is related to an individual's military service in some manner and includes psychological effects from a veteran's time in service as well as from the period of family separation related to deployment;
(3) Intimate partner has the same meaning as in section28-323;
(4) Serious bodily injury has the same meaning as in section28-109;
(5) Sexual contact and sexual penetration have the same meanings as in section28-318;
(6) Veteran means an individual who:
(a) Is serving in the United States Armed Forces, including any reserve component or the National Guard;
(b) Has served in such armed forces and was discharged or released from such service under conditions other than dishonorable; or
(c) Has served in such armed forces and received a dishonorable discharge and such individual has been diagnosed with substance-use disorder, military sexual trauma, traumatic brain injury, post-traumatic stress disorder, or another mental health condition; and
(7) Veteran justice program means the program described in sections29-4802to29-4804through which a veteran may request a court to defer entry of judgment of conviction for an offense pending completion of the program, and upon successful completion, avoid entry of judgment of conviction.

29-4802.
Veteran justice program; eligibility; confidential information.
(1) Except as provided in subsection (2) of this section, a defendant is eligible to participate in a veteran justice program if the defendant is a veteran and can show by clear and convincing evidence that a condition from military service contributed to the offense.
(2) A veteran is not eligible for participation in a veteran justice program if:
(a) The veteran is charged with:
(i) An offense that is not eligible for probation;
(ii) An offense that is listed in subdivision (1)(a)(i) of section29-4003;
(iii) A violation of section60-6,196or60-6,197, or a city or village ordinance enacted in conformance with section60-6,196or60-6,197, following two or more previous convictions for a violation of any such section or ordinance; or
(iv) An offense that resulted in the death of another person; or
(b) Deferring the entry of judgment would be prohibited under section60-4,147.01.
(3) Any document or materials received by the court pursuant to sections29-4802to29-4804that contain military or medical records, reports, or evaluations shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge; attorneys to parties in the case; probation officers to whom a defendant's file is duly transferred; the probation administrator or his or her designee; alcohol and drug counselors, mental health practitioners, psychiatrists, and psychologists licensed or certified under the Uniform Credentialing Act to conduct substance abuse evaluations and treatment; or others entitled by law to receive such information, including personnel affiliated with the veteran justice program.
(4) Upon a court determination of eligibility for participation in a veteran justice program, the court shall provide notice to any victim or alleged victim of the offense committed by the veteran of such determination and the right of the veteran to request participation in a veteran justice program.

29-4803.

Veteran justice program; created; use of deferred judgments; procedure.
(1) The probation administrator shall create a veteran justice program as provided in sections29-4802to29-4804and subject to the Supreme Court's rules. The program shall be available in every district court and county court. A veteran justice program shall not supersede, alter, or otherwise interfere with the establishment, functioning, participation, or operation of a problem solving court established pursuant to section24-1302.
(2) A veteran justice program shall be operated by use of deferred judgments as provided in this section.
(3) Upon a finding of guilt for which a judgment of conviction may be rendered, a defendant that is eligible to participate in a veteran justice program may request the court defer the entry of judgment of conviction under this section. Upon such request, the court shall provide notice to any victim of the offense of the request and provide an opportunity for the victim to provide a statement for consideration by the court. After giving the prosecutor and defendant the opportunity to be heard, the court may defer the entry of a judgment of conviction and the imposition of a sentence and place the defendant on probation, upon conditions as the court may require under sections29-2262and29-4804. If the court defers the entry of judgment, the court shall provide notice to victims of the offense.
(4)(a) Whenever a court considers a request to defer judgment under this section, the court shall consider the following:
(i) The factors set forth in subsections (2) and (3) of section29-2260and section29-4802;
(ii) The supervision, treatment, and other programming options available in the community; and
(iii) Any other information the court deems relevant.
(b) Except as provided in subdivision (4)(c) of this section, there shall be a presumption that a veteran eligible under section29-4802shall be allowed to participate in a veteran justice program. The presumption shall only be overcome by a judicial finding, based on an individualized assessment of the veteran and consideration of the factors set forth in subdivisions (4)(a)(i), (ii), and (iii) of this section, that entry of judgment of conviction should not be deferred. The fact that a veteran has previously absconded from or violated pretrial release, probation, parole, supervised release, post-release supervision, or another form of court-ordered supervision, including a violation arising from commission of a new offense or an offense committed while previously participating in a veteran justice program, is not, standing alone, a sufficient basis to overcome the presumption.
(c) The presumption provided for in subdivision (4)(b) of this section does not apply to a veteran charged with:
(i) A violation of section60-6,196or60-6,197, or a city or village ordinance enacted in conformance with section60-6,196or60-6,197, following a previous conviction for a violation of any such section or ordinance; or
(ii) An offense that resulted in serious bodily injury to another person.
(5) Except as otherwise provided in this section and sections29-2293and29-2294, the supervision of a defendant on probation pursuant to a deferred judgment shall be governed by the Nebraska Probation Administration Act and sections29-2270to29-2273.
(6) After a hearing providing the prosecutor and defendant an opportunity to be heard and upon a finding that a defendant has violated a condition of his or her probation, the court may enter any order authorized by section29-2268or pronounce judgment and impose such new sentence as might have been originally imposed for the offense for which the defendant was convicted.
(7) Upon satisfactory completion of the conditions of probation and the payment or waiver of all administrative and programming fees assessed under section29-2293, the defendant or prosecutor may file a motion to withdraw any plea entered by the defendant and to dismiss the action without entry of judgment. The court shall not grant such motion until a victim of the offense has received notice and the opportunity to be heard, as required by subsection (4) of section29-4804.
(8) Sections29-4802to29-4804apply to offenses committed on or after July 1, 2025. For purposes of this subsection, an offense shall be deemed to have been committed prior to July 1, 2025, if any element of the offense occurred prior to such date.

29-4804.
Veteran justice program; elements; discretionary matters; notice to victim.
(1) A veteran justice program shall include the following elements:
(a) Evidence-based treatment tailored to address the specific challenges facing veterans, such as post-traumatic stress disorder, traumatic brain injury, military sexual trauma, or another condition from military service; and
(b) A case plan that meets the requirements set forth in this section. The case plan shall be:
(i) Developed by the court with probation and appropriate experts;
(ii) Based on a professional assessment of the veteran's specific risks and needs. The assessment shall include an assessment of risk of intimate partner violence, regardless of the nature of the offense;
(iii) Created in conjunction with input from the veteran;
(iv) Designed to contain clear and individualized supervision and treatment goals, including guidelines that detail the program rules, consequences for violating the rules, and incentives for compliance; and
(v) Communicated to the veteran at the start of the program.
(2) If the offense includes sexual contact or sexual penetration, the victim of the offense is an intimate partner, or the assessment of the veteran under subdivision (1)(b)(ii) of this section identifies an increased risk of intimate partner violence, the case plan shall include specifically tailored treatment or programming to address sexual assaults and domestic violence. For any veteran required to participate in such treatment or programming, the court shall include conditions of supervision to protect victim safety that include, but are not limited to, requiring the surrender of firearms while participating in the veteran justice program.
(3) In the implementation of a veteran justice program, the district court or county court shall retain discretion in:
(a) Determining eligibility for participation, subject to sections29-4802and29-4803;

(b) Establishing the conditions of the program, including the creation of the case plan;
(c) Setting the terms of successful program completion and release upon that successful completion; and
(d) Determining if the veteran has successfully completed the program at a final hearing.
(4) A victim of the offense shall be entitled to notice of the veteran's participation in the veteran justice program. Upon request of the victim, a victim shall be entitled to updates on the veteran's status and participation in the program. The victim shall be entitled to advance reasonable notice of a final hearing to determine successful program completion and the opportunity to be heard or submit a written statement at such hearing.
(5) Upon successful completion of a veteran justice program, the veteran shall be entitled to the relief provided for a deferred judgment under section29-4803.

29-4805.
Veteran status; considerations in sentencing.
(1) When arraigning any defendant, the court shall offer the defendant the ability to communicate his or her veteran status through counsel or by other means. The court shall not require that the defendant self-identify as a veteran in open court.
(2) When sentencing a defendant who is a veteran for any offense, the court shall recognize the defendant's veteran status as a mitigating factor in determining the sentence.
(3) The court shall consider a defendant's veteran status as a mitigating factor in addition to any other mitigating factors provided by law or considered by the court. The fact that a defendant may have suffered trauma unrelated to military service or veteran status shall not be used to deny the impact of any military trauma or condition of military service.
(4) The court may take into consideration individual merit earned during military service, overseas deployment, exposure to danger, and service-connected disability ratings when considering sentencing mitigation. When considering multiple factors, a court should give additional credit for each factor.
(5) If a defendant is a veteran, is eligible for probation, and demonstrates by clear and convincing evidence a connection between the offense and a condition from military service, a sentence of imprisonment is not appropriate unless the court finds, based on the criteria in subsections (2) and (3) of section29-2260, that imprisonment is necessary for the protection of the public.
(6) The court shall not:
(a) Use veteran status as an aggravating factor; or
(b) Require a connection between the offense and a condition from military service in order to consider veteran status as a mitigating factor.
(7) This section applies regardless of whether a veteran is eligible for participation in a veteran justice program.

29-4806.
Law enforcement, court, and correctional personnel; veteran status; verification; training.
(1) Law enforcement, court, and correctional personnel shall verify the veteran status of any individual being processed through the criminal justice system in order to identify individuals who may be eligible for participation in a veteran justice program or for sentencing mitigation as provided in section29-4805.
(2) Law enforcement, court, and correctional personnel shall receive training designed to increase their understanding of cases involving veterans, including veterans' exposure to violence and trauma. Such training shall include attention on issues that disproportionately impact female veterans, such as military sexual trauma.

29-4807.
Supreme Court Administrator; duties.
(1) The State Court Administrator shall compile information on the number of veterans receiving, successfully completing, declining, and denied participation in a veteran justice program and the sentencing mitigation described in section29-4805.
(2) The State Court Administrator shall track outcomes among veterans who participate in a veteran justice program, including completion status, recidivism, and housing and employment status.
(3) Data collected under this section shall be disaggregated by race, ethnicity, gender, age, military discharge characterization, and the offense involved.
(4) On or before July 1, 2026, and on or before each July 1 thereafter, the State Court Administrator shall electronically submit a report to the Judiciary Committee of the Legislature. The report shall contain de-identified data collected pursuant to this section and shall analyze the outcomes, successes, and areas for improvement of the veteran justice programs and the sentencing mitigation described in section29-4805.

60-101.
Act, how cited.
Sections60-101to60-197shall be known and may be cited as the Motor Vehicle Certificate of Title Act.

60-102.
Definitions, where found.
For purposes of the Motor Vehicle Certificate of Title Act, unless the context otherwise requires, the definitions found in sections60-103to60-136.01shall be used.

60-103.
All-terrain vehicle,
defined.
All-terrain vehicle means any motorized
off-highway device which (1) is fifty inches or less in width, (2) has a dry
weight of twelve hundred pounds or less,
(3) travels on three or more nonhighway tires, and (4) is designed for operator
use only with no passengers or is specifically designed by the original manufacturer
for the operator and one passenger.

60-104.
Assembled vehicle, defined.
Assembled vehicle means a vehicle which was manufactured or assembled less than thirty years prior to application for a certificate of title and which is materially altered from its construction by the removal, addition, or substitution of new or used major component parts unless such major component parts were replaced under warranty by the original manufacturer of the vehicle. Its make shall be assembled, and its model year shall be the year in which the vehicle was assembled.

60-104.01.
Autocycle, defined.
Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

60-104.02.
Auxiliary axle, defined.
Auxiliary axle means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a full trailer, commonly known as converter gears or converter dollies.

60-105.
Body, defined.
Body means that portion of a vehicle which determines its
shape and appearance and is attached to the frame. Body does not include the box or bed of a truck.

60-106.
Bus, defined.
Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

60-107.
Cabin trailer, defined.
Cabin trailer means a trailer or a semitrailer, which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer does not mean a trailer or semitrailer which is permanently attached to real estate. There are four classes of cabin trailers:
(1) Camping trailer which includes cabin trailers one hundred two inches or less in width and forty feet or less in length and adjusted

mechanically smaller for towing;
(2) Mobile home which includes cabin trailers more than one hundred two inches in width or more than forty feet in length;
(3) Travel trailer which includes cabin trailers not more than one hundred two inches in width nor more than forty feet in length from front hitch to rear bumper, except as provided in subdivision (2)(k) of section60-6,288; and
(4) Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, except that manufactured home includes any structure that meets all of the requirements of this subdivision other than the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as such act existed on January 1, 2024, 42 U.S.C. 5401 et seq.

60-107.01.
Car toter or tow dolly, defined.
Car toter or tow dolly means a two-wheeled conveyance designed or adapted to support the weight of one axle of a motor vehicle while being towed in combination behind another motor vehicle.

60-108.
Collector, defined.
Collector means the owner of one or more vehicles of historical interest who collects, purchases, acquires, trades, or disposes of such vehicles or parts thereof for his or her own use in order to preserve, restore, and maintain a vehicle or vehicles for hobby purposes.

60-109.
Commercial trailer, defined.
Commercial trailer means any trailer or semitrailer which has a gross weight, including load thereon, of more than nine thousand pounds and which is designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Commercial trailer does not include cabin trailers, farm trailers, fertilizer trailers, or utility trailers.

60-110.
Department, defined.
Department means the Department of Motor Vehicles.

60-112.
Director, defined.
Director means the Director of Motor Vehicles.

60-113.
Electric personal assistive mobility device, defined.
Electric personal assistive mobility device means a self-balancing, two-nontandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of seven hundred fifty watts or one horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

60-114.
Farm trailer, defined.
Farm trailer means a trailer or semitrailer belonging to a farmer or rancher and used wholly and exclusively to carry supplies to or from the owner's farm or ranch, used by a farmer or rancher to carry his or her own agricultural products as defined in section60-304to or from storage or market, or used by a farmer or rancher for hauling of supplies or agricultural products in exchange of services.

60-115.
Fertilizer trailer, defined.
Fertilizer trailer means any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less.

60-115.01.
Former military vehicle, defined.

Former military vehicle means a motor vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight, but is no longer used, or never was used, by a military force.

60-116.
Frame, defined.
Frame means that portion of a vehicle upon which other components are affixed, such as the engine, body, or transmission.

60-116.01.
Golf car vehicle, defined.
Golf car vehicle
means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

60-117.
Historical vehicle, defined.
Historical vehicle means a motor vehicle or trailer which is thirty or more years old, which is essentially unaltered from the original manufacturer's specifications, and which is, because of its significance, being collected, preserved, restored, or maintained by a collector as a leisure pursuit.

60-118.
Inspection, defined.
Inspection means an identification inspection conducted pursuant to section60-146.

60-119.
Kit vehicle, defined.
Kit vehicle means a vehicle which was assembled by a person other than a generally recognized manufacturer of vehicles by the use of a reproduction resembling a specific manufacturer's make and model that is at least thirty years old purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. Kit vehicle does not include glider kits.

60-119.01.
Low-speed vehicle, defined.
Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2024, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

60-119.02.
Licensed dealer, defined.
Licensed dealer means a motor vehicle dealer, motorcycle dealer, or trailer dealer licensed under the Motor Vehicle Industry Regulation Act.

60-120.
Major component part, defined.
Major component part means an engine, with or without accessories, a transmission, a cowl, a door, a frame, a body, a rear clip, or a nose.

60-121.
Minibike, defined.
Minibike means a two-wheel device which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement or any other two-wheel device primarily designed by the manufacturer for off-road use only. Minibike does not include an electric personal assistive mobility device.

60-121.01.

Minitruck, defined.
Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission.

60-122.
Moped, defined.
Moped means a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than thirty miles per hour on level ground.

60-123.
Motor vehicle, defined.
Motor vehicle means any vehicle propelled by any power other than muscular power. Motor vehicle does not include (1) mopeds, (2) farm tractors, (3) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (4) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (5) vehicles which run only on rails or tracks, (6) off-road designed vehicles not authorized by law for use on a highway, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles, utility-type vehicles, snowmobiles registered or exempt from registration under sections60-3,207to60-3,219, and minibikes, (7) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, (8) self-propelled chairs used by persons who are disabled, (9) electric personal assistive mobility devices, and (10) bicycles as defined in section60-611.

60-124.
Motorcycle, defined.
Motorcycle means any motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes an autocycle.

60-125.
Nose, defined.
Nose means that portion of the body of a vehicle from the front to the firewall when acquired or transferred as a complete unit.

60-126.
Parts vehicle, defined.
Parts vehicle means a vehicle the title to which has been surrendered (1) in accordance with subdivision (1)(a) of section60-169or (2) to any other state by the owner of the vehicle or an insurance company to render the vehicle fit for sale for scrap and parts only.

60-127.
Patrol, defined.
Patrol means the Nebraska State Patrol.

60-128.
Rear clip, defined.
Rear clip means two or more of the following, all dismantled from the same vehicle: A quarter panel or fender; a floor panel assembly; or a trunk lid or gate.

60-128.01.
Reconstructed, defined.

Reconstructed means the designation of a vehicle which was permanently altered from its original design construction by removing, adding, or substituting major component parts.

60-128.02.
Replica, defined.
Replica means the designation of a vehicle which resembles a specific manufacturer's make and model that is at least thirty years old and which has been assembled as a kit vehicle.

60-129.
Semitrailer, defined.
Semitrailer means any trailer so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle. Semitrailer does not include an auxiliary axle or a car toter or tow dolly.

60-130.
Situs, defined.
Situs means the tax district where a vehicle is stored and kept for the greater portion of the calendar year. For a vehicle used or owned by a student, the situs is at the place of residence of the student if different from the place at which he or she is attending school.

60-131.
Specially constructed vehicle, defined.
Specially constructed vehicle means a vehicle which was not originally constructed under a distinctive name, make, model, or type by a manufacturer of vehicles. The term specially constructed vehicle includes kit vehicle.

60-132.
Superintendent, defined.
Superintendent means the Superintendent of Law Enforcement and Public Safety.

60-133.
Trailer, defined.
Trailer means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include an auxiliary axle or a car toter or tow dolly.

60-134.
Truck, defined.
Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property or designated as a truck by the manufacturer.

60-135.
Utility trailer, defined.
Utility trailer means a trailer having a gross weight, including load thereon, of nine thousand pounds or less.

60-135.01.
Utility-type
vehicle, defined.
(1) Utility-type vehicle means
any motorized off-highway device which (a) is seventy-four
inches in width or less,
(b) is not more than one hundred eighty inches, including the bumper, in length,
(c) has a dry weight of two thousand pounds or less, and (d) travels on four or more nonhighway tires.
(2) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.

60-136.
Vehicle, defined.
Vehicle means a motor vehicle, all-terrain vehicle, utility-type vehicle, minibike,
trailer, or semitrailer.

60-136.01.
Vehicle identification number, defined.

Vehicle identification number means a series of English letters or Arabic or Roman numerals assigned to a vehicle for identification purposes.

60-137.
Act; applicability.
(1) The Motor Vehicle Certificate of Title Act applies to all vehicles as defined in the act, except:
(a) Farm trailers;
(b) Well-boring apparatus, backhoes, bulldozers, and front-end loaders; and
(c) Trucks and buses from other jurisdictions required to pay registration fees under the Motor Vehicle Registration Act, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section60-3,198.
(2)(a) All new all-terrain vehicles and minibikes sold on or after January 1, 2004, shall be required to have a certificate of title. An owner of an all-terrain vehicle or minibike sold prior to such date may apply for a certificate of title for such all-terrain vehicle or minibike as provided in rules and regulations of the department.
(b) All new low-speed vehicles sold on or after January 1, 2012, shall be required to have a certificate of title. An owner of a low-speed vehicle sold prior to such date may apply for a certificate of title for such low-speed vehicle as provided in rules and regulations of the department.
(3) An owner of a utility trailer may apply for a certificate of title upon compliance with the Motor Vehicle Certificate of Title Act.
(4)(a) Every owner of a manufactured home or mobile home shall obtain a certificate of title for the manufactured home or mobile home prior to affixing it to real estate.
(b) If a manufactured home or mobile home has been affixed to real estate and a certificate of title was not issued before it was so affixed, the owner of such manufactured home or mobile home shall apply for and be issued a certificate of title at any time for surrender and cancellation as provided in section60-169.
(5) All new utility-type vehicles sold on or after January 1, 2011, shall be required to have a certificate of title. An owner of a utility-type vehicle sold prior to such date may apply for a certificate of title for such utility-type vehicle as provided in rules and regulations of the department.

60-138.
Manufacturer's or importer's certificate; vehicle identification number.
No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new vehicle to a dealer to be used by such dealer for purposes of display and resale without (1) delivering to such dealer a duly executed manufacturer's or importer's certificate with such assignments as may be necessary to show title in the purchaser and (2) having affixed to the vehicle its vehicle identification number if it is not already affixed. No dealer shall purchase or acquire a new vehicle without obtaining from the seller such manufacturer's or importer's certificate.

60-139.
Certificate of title; vehicle identification number; required; when.
Except as provided in section60-137,60-138,60-142, or60-142.01, no person shall sell or otherwise dispose of a vehicle without (1) delivering to the purchaser or transferee of such vehicle a certificate of title with such assignments thereon as are necessary to show title in the purchaser and (2) having affixed to the vehicle its vehicle identification number if it is not already affixed. No person shall bring into this state a vehicle for which a certificate of title is required in Nebraska, except for temporary use, without complying with the Motor Vehicle Certificate of Title Act.
No purchaser or transferee shall receive a certificate of title which does not contain such assignments as are necessary to show title in the purchaser

or transferee. Possession of a certificate of title which does not comply with this requirement shall be prima facie evidence of a violation of this section, and such purchaser or transferee, upon conviction, shall be subject to the penalty provided by section60-180.

60-140.
Acquisition of vehicle; proof of ownership; effect.
(1) Except as provided in section60-164, no person acquiring a vehicle from the owner thereof, whether such owner is a manufacturer, importer, dealer, or entity or person, shall acquire any right, title, claim, or interest in or to such vehicle until the acquiring person has had delivered to him or her physical possession of such vehicle and (a) a certificate of title or a duly executed manufacturer's or importer's certificate with such assignments as are necessary to show title in the purchaser, (b) a written instrument as required by section60-1417, (c) an affidavit and notarized bill of sale as provided in section60-142.01, or (d) a bill of sale for a parts vehicle as required by section60-142.
(2) No waiver or estoppel shall operate in favor of such person against a person having physical possession of such vehicle and such documentation. No court shall recognize the right, title, claim, or interest of any person in or to a vehicle, for which a certificate of title has been issued in Nebraska, sold, disposed of, mortgaged, or encumbered, unless there is compliance with this section. Beginning on the implementation date of the electronic title and lien system designated by the director pursuant to section60-164, an electronic certificate of title record shall be evidence of an owner's right, title, claim, or interest in a vehicle.

60-141.
Dealer; inventory; certificates required; when.
A dealer need not apply for certificates of title for any vehicles in stock or acquired for stock purposes, but upon transfer of such vehicle in stock or acquired for stock purposes, the dealer shall give the transferee a reassignment of the certificate of title on such vehicle or an assignment of a manufacturer's or importer's certificate. If all reassignments on the manufacturer's or importer's certificate have been used, the dealer may attach a dealer assignment form prescribed by the department prior to any subsequent transfer. If all reassignments on the dealer assignment form or the certificate of title have been used, the dealer shall obtain title in the dealer's name prior to any subsequent transfer. No dealer shall execute a reassignment on or transfer ownership by way of a manufacturer's statement of origin unless the dealer is franchised by the manufacturer of the vehicle.

60-142.
Historical vehicle or parts vehicle; sale or transfer; parts vehicle; bill of sale; prohibited act; violation; penalty.
(1) The sale or trade and subsequent legal transfer of ownership of a historical vehicle or parts vehicle shall not be contingent upon any condition that would require the historical vehicle or parts vehicle to be in operating condition at the time of the sale or transfer of ownership.
(2) No owner of a parts vehicle shall sell or otherwise dispose of the parts vehicle without delivering to the purchaser a bill of sale for the parts vehicle prescribed by the department. The bill of sale may include, but shall not be limited to, the vehicle identification number, the year, make, and model of the vehicle, the name and residential and mailing addresses of the owner and purchaser, the acquisition date, and

the odometer statement provided for in section60-192. A person who uses a bill of sale for a parts vehicle to transfer ownership of any vehicle that does not meet the definition of a parts vehicle shall be guilty of a Class III misdemeanor.

60-142.01.
Vehicle manufactured prior to 1940; transfer of title; salvage title; requirements.
(1) If the owner does not have a certificate of title for a vehicle which was manufactured prior to 1940 and which has not had any major component part replaced, the department shall search its records for evidence of issuance of a Nebraska certificate of title for such vehicle at the request of the owner. If no certificate of title has been issued for such vehicle in the thirty-year period prior to application, the owner may transfer title to the vehicle by giving the transferee a notarized bill of sale, an affidavit in support of the application for title, a statement that an inspection has been conducted on the vehicle, and a statement from the department that no certificate of title has been issued for such vehicle in the thirty-year period prior to application. The transferee may apply for a certificate of title pursuant to section60-149by presenting the documentation described in this section in lieu of a certificate of title.
(2) If the owner has a certificate of title for a vehicle which was previously classified as junked, which was manufactured prior to 1940, and which has not had any major component part replaced, the director, in his or her discretion, may issue a salvage title if it is shown to his or her satisfaction that the vehicle has been inspected and the vehicle has been restored to its original specifications.

60-142.02.
Application for certificate of title indicating year, make, and model originally designated by manufacturer; procedure.
If the owner does not have a certificate of title for a vehicle manufactured more than thirty years prior to application for a certificate of title and one or more major component parts have been replaced with one or more replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of the vehicle, the owner may apply for a certificate of title indicating that the year, make, and model of the vehicle is that originally designated by the manufacturer by presenting a notarized bill of sale for each major component part replaced, an affidavit in support of the application for title, a statement that an inspection has been conducted on the vehicle, a statement from a car club representative pursuant to section60-142.03, and a vehicle identification number as described in section60-148.

60-142.03.
Recognized car club; qualified
car club representative; department; powers and duties.
(1)
For purposes of this section, car club means an organization that has members with knowledge of and expertise pertaining to authentic vehicles and that has members with knowledge of and expertise pertaining to the restoration and preservation of specific makes and models of vehicles using replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for a specific year, make, and model of vehicle.
(2) To become a recognized car club, a car club shall apply to the department. For a car club to become recognized, it must be a nonprofit organization with established bylaws and at least twenty members. The applicant shall provide a copy of the bylaws and a membership list to the department. The department shall determine if a car club qualifies as a recognized car club. The determination of the department shall be final and nonappealable.
(3) A member of a recognized car club may apply to the department to become a qualified car club representative. Each qualified car club representative shall be designated by the president or director of the local chapter of the recognized car club of which he or she is a member. The department shall identify and maintain a list of qualified car club representatives. A qualified car club representative may apply to be placed on the list of qualified car club representatives by providing the department with his or her name, address, and telephone number, the name, address, and telephone number of the recognized car club he or she represents, a copy of the designation of the representative by the president or director of the local chapter of the recognized car club, and such other information as may be required by the department. The department may place a qualified car club representative on the list upon receipt of a completed application and may provide each representative with information for inspection of vehicles and parts. The determination of the department regarding designation of an individual as a qualified car club representative and placement on the list of qualified car club representatives shall be final

and nonappealable. The department shall distribute the list to county treasurers.
(4) When a qualified car club representative inspects vehicles and replacement parts, he or she shall determine whether all major component parts used in the assembly of a vehicle are original or essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle, including the appropriate engine, body material, body shape, and other requirements as prescribed by the department. After such inspection, the representative shall provide the owner with a statement in the form prescribed by the department which includes the findings of the inspection. No qualified car club representative shall charge any fee for the inspection or the statement. No qualified car club representative shall provide a statement for any vehicle owned by such representative or any member of his or her immediate family.
(5) The director may summarily remove a person from the list of qualified car club representatives upon written notice. Such person may reapply for inclusion on the list upon presentation of suitable evidence satisfying the director that the cause for removal from the list has been corrected, eliminated, no longer exists, or will not affect or interfere with the person's judgment or qualifications for inspection of vehicles to determine whether or not any replacement parts are essentially the same in design and material to that originally supplied by the original manufacturer for the specific year, make, and model of vehicle.
(6) The department may adopt and promulgate rules and regulations to carry out this section.

60-142.04.
Reconstructed vehicle; application for certificate of title; procedure.
The owner of a vehicle which was manufactured or assembled more than thirty years prior to application for a certificate of title with one or more major component parts replaced by replacement parts, other than replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle, may apply for a certificate of title by presenting a certificate of title for one major component part, a notarized bill of sale for all other major component parts replaced, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section60-148. The certificate of title shall indicate the year the vehicle resembles, the make the vehicle resembles, and the model the vehicle resembles and shall be branded as reconstructed.

60-142.05.
Replica vehicle; application for certificate of title; procedure.
The owner of a kit vehicle may apply for a certificate of title by presenting a manufacturer's statement of origin for the kit, a notarized bill of sale for all major component parts not in the kit, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section60-148. The certificate of title shall indicate the year the vehicle resembles, the make the vehicle resembles, and the model the vehicle resembles and shall be branded as replica.

60-142.06.
Certificate of title as assembled vehicle; application for certificate of title indicating year, make, and model; procedure.
An owner of a vehicle which has been issued a certificate of title as an assembled vehicle prior to April 12, 2018, in this state may have the vehicle inspected by a qualified car club representative who shall determine whether or not any modifications or replacement parts are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle and obtain a statement as provided in section60-142.03. The owner may apply for a certificate of title indicating the year, make, and model of the vehicle by presenting the statement and an application for certificate of title to the department. After review of the application, the department shall issue the certificate of title to the owner if the vehicle meets the specifications provided in section60-142.02.

60-142.07.
Minitruck; application for certificate of title; contents of certificate.
If a minitruck does not have a manufacturer's vehicle identification number, the owner of the minitruck may apply for a certificate of title by presenting (1)(a) a manufacturer's statement of origin for the minitruck or (b)(i) a bill of sale or a manufacturer's or importer's certificate for a minitruck purchased before January 1, 2011, or a manufacturer's or importer's

certificate for a minitruck purchased on or after January 1, 2011, and (ii) an affidavit by the owner affirming ownership for the minitruck, (2) a statement that an inspection has been conducted on the minitruck, and (3) a vehicle identification number as described in section60-148. The certificate of title shall indicate the make and model year of the minitruck. If the model year cannot be determined, the model year of the minitruck shall be the year application for title was made.

60-142.08.
Low-speed vehicle; application for certificate of title indicating year and make; procedure.
If a low-speed vehicle does not have a manufacturer's vehicle identification number, the owner of the low-speed vehicle may apply for a certificate of title by presenting a manufacturer's statement of origin for the low-speed vehicle, a statement that an inspection has been conducted on the low-speed vehicle, and a vehicle identification number as described in section60-148. The certificate of title shall indicate the year of the low-speed vehicle as the year application for title was made and the make of the low-speed vehicle.

60-142.09.
Vehicle manufactured more than thirty years prior to application for certificate of title; department; duties.
If the owner does not have a certificate of title for a vehicle manufactured more than thirty years prior to application for a certificate of title which has not had any major component part replaced, the department shall search its records and any records readily accessible to the department for evidence of issuance of a certificate of title for such vehicle at the request of the owner. If no certificate of title has been issued, the owner may apply for a certificate of title indicating that the year, make, and model of the vehicle is that originally designated by the manufacturer by presenting a notarized bill of sale, an affidavit in support of the application for title, and a statement that an inspection has been conducted on the vehicle.

60-142.10.
Vehicle manufactured more than thirty years prior to application for certificate of title; fee.
For each certificate of title issued by the department under section60-142.09, the fee shall be twenty-five dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-142.11.
Assembled vehicle; application for certificate of title; procedure.
The owner of an assembled vehicle may apply for a certificate of title by presenting a certificate of title for one major component part, a bill of sale for all other major component parts replaced, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section60-148. The certificate of title shall indicate the year of the vehicle as the year application for title was made and the make of the vehicle as assembled.

60-142.12.
Former military vehicle; application for certificate of title; procedure.
The owner of a former military vehicle may apply for a certificate of title by presenting (1) a manufacturerâ■■s certificate of origin, (2) a certificate of title from another state, (3) a court order issued by a court of record, (4) an assigned registration certificate, if the law of the state from which the vehicle was brought into this state does not require a certificate of title, (5) a United States Government Certificate to Obtain Title to a Vehicle, or (6) evidence of ownership as provided for in section30-24,125, sections52-601.01to52-605, sections60-1901to60-1911, or sections60-2401to60-2411, or documentation of compliance with section76-1607.

60-143.
Vehicle with modification or deviation from original specifications; how treated.
An owner of a vehicle with a modification or deviation from the original specifications may be permitted to apply for a certificate of title under sections60-142.01to60-142.03if such modification or deviation is of historic nature and essentially the same in design and material to that originally supplied by the manufacturer for vehicles of that era or if the modification or deviation could be considered to be in the category of safety features. Safety-related modifications include hydraulic brakes, sealed-beam headlights, and occupant protection systems as defined in section60-6,265. A modification or deviation involving accessories shall be limited to those accessories available in the era to which the vehicle belongs.

60-144.

Certificate of title; issuance; filing; application; contents; form.
(1)(a)(i) Except as provided in subdivisions (b), (c), and (d) of this subsection, the county treasurer shall be responsible for issuing and filing certificates of title for vehicles, and each county shall issue and file such certificates of title using the Vehicle Title and Registration System which shall be provided and maintained by the department. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.
(ii) In addition to the information required under subdivision (1)(a)(i) of this section, the application for a certificate of title shall contain (A)(I) the full legal name as defined in section60-468.01of each owner or (II) the name of each owner as such name appears on the owner's motor vehicle operator's license or state identification card and (B)(I) the motor vehicle operator's license number or state identification card number of each owner, if applicable, and one or more of the identification elements as listed in section60-484of each owner, if applicable, and (II) if any owner is a business entity, a nonprofit organization, an estate, a trust, or a church-controlled organization, its tax identification number.
(b) The department shall issue and file certificates of title for Nebraska-based fleet vehicles. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.
(c) The department shall issue and file certificates of title for state-owned vehicles. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.
(d) The department shall issue certificates of title pursuant to subsection (2) of section60-142.01and section60-142.06. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.
(e) The department shall issue certificates of title pursuant to section60-142.09. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.
(2) If the owner of an all-terrain vehicle, a utility-type vehicle, or a minibike resides in Nebraska, the application may be filed with the county treasurer of any county.
(3)(a) If a vehicle has situs in Nebraska, the application for a certificate of title may be filed with the county treasurer of any county.
(b) If a motor vehicle dealer licensed under the Motor Vehicle Industry Regulation Act applies for a certificate of title for a vehicle, the application may be filed with the county treasurer of any county.
(c) An approved licensed dealer participating in the electronic dealer services system pursuant to section60-1507may apply for a certificate of title for a vehicle to the county treasurer of any county or the department in a manner provided by the electronic dealer services system.
(4) If the owner of a vehicle is a nonresident, the application shall be filed in the county in which the transaction is consummated.
(5) The application shall be filed within thirty days after the delivery of the vehicle.
(6) All applicants registering a vehicle pursuant to section60-3,198shall file the application for a certificate of title with the Division of Motor Carrier Services of the department. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are one or more liens on the vehicle, the certificate of title shall be handled as provided in section60-164. All certificates of title issued by the division shall be issued in the manner prescribed for the county treasurer in section60-152.

60-145.
Motor vehicle used as taxi or limousine; disclosure on face of certificate of title required.
For any motor vehicle which is to be used as a taxi or limousine, the application and the certificate of title shall show on the face thereof that such vehicle is being used or has been used as a taxi or limousine and such subsequent certificates of title shall show the same information.

60-146.
Application; identification inspection required; exceptions; form; procedure; additional inspection authorized; agreement with motor vehicle dealer; county sheriff; duties.
(1) An application for a certificate of title for a vehicle shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage branded certificate of title or a nontransferable certificate of title, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate to Obtain Title to a Vehicle, or a nontransferable certificate of title, (c) the application contains a statement that the vehicle is to be registered under section60-3,198, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for the vehicle sold directly by the manufacturer of the vehicle to a dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a dealer franchised by the manufacturer of the vehicle.
(2) The department shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (1)(e) or (f) of this section. The form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection.
(3) The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a certificate of training issued pursuant to section60-183, shall be in a format as determined by the department, and shall expire ninety days after the date of the inspection. The county treasurer shall accept a certificate of inspection, approved by the superintendent, from an officer of a state police agency of another state unless an inspection is required under section60-174.
(4)(a) Except as provided in subdivision (b) of this subsection, the identification inspection shall include examination and notation

of the then current odometer reading, if any, and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county treasurer shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in (i) the National Crime Information Center and (ii) the Nebraska Crime Information Service or the National Motor Vehicle Title Information System. In the case of an assembled vehicle, a vehicle designated as reconstructed, or a vehicle designated as replica, the identification inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part. No identification inspection shall be conducted unless all major component parts are properly attached to the vehicle in the correct location.

(b) Each county sheriff shall establish a process by which to enter into an agreement with any motor vehicle dealer as defined in section60-1401.26with an established place of business as defined in section60-1401.15in the county in which the sheriff has jurisdiction in order to collect information for the identification inspection on motor vehicles which are in the inventory of the motor vehicle dealer at the dealer's established place of business in such county. The agreement entered into shall require that the motor vehicle dealer provide the required fee, a copy of the documents evidencing transfer of ownership, and the make, model, vehicle identification number, and odometer reading in a form and manner prescribed by the county sheriff, which shall include a requirement to provide one or more photographs or digital images of the vehicle, the vehicle identification number, and the odometer reading. The county sheriff shall complete the identification inspection as required under subdivision (a) of this subsection using such information and return to the motor vehicle dealer the statement that an identification inspection has been conducted for each motor vehicle as provided in subsection (3) of this section. If the information is incomplete or if there is reason to believe that further inspection is necessary, the county sheriff shall inform the motor vehicle dealer. If the motor vehicle dealer knowingly provides inaccurate or false information, the motor vehicle dealer shall be liable for any damages that result from the provision of such information. The motor vehicle dealer shall keep the records for five years after the date the identification inspection is complete.

(5) If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued.

(6) The county treasurer or the department may also request an identification inspection of a vehicle to determine if it meets the definition of motor vehicle as defined in section60-123.

60-147.

Mobile home or cabin trailer; application; contents; mobile home transfer statement.

(1) An application for a certificate of title for a mobile home or cabin trailer shall be accompanied by a certificate that states that sales or use tax has been paid on the purchase of the mobile home or cabin trailer or that the transfer of title was exempt from sales and use taxes. The county treasurer shall issue a certificate of title for a mobile home or cabin trailer but shall not deliver the certificate of title unless the certificate required under this subsection accompanies the application for certificate of title for the mobile home or cabin trailer, except that the failure of the application to be accompanied by such certificate shall not prevent the notation of a lien on the certificate of title to the mobile home or cabin trailer pursuant to section60-164.

(2) An application for a certificate of title to a mobile home shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county treasurer of the county of application for title. The county treasurer shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the certificate of title to the mobile home pursuant to section60-164and delivery to the holder of the first lien.

60-148.

Assignment of distinguishing identification number; when.

(1) Whenever a person applies for a certificate of title for a vehicle, the department shall assign a distinguishing identification number to the vehicle if the vehicle identification number is destroyed, obliterated, or missing. The owner of such a vehicle to which such number is assigned shall have such number affixed to such vehicle as provided in subsection (2) of this section and sign an affidavit on a form prepared by the department that such number has been attached. Before the certificate of title for an assigned number is released to the applicant by the county treasurer, the applicant shall also provide a statement that an inspection has been conducted.
(2) The department shall develop a metallic assigned vehicle identification number plate which can be permanently secured to a vehicle by rivets or a permanent sticker or other form of marking or identifying the vehicle with the distinguishing identification number as determined by the director. All distinguishing identification numbers shall contain seventeen characters in conformance with national standards. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled all-terrain vehicle, a utility-type vehicle, a minibike, an assembled vehicle, a vehicle designated as reconstructed, or a vehicle designated as replica, the department shall use a distinguishing identification number. The department shall, upon application by an owner, provide the owner with a number plate or a permanent sticker or other form of marking or identification displaying a distinguishing identification number or the manufacturer's number.
(3) Any vehicle to which a distinguishing identification number is assigned shall be titled under such distinguishing identification number when titling of the vehicle is required under the Motor Vehicle Certificate of Title Act.

60-149.
Application; documentation required.
(1)(a) If a certificate of title has previously been issued for a vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned except as otherwise provided in the Motor Vehicle Certificate of Title Act.
(b) Except for manufactured homes or mobile homes as provided in subsection (2) of this section, if a certificate of title has not previously been issued for the vehicle in this state or if a certificate of title is unavailable, the application shall be accompanied by:
(i) A manufacturer's or importer's certificate except as otherwise provided in subdivision (viii) of this subdivision;
(ii) A duly certified copy of the manufacturer's or importer's certificate;
(iii) An affidavit by the owner affirming ownership in the case of an all-terrain vehicle, a utility-type vehicle, or a minibike;
(iv) A certificate of title from another state;
(v) A court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the vehicle was brought into this state does not have a certificate of title law;
(vi) Evidence of ownership as provided for in section30-24,125, sections52-601.01to52-605, sections60-1901to60-1911, or sections60-2401to60-2411;
(vii) Documentation prescribed in section60-142.01,60-142.02,60-142.04,60-142.05,60-142.09, or60-142.11or documentation of compliance with section76-1607;
(viii) A manufacturer's or importer's certificate and an affidavit by the owner affirming ownership in the case of a minitruck;
(ix) In the case of a motor vehicle, a trailer, an all-terrain vehicle, a utility-type vehicle, or a minibike, an affidavit by the holder of a motor vehicle auction dealer's license as described in subdivision (11) of section60-1406affirming that the certificate of title is unavailable and that the vehicle (A) is a salvage vehicle through payment of a total loss settlement, (B) is a salvage vehicle purchased by the auction dealer, or (C) has been donated to an organization operating under section 501(c)(3) of the Internal Revenue Code as defined in section49-801.01; or
(x) A United States Government Certificate to Obtain Title to a Vehicle.
(c) If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state.
(d) If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section60-167.
(2)(a) If the application for a certificate of title for a manufactured home or a mobile home is being made in accordance with subdivision (4)(b) of section60-137or if the certificate of title for a manufactured home or a mobile home is unavailable, the application shall be accompanied by proof of ownership in the form of:
(i) A duly assigned manufacturer's or importer's certificate;
(ii) A certificate of title from another state;
(iii) A court order issued by a court of record;
(iv) Evidence of ownership as provided for in section30-24,125, sections52-601.01to52-605, sections60-1901to60-1911, or sections60-2401to60-2411, or documentation of compliance with section76-1607; or
(v) Assessment records for the manufactured home or mobile home from the county assessor and an affidavit by the owner affirming ownership.
(b) If the applicant cannot produce proof of ownership described in subdivision (a) of this subsection, he or she may submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize the county treasurer to issue a certificate of title, as the case may be.
(3) For purposes of this section, certificate of title includes a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of

ownership issued by another state or jurisdiction for a salvage vehicle. A previously salvage branded certificate of title may be issued if, prior to application, the applicant's vehicle has been repaired and inspected as provided in section60-146.
(4) The county treasurer shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.
(5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of this section, the holder of a motor vehicle auction dealer's license shall certify that (i) it has made at least two written attempts and has been unable to obtain the properly endorsed certificate of title to the property noted in the affidavit from the owner and (ii) thirty days have expired after the mailing of a written notice regarding the intended disposition of the property noted in the affidavit by certified mail, return receipt requested, to the last-known address of the owner and to any lien or security interest holder of record of the property noted in the affidavit.
(b) The notice under subdivision (5)(a)(ii) of this section shall contain a description of the property noted in the affidavit and a statement that title to the property noted in the affidavit shall vest in the holder of the motor vehicle auction dealer's license thirty days after the date such notice was mailed.
(c) The mailing of notice and the expiration of thirty days under subdivision (5)(a)(ii) of this section shall extinguish any lien or security interest of a lienholder or security interest holder in the property noted in the affidavit, unless the lienholder or security interest holder has claimed such property within such thirty-day period. The holder of a motor vehicle auction dealer's license shall transfer possession of the property noted in the affidavit to the lienholder or security interest holder claiming such property.

60-150.
Application; county treasurer; duties.
The county treasurer shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records available. If he or she is satisfied that the applicant is the owner of such vehicle and that the application is in the proper form, the county treasurer shall issue a certificate of title over his or her signature and sealed with the appropriate seal.

60-151.
Certificate of title obtained in name of purchaser; exceptions.
(1) The certificate of title for a vehicle shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by a married couple, applications may be accepted upon the signature of either spouse as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section60-331.02, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.
(2) If the purchaser of a vehicle does not obtain a certificate of title in accordance with subsection (1) of this section within thirty days after the sale of the vehicle, the seller of such vehicle may request the department to update the electronic certificate of title record. The department shall update such record upon receiving evidence of a sale satisfactory to the director.

60-152.
Certificate of title; issuance; delivery of copies; seal; county treasurer; duties.
(1) The county treasurer shall issue a certificate of title for a vehicle in duplicate and retain one copy in his or her office. An electronic copy, in a form prescribed by the department, shall be transmitted on the day of issuance to the department. The county treasurer shall sign and affix the appropriate seal to the original certificate of title and, if there are no liens on the vehicle, deliver the certificate to the applicant. If there are one or more liens on the vehicle, the certificate of title shall be handled as provided in section60-164or60-165.
(2) The county treasurers of the various counties shall adopt a circular seal with the words County Treasurer of ..... (insert name) County thereon. Such seal shall be used by the county treasurer or the deputy or legal authorized agent of such officer, without charge to the applicant, on any certificate of title, application for certificate of title, duplicate copy, assignment or reassignment, power of attorney, statement, or affidavit pertaining to the issuance of a Nebraska certificate of title.
(3) The department shall prescribe a uniform method of numbering certificates of title.
(4) The county treasurer shall
(a) file all certificates of title according to rules and regulations adopted

and promulgated by the department, (b) maintain in the office indices for such certificates of title, (c) be authorized to destroy all previous records five years after a subsequent transfer has been made on a vehicle, and (d) be authorized to destroy all certificates of title and all supporting records and documents which have been on file for a period of five years or more from the date of filing the certificate or a notation of lien, whichever occurs later.

60-153.
Certificate of title; form; contents; secure power-of-attorney form.
(1) A certificate of title shall be printed upon safety security paper to be selected by the department. The certificate of title, manufacturer's statement of origin, and assignment of manufacturer's certificate shall be upon forms prescribed by the department and may include, but shall not be limited to, county of issuance, date of issuance, certificate of title number, previous certificate of title number, vehicle identification number, year, make, model, and body type of the vehicle, name and residential and mailing address of the owner, acquisition date, issuing county treasurer's signature and official seal, and sufficient space for the notation and release of liens, mortgages, or encumbrances, if any. A certificate of title issued on or after September 1, 2007, shall include the words "void if altered". A certificate of title that is altered shall be deemed a mutilated certificate of title. The certificate of title of an all-terrain vehicle, utility-type vehicle, or minibike shall include the words "not to be registered for road use".
(2) An assignment of certificate of title shall appear on each certificate of title and shall include, but not be limited to, a statement that the owner of the vehicle assigns all his or her right, title, and interest in the vehicle, the name and address of the assignee, the name and address of the lienholder or secured party, if any, and the signature of the owner or the owner's parent, legal guardian, foster parent, or agent in the case of an owner who is a handicapped or disabled person as defined in section60-331.02.
(3) A reassignment by a dealer shall appear on each certificate of title and shall include, but not be limited to, a statement that the dealer assigns all his or her right, title, and interest in the vehicle, the name and address of the assignee, the name and address of the lienholder or secured party, if any, and the signature of the dealer or designated representative. Reassignments shall be printed on the reverse side of each certificate of title as many times as convenient.
(4) The department may prescribe a secure power-of-attorney form and may contract with one or more persons to develop, provide, sell, and distribute secure power-of-attorney forms in the manner authorized or required by the federal Truth in Mileage Act of 1986 and any other federal law or regulation. Any secure power-of-attorney form authorized pursuant to a contract shall conform to the terms of the contract and be in strict compliance with the requirements of the department.
(5) A certificate of title for a former military vehicle shall include the words "former military vehicle".

60-154.
Fees.
(1)(a) For each original certificate of title issued by a county for a motor vehicle or trailer, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to the Motor Vehicle Fraud Cash Fund; forty-five cents to the Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry Licensing Fund.
(b) For each original certificate of title issued by a county for an all-terrain vehicle, a utility-type vehicle, or a minibike, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to the Motor Vehicle Fraud Cash Fund; and fifty-five cents to the Nebraska State Patrol Cash Fund.
(2) For each original certificate of title issued by the department for a vehicle except as provided in section60-159.01, the fee shall be ten dollars. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Six dollars shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.
(3) An approved licensed dealer participating in the electronic dealer services system pursuant to section60-1507may collect the fees prescribed by this section and shall remit any such fees to the appropriate county treasurer or the department.

60-154.01.
Motor Vehicle
Fraud Cash Fund; created; use; investment.
The
Motor Vehicle Fraud Cash Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. The fund shall consist of revenue credited pursuant to section60-154. The fund shall only be used by the Department of Justice for expenses incurred and related to (1) the investigation and prosecution of odometer and motor vehicle fraud

and motor vehicle licensing violations which may be referred by the Nebraska Motor Vehicle Industry Licensing Board and (2) the investigation and prosecution of fraud relating to and theft of all-terrain vehicles, utility-type vehicles, and minibikes. Expenditures from the fund shall be approved by the Attorney General as authorized by law.
Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

60-155.
Notation of lien; fees.
(1) For each notation of a lien by a county, the fee shall be seven dollars. Two dollars shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. One dollar shall be remitted to the State Treasurer for credit to the General Fund.
(2) For each notation of a lien by the department, the fee shall be seven dollars. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Three dollars shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.
(3) An approved licensed dealer participating in the electronic dealer services system pursuant to section60-1507may collect the fees prescribed by this section and shall remit any such fees to the appropriate county treasurer or the department.

60-156.
Duplicate certificate of title; fees.
(1) For each duplicate certificate of title issued by a county for a vehicle, the fee shall be fourteen dollars. Ten dollars shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(2) For each duplicate certificate of title issued by the department for a vehicle, the fee shall be fourteen dollars. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Ten dollars shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.

60-158.
Identification inspection; fees.
(1) For each identification inspection conducted by the patrol, the fee shall be ten dollars, which shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund.
(2) For each identification inspection conducted by a county sheriff, the fee shall be ten dollars, which shall be paid to the county treasurer and credited to the county sheriff's vehicle inspection account within the county general fund.

60-159.
Application for vehicle identification number or distinguishing identification number; fee.
For each application for a metallic assigned vehicle identification number plate or other form of marking or identification under section60-148, the fee shall be twenty dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-159.01.
New title of vehicle previously issued title as assembled vehicle; fee.
For each certificate of title issued by the department under section60-142.06, the fee shall be twenty-five dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-160.
Bonded certificate of title; fee.
For each bonded certificate of title issued for a vehicle, the fee shall be fifty dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-161.
County treasurer; remit funds; when.
The county treasurer shall remit all funds due the State Treasurer under sections60-154to60-160monthly and not later than the twentieth day of the month following collection. The county treasurer shall credit the fees not due the State Treasurer to the county general fund.

60-162.

Department; powers; rules and regulations.
(1) The department may adopt and promulgate rules and regulations to insure uniform and orderly operation of the Motor Vehicle Certificate of Title Act, and the county treasurer of each county shall conform to such rules and regulations and proceed at the direction of the department. The department shall also provide the county treasurers with the necessary training for the proper administration of the act.
(2) The department shall receive all instruments relating to vehicles forwarded to it by the county treasurers under the act and shall maintain indices covering the state at large for the instruments so received. These indices shall be by motor number or by an identification number and alphabetically by the owner's name and shall be for the state at large and not for individual counties.
(3) The department shall provide and furnish the forms required by the act, except manufacturers' or importers' certificates.
(4) The county treasurer shall keep on hand a sufficient supply of blank forms which, except certificate of title forms, shall be furnished and distributed without charge to manufacturers, dealers, or other persons residing within the county.

60-163.
Department; cancellation of certificate of title; procedure.
(1) The department shall check with its records all duplicate certificates of title received from a county treasurer. If it appears that a certificate of title has been improperly issued, the department shall cancel the same. Upon cancellation of any certificate of title, the department shall notify the county treasurer who issued the same, and such county treasurer shall thereupon enter the cancellation upon his or her records. The department shall also notify the person to whom such certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of such certificate of title, but the cancellation shall not affect the validity of any lien noted thereon. The holder of such certificate of title shall return the same to the department forthwith.
(2) If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the same and demand the return of such certificate of registration and license plates or tags, and the holder of such certificate of registration and license plates or tags shall return the same to the department forthwith.

60-164.
Department; implement electronic title and lien system for vehicles; liens on motor vehicles; when valid; notation on certificate; inventory, exception; priority; adjustment to rental price; how construed; notation of cancellation; failure to deliver certificate; damages; release.
(1) The department shall implement an electronic title and lien system for vehicles. The holder of a security interest, trust receipt, conditional sales contract, or similar instrument regarding a vehicle, or beginning on the implementation date determined by the director pursuant to subsection (7) of section60-1507, a licensed dealer, may file a lien electronically as prescribed by the department. Upon receipt of an application for a certificate of title for a vehicle, any lien filed electronically shall become part of the electronic certificate of title record created by the county treasurer or department maintained on the electronic title and lien system. If an application for a certificate of title indicates that there is a lien or encumbrance on a vehicle or if a lien or notice of lien has been filed electronically, the department shall retain an electronic certificate of title record and shall note and cancel such liens electronically on the system. The department shall provide access to the electronic certificate of title records for licensed dealers and lienholders who participate in the system by a method determined by the director.
(2) Except as provided in section60-165, the provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a vehicle, if such instrument is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of the same by the holder of such

instrument or, in the case of a certificate of title, if a notation of the same has been made electronically as prescribed in subsection (1) of this section or by the county treasurer or department on the face of the certificate of title or on the electronic certificate of title record, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a vehicle is inventory, as defined in section9-102, Uniform Commercial Code, held for sale by a person or corporation that is required to be licensed as provided in the Motor Vehicle Industry Regulation Act and is in the business of selling such vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such vehicle created by such person or corporation as debtor without the notation of lien on the certificate of title. A buyer of a vehicle at retail from a dealer required to be licensed as provided in the Motor Vehicle Industry Regulation Act shall take such vehicle free of any security interest. A purchase-money security interest, as defined in section9-103, Uniform Commercial Code, in a vehicle is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase-money security interest attaches.

(3) Subject to subsections (1) and (2) of this section, all liens, security agreements, and encumbrances noted upon a certificate of title or an electronic certificate of title record and all liens noted electronically as prescribed in subsection (1) of this section shall take priority according to the order of time in which the same are noted by the county treasurer or department. Exposure for sale of any vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on such vehicle shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such vehicle.

(4) The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the department or to any county treasurer, together with the certificate of title and the fee prescribed for notation of lien, may have a notation of such lien made on the face of such certificate of title. The owner of a vehicle may present a valid out-of-state certificate of title issued to such owner for such vehicle with a notation of lien on such certificate of title and the prescribed fee to the county treasurer or department and have the notation of lien made on the new certificate of title issued pursuant to section60-144without presenting a copy of the lien instrument. The county treasurer or the department shall enter the notation and the date thereof over the signature of the person making the notation and the seal of the office. If noted by a county treasurer, he or she shall on that day notify the department which shall note the lien on its records. The county treasurer or the department shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

(5) A transaction does not create a sale or a security interest in a vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a minibike, merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the vehicle.

(6) The county treasurer or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county treasurer or the department, within fifteen days after the date of notice, the certificate of title to permit notation of such other lien and, after notation of such other lien, the county treasurer or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county treasurer or the department for the purpose of showing such other lien on such certificate of title within fifteen days after the date of notice shall be liable for damages to such other lienholder for the amount of damages such other lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the certificate of title.

(7) Upon receipt of a subsequent lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments or a notice of lien filed electronically, together with an application for notation of the subsequent lien, the fee prescribed in section60-154, and, if a printed certificate of title exists, the presentation of the certificate of title, the county treasurer or department shall make notation of such other lien. If the certificate of title is not an electronic certificate of title record, the county treasurer or department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county treasurer or department, within fifteen days after the date of notice, the certificate of title to permit notation of such other lien. After such notation of lien, the lien shall become part of the electronic certificate of title record created by the county treasurer or department which is maintained on the electronic title and lien system. The holder of a certificate of title who refuses to deliver a certificate of title to the county treasurer or department for the purpose of noting such other lien on such certificate of title within fifteen days after the date when notified to do so shall be liable for damages to such other lienholder for the amount of damages such other lienholder suffered by reason of the holder of the certificate of title refusing to permit the noting of such lien on the certificate of title.

(8) When a lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the certificate of title over his, her, or its signature and deliver the certificate of title to the county treasurer or the department, which shall note the cancellation of the lien on the face of the certificate of title and on the records of such office. If delivered to a county treasurer, he or she shall on that day notify the department which shall note the cancellation on its records. The county treasurer or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of lien shall be noted on the certificate of title without charge. For an electronic certificate of title record, the lienholder shall, within fifteen days after payment is received when such lien is discharged, notify the department electronically or provide written notice of such lien release, in a manner prescribed by the department, to the county treasurer or department. The department shall note the cancellation of lien and, if no other liens exist, issue the certificate of title to the owner or as otherwise directed by the owner or

lienholder. If the holder of the title cannot locate a lienholder, a lien may be discharged ten years after the date of filing by presenting proof that thirty days have passed since the mailing of a written notice by certified mail, return receipt requested, to the last-known address of the lienholder.

60-164.01.
Electronic certificate of title; changes authorized.
If a certificate of title is an electronic certificate of title record, upon application by an owner or a lienholder and payment of the fee prescribed in section60-154, the following changes may be made to a certificate of title electronically and without printing a certificate of title:
(1) Changing the name of an owner to reflect a legal change of name;
(2) Removing the name of an owner with the consent of all owners and lienholders;
(3) Adding an additional owner with the consent of all owners and lienholders;
(4) Adding, changing, or removing a transfer-on-death beneficiary designation; or
(5) Allowing an owner that has elected to retain a salvage vehicle pursuant to subsection (2) of section60-173to obtain a salvage branded certificate of title.

60-165.
Security interest
in all-terrain vehicle, minibike, utility-type
vehicle, or low-speed vehicle;
perfection; priority; notation of lien; when.
(1)
Any security interest in an all-terrain vehicle or minibike perfected pursuant
to article 9, Uniform Commercial Code, before, on, or after January 1, 2004, in a utility-type vehicle
so perfected before, on, or after January 1, 2011, or in a low-speed vehicle so perfected before, on, or after
January 1, 2012, shall continue to be perfected until (a) the
financing statement perfecting such security interest is terminated or lapses
in the absence of the filing of a continuation statement pursuant to article
9, Uniform Commercial Code, or (b) an all-terrain vehicle, utility-type vehicle, minibike, or low-speed vehicle certificate of title
is issued and a notation of lien is made as provided in section60-164.
(2) Any lien noted on the face of an all-terrain vehicle,
utility-type vehicle, minibike, or low-speed vehicle certificate
of title or on an electronic certificate of title record pursuant to subsection
(1), (3), (4), (5), or (6) of this section,
on behalf of the holder of a security interest in the all-terrain vehicle,
utility-type vehicle, minibike, or low-speed vehicle which
was previously perfected pursuant to article 9, Uniform Commercial Code, shall
have priority as of the date such security interest was originally perfected.
(3) The holder of a certificate of title for an all-terrain
vehicle, utility-type vehicle, minibike, or low-speed vehicle shall,
upon request, surrender the certificate of title to a holder of a previously
perfected security interest in the all-terrain vehicle, utility-type vehicle, minibike, or low-speed vehicle to permit notation of
a lien on the certificate of title or on an electronic certificate of title
record and shall do such other acts as may be required to permit such notation.
(4) If the owner of an all-terrain vehicle or minibike subject
to a security interest perfected pursuant to article 9, Uniform Commercial
Code, fails or refuses to obtain a certificate of title after January 1, 2004,
the security interest holder may obtain a certificate of title in the name
of the owner of the all-terrain vehicle or minibike following the procedures
of section60-144and may have a lien noted on the certificate of title or
on an electronic certificate of title record pursuant to section60-164.
(5) If the owner of a utility-type vehicle subject to a security
interest perfected pursuant to article 9, Uniform Commercial Code, fails or
refuses to obtain a certificate of title after January 1, 2011, the security
interest holder may obtain a certificate of title in the name of the owner
of the utility-type vehicle following the procedures of section60-144and
may have a lien noted on the certificate of title or on an electronic certificate
of title record pursuant to section60-164.
(6) If the
owner of a low-speed vehicle subject to a security interest perfected pursuant

to article 9, Uniform Commercial Code, fails or refuses to obtain a certificate of title after January 1, 2012, the security interest holder may obtain a certificate of title in the name of the owner of the low-speed vehicle following the procedures of section60-144and may have a lien noted on the certificate of title or on an electronic certificate of title record pursuant to section60-164.
(7) The assignment, release, or satisfaction of a security interest in an all-terrain vehicle, utility-type vehicle, minibike, or low-speed vehicle shall be governed by the laws under which it was perfected.

60-165.01.
Printed certificate of title; when issued.
(1) A lienholder, at the owner's request, may request the issuance of a printed certificate of title if the owner of the vehicle relocates to another state or country or if requested for any other purpose approved by the department. Upon proof by the owner that a lienholder has not provided the requested certificate of title within fifteen days after the owner's request, the department may issue to the owner a printed certificate of title with all liens duly noted.
(2) If a nonresident applying for a certificate of title pursuant to subsection (4) of section60-144indicates on the application that the applicant will immediately surrender the certificate of title to the appropriate official in the applicant's state of residence in order to have a certificate of title issued by that state and the county treasurer finds that there is a lien or encumbrance on the vehicle, the county treasurer shall issue a printed certificate of title with all liens duly noted and deliver the certificate of title to the applicant.

60-166.
New certificate of title; issued when; proof required; processing of application.
(1)(a) This subsection applies prior to the implementation date designated by the Director of Motor Vehicles pursuant to subsection (2) of section60-1508.
(b) In the event of (i) the transfer of ownership of a vehicle by operation of law as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale or as provided in sections30-24,125,52-601.01to52-605,60-1901to60-1911, and60-2401to60-2411, (ii) the engine of a vehicle being replaced by another engine, (iii) a vehicle being sold to satisfy storage or repair charges or under section76-1607, or (iv) repossession being had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, the county treasurer of any county or the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to such vehicle, and upon payment of the appropriate fee and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.
(2)(a) This subsection applies beginning on the implementation date designated by the director pursuant to subsection (2) of section60-1508.
(b) In the event of (i) the transfer of ownership of a vehicle by operation of law as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale or as provided in section30-24,125, sections52-601.01to52-605, sections60-1901to60-1911, and sections60-2401to60-2411, (ii) the engine of a vehicle being replaced by another engine, (iii) a vehicle being sold to satisfy storage or repair charges or under section76-1607, or (iv) repossession being had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, and upon acceptance of an electronic certificate of title record after repossession, in addition to the title requirements in this section, the county treasurer of any county or the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to such vehicle, and upon payment of the appropriate fee and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.
(3) If the prior certificate of title issued for such vehicle provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner.
(4) Only an affidavit by the person or agent of the person to whom possession of such vehicle has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of a court order or an instrument upon which such claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession, except that if the applicant cannot produce such proof of ownership, he or she may submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize any county treasurer to issue a certificate of title, as the case may be.
(5) If from the records of the county treasurer or the department there appear to be any liens on such vehicle, such certificate of title shall comply with section60-164or60-165regarding such liens unless the application is accompanied by proper evidence of their satisfaction or extinction.

60-167.
Bonded certificate of title; application; fee; bond; issuance; release; statement on title; recall; procedure.

(1) The department shall issue a bonded certificate of title to an applicant who:
(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle or security interest in the vehicle;
(b) Provides a statement that an identification inspection has been conducted pursuant to section60-146;
(c) Pays the fee as prescribed in section60-160; and
(d) Files a bond in a form prescribed by the department and executed by the applicant.
(2) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the vehicle as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the vehicle or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.
(3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the vehicle have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.
(4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:
NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER ..... .
(5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for a bonded certificate of title is returned uncollected by a financial institution.

60-168.
Certificate of title; loss or mutilation;
duplicate certificate; subsequent purchaser, rights; recovery of original;
duty of owner.
(1) In the event of a lost or mutilated certificate
of title, the owner of the vehicle or the holder of a lien on the vehicle
shall apply, upon a form prescribed by the department, to the department or to any county treasurer for a duplicate
certificate of title and shall pay the fee prescribed by section60-156. The
application shall be signed and sworn to by the person making the application
or a person authorized to sign under section60-151. Thereupon the county treasurer, with the approval
of the department, or the department shall issue a duplicate certificate of
title to the person entitled to receive the certificate of title. If the records
of the title have been destroyed pursuant to section60-152, the county treasurer shall issue a duplicate
certificate of title to the person entitled to receive the same upon such
showing as the county treasurer may
deem sufficient. If the applicant cannot produce such proof of ownership,
he or she may apply directly to the department and submit such evidence as
he or she may have, and the department may, if it finds the evidence sufficient,
authorize the county treasurer to
issue a duplicate certificate of title. A duplicate certificate of title so
issued shall show only those unreleased liens of record. The new purchaser
shall be entitled to receive an original certificate of title upon presentation
of the assigned duplicate copy of the certificate of title, properly assigned
to the new purchaser, to the county treasurer prescribed
in section60-144.
(2) Any purchaser of a vehicle for which a certificate of title was
lost or mutilated may at the time of purchase require the seller of the same
to indemnify him or her and all subsequent purchasers of the vehicle against
any loss which he, she, or they may suffer by reason of any claim presented
upon the original certificate. In the event of the recovery of the original
certificate of title by the owner, he or she shall forthwith surrender the
same to the county treasurer or
the department for cancellation.

60-168.01.

Certificate of title; failure to note required brand or lien; notice to holder of title; corrected certificate of title; failure of holder to deliver certificate; effect; removal of improperly noted lien on certificate of title; procedure.
(1) The department, upon receipt of clear and convincing evidence of a failure to note a required brand or failure to note a lien on a certificate of title, shall notify the holder of such certificate of title to deliver to the county treasurer or the department, within fifteen days after the date on the notice, such certificate of title to permit the noting of such brand or lien. After notation, the county treasurer or the department shall deliver the corrected certificate of title to the holder as provided by section60-152. If a holder fails to deliver a certificate of title to the county treasurer or to the department, within fifteen days after the date on the notice for the purpose of noting such brand or lien on the certificate of title, the department shall cancel the certificate of title. This subsection does not apply when noting a lien in accordance with subsection (6) of section60-164.
(2) The department may remove a lien on a certificate of title when such lien was improperly noted if evidence of the improperly noted lien is submitted to the department and the department finds the evidence sufficient to support removal of the lien. The department shall send notification prior to removal of the lien to the last-known address of the lienholder. The lienholder must respond within thirty days after the date on the notice and provide sufficient evidence to support that the lien should not be removed. If the lienholder fails to respond to the notice, the lien may be removed by the department.

60-168.02.
Certificate of title in dealer's name; issuance authorized; documentation and fees required; dealer; duties.
(1) When a motor vehicle, trailer, or semitrailer is purchased by a motor vehicle dealer or trailer dealer and the original assigned certificate of title has been lost or mutilated, the dealer selling such motor vehicle or trailer may apply for an original certificate of title in the dealer's name. The following documentation and fees shall be submitted by the dealer:
(a) An application for a certificate of title in the name of such dealer;
(b) A photocopy from the dealer's records of the front and back of the lost or mutilated original certificate of title assigned to a dealer;
(c) A notarized affidavit from the purchaser of such motor vehicle or trailer for which the original assigned certificate of title was lost or mutilated stating that the original assigned certificate of title was lost or mutilated; and
(d) The appropriate certificate of title fee.
(2) The application and affidavit shall be on forms prescribed by the department. When the motor vehicle dealer or trailer dealer receives the new certificate of title in such dealer's name and assigns it to the purchaser, the dealer shall record the original sale date and provide the purchaser with a copy of the front and back of the original lost or mutilated certificate of title as evidence as to why the purchase date of the motor vehicle or trailer is prior to the issue date of the new certificate of title.

60-169.
Vehicle; certificate of title; surrender and cancellation; when required; licensed wrecker or salvage dealer; report; contents; fee; mobile home or manufactured home affixed to real property; certificate of title; surrender and cancellation; procedure; effect; detachment; owner; duties.
(1)(a) Except as otherwise provided in subdivision (c) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to any county treasurer or to the department. If the certificate of title is surrendered to a county treasurer, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon the records and shall notify the department of such cancellation. Beginning on the implementation date designated by the director pursuant to subsection (3) of section60-1508, a wrecker or salvage dealer shall report electronically to the department using the electronic reporting system. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.
(b) This subdivision applies to all licensed wrecker or salvage dealers and, except as otherwise provided in this subdivision, to each vehicle located on the premises of such dealer. For each vehicle required to be reported under 28 C.F.R. 25.56, as such regulation existed on January 1, 2024, the information obtained by the department under this section may be reported to the National Motor Vehicle Title Information System in a format that will satisfy the requirement for reporting under 28 C.F.R. 25.56, as such regulation existed on January 1, 2024. Such report shall include:
(i) The name, address, and contact information for the reporting entity;
(ii) The vehicle identification number;
(iii) The date the reporting entity obtained such motor vehicle;
(iv) The name of the person from whom such motor vehicle was obtained, for use only by a law enforcement or other appropriate government agency;
(v) A statement of whether the motor vehicle was or will be crushed, disposed of, offered for sale, or used for another purpose; and
(vi) Whether the motor vehicle is intended for export outside of the United States.
The department may set and collect a fee, not to exceed the cost of reporting to the National Motor Vehicle Title Information System, from wrecker or salvage dealers for electronic reporting to the National Motor Vehicle Title Information System, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. This subdivision does not apply to any vehicle reported by a wrecker or salvage dealer to the National Motor Vehicle Title Information System as required under 28

C.F.R. 25.56, as such regulation existed on January 1, 2024.
(c)(i) In the case of a mobile home or manufactured home for which a certificate of title has been issued, if such mobile home or manufactured home is affixed to real property in which each owner of the mobile home or manufactured home has any ownership interest, the certificate of title may be surrendered for cancellation to the county treasurer of the county where such mobile home or manufactured home is affixed to real property if at the time of surrender the owner submits to the county treasurer an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:
(A) The names and addresses of all of the owners of record of the mobile home or manufactured home;
(B) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;
(C) The legal description of the real property upon which the mobile home or manufactured home is affixed and the names of all of the owners of record of the real property;
(D) A statement that the mobile home or manufactured home is affixed to the real property;
(E) The written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title;
(F) A copy of the certificate of title surrendered for cancellation; and
(G) The name and address of an owner, a financial institution, or another entity to which notice of cancellation of the certificate of title may be delivered.
(ii) The person submitting an affidavit of affixture pursuant to subdivision (c)(i) of this subsection shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section28-915.
(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county treasurer, along with the affidavit required by subdivision (1)(c) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(c) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county treasurer shall be entitled to collect fees from the person submitting the affidavit in accordance with section33-109to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, the county treasurer or designated county official shall not issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.
(3) If a mobile home or manufactured home is affixed to real estate before June 1, 2006, a person who is the holder of a lien or security interest in both the mobile home or manufactured home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real estate.
(4) A mobile home or manufactured home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home or manufactured home is located. Any lien thereon shall be perfected and enforced in the same manner as a lien on real estate. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only as a part of the real estate to which it is affixed.
(5)(a) If each owner of both the mobile home or manufactured home and the real estate described in subdivision (1)(c) of this section intends to detach the mobile home or manufactured home from the real estate, the owner shall do both of the following: (i) Before detaching the mobile home or manufactured home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded under subdivision (1)(c) of this section; and (ii) apply for a certificate of title for the mobile home or manufactured home pursuant to section60-147.
(b) The affidavit of detachment shall contain all of the following:
(i) The names and addresses of all of the owners of record of the mobile home or manufactured home;
(ii) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;
(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached and the names of all of the owners of record of the real estate;
(iv) A statement that the mobile home or manufactured home is to be detached from the real property;
(v) A statement that the certificate of title of the mobile home or manufactured home has previously been canceled;
(vi) The name of each holder of a lien of record against the real estate from which the mobile home or manufactured home is to be detached, with the written consent of each holder to the detachment; and
(vii) The name and address of an owner, a financial institution, or another entity to which the certificate of title may be delivered.
(6) An owner of an affixed mobile home or manufactured home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home or manufactured home from the real estate before a certificate of title for the mobile home or manufactured home is issued by the county treasurer or department. If a certificate of title is issued by the county treasurer or department, the mobile home or manufactured home is no longer considered part of the real property. Any lien thereon shall be perfected pursuant to section60-164. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only by way of a certificate of title.
(7) For purposes of this section:

(a) A mobile home or manufactured home is affixed to real estate if the wheels, towing hitches, and running gear are removed and it is permanently attached to a foundation or other support system; and
(b) Ownership interest means the fee simple interest in real estate or an interest as the lessee under a lease of the real property that has a term that continues for at least twenty years after the recording of the affidavit under subsection (2) of this section.
(8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county treasurer and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

60-170.
Nontransferable certificate of title;
when issued; procedure; surrender for certificate of title; procedure.
(1) When an insurance company authorized to do business in Nebraska acquires a vehicle which has been properly titled and registered in a state other than Nebraska through payment of a total loss settlement on account of theft and the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county treasurer. A nontransferable certificate of title shall be issued in the same manner and for the same fee or fees as provided for a certificate of title in sections60-154to60-160and shall be on a form prescribed by the department.
(2) A vehicle which has a nontransferable certificate of title shall not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under the Motor Vehicle Certificate of Title Act.
(3) When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the vehicle has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the vehicle.

60-171.
Salvage branded certificate of title; terms, defined.
For purposes of sections60-171to60-177:
(1) Cost of repairs means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for repair that are customary and reasonable. Retail cost of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the insurance industry;
(2) Flood damaged means damage to a vehicle resulting from being submerged in water to the point that rising water has reached over the floorboard, has entered the passenger compartment, and has caused damage to any electrical, computerized, or mechanical components. Flood damaged specifically does not apply to a vehicle that an inspection, conducted by an insurance claim representative or a vehicle repairer, indicates:
(a) Has no electrical, computerized, or mechanical components damaged by water; or
(b) Had one or more electrical, computerized, or mechanical components damaged by water and all such damaged components were repaired or replaced;
(3) Late model vehicle means a vehicle which has (a) a manufacturer's model year designation of, or later than, the year in which the vehicle was wrecked, damaged, or destroyed, or any of the six preceding years or (b)(i) in the case of vehicles other than all-terrain vehicles, utility-type vehicles, and minibikes, a retail value of more than ten thousand five hundred dollars until January 1, 2010, and a retail value of more than ten thousand five hundred dollars increased by five hundred dollars every five years thereafter or (ii) in the case of all-terrain vehicles, utility-type vehicles, or minibikes, a retail value of more than one thousand seven hundred fifty dollars until January 1, 2010, and a retail value of more than one thousand seven hundred fifty dollars increased by two hundred fifty dollars every five years thereafter;
(4) Manufacturer buyback means the designation of a vehicle with an alleged nonconformity when the vehicle (a) has been replaced by a manufacturer or (b) has been repurchased by a manufacturer as the result of court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer;
(5) Previously salvaged or rebuilt each mean the designation of a rebuilt vehicle which was previously required to be issued a salvage branded certificate of title and which has been inspected as provided in section60-146;
(6) Retail value means the actual cash value, fair market value, or retail value of a vehicle as (a) set forth in a current edition of any nationally recognized compilation, including automated databases, of retail values or (b) determined pursuant to a market survey of comparable vehicles with respect to condition and equipment; and

(7) Salvage means the designation of a vehicle which is:
(a) A late model vehicle which has been wrecked, damaged, or destroyed to the extent that the estimated total cost of repair to rebuild or reconstruct the vehicle to its condition immediately before it was wrecked, damaged, or destroyed and to restore the vehicle to a condition for legal operation, meets or exceeds seventy-five percent of the retail value of the vehicle at the time it was wrecked, damaged, or destroyed; or
(b) Voluntarily designated by the owner of the vehicle as a salvage vehicle by obtaining a salvage branded certificate of title, without respect to the damage to, age of, or value of the vehicle.

60-172.
Salvage branded certificate of title; required disclosure.
A certificate of title issued on or after January 1, 2003, shall disclose in writing, from any records readily accessible to the department or county officials or a law enforcement officer, anything which indicates that the vehicle was previously issued a title in another jurisdiction that bore any word or symbol signifying that the vehicle was branded, including, but not limited to, older model salvage, unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, flood damaged, damaged, buyback, or any other indication, symbol, or word of like kind, and the name of the jurisdiction issuing the previous title.

60-173.
Salvage branded certificate of title; insurance company; total loss settlement; when issued.
(1) When an insurance company acquires a salvage vehicle through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county treasurer, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage vehicle for which a total loss settlement is made unless the owner of the salvage vehicle elects to retain the salvage vehicle.
(2) If the owner elects to retain the salvage vehicle, the insurance company shall notify the department of such fact in a format prescribed by the department. The department shall immediately enter the salvage brand onto the computerized record of the vehicle. Beginning on the implementation date designated by the director pursuant to subsection (3) of section60-1508, the insurance company shall report electronically to the department using the electronic reporting system. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county treasurer in the county designated in section60-144. Upon receipt of the certificate of title, the county treasurer shall issue a salvage branded certificate of title for the vehicle unless the vehicle has been repaired and inspected as provided in section60-146, in which case the county treasurer shall issue a previously salvaged branded certificate of title for the vehicle.
(3) An insurance company may apply to the department for a salvage branded certificate of title without obtaining a properly endorsed certificate of title from the owner or other evidence of ownership as prescribed by the department if it has been at least thirty days since the company obtained oral or written acceptance by the owner of an offer in an amount in settlement of a total loss. The insurance company shall submit an application form prescribed by the department for a salvage branded certificate of title accompanied by an affidavit from the insurance company that it has made at least two written attempts and has been unable to obtain the proper endorsed certificate of title from the owner following an oral or written acceptance by the owner of an offer of an amount in settlement of a total loss and evidence of settlement.

60-174.
Salvage branded certificate of title; salvage, previously salvaged or rebuilt, flood damaged, or manufacturer buyback title brand; inspection; when.
Whenever a title is issued in this state for a vehicle that is designated a salvage, previously salvaged or rebuilt, flood damaged, or manufacturer buyback, the following title brands shall be required: Salvage, previously salvaged, flood damaged, or manufacturer buyback. A certificate branded salvage, previously salvaged, flood damaged, or manufacturer buyback shall be administered in the same manner and for the same fee or fees as provided for a certificate of title in sections60-154to60-160. When a salvage branded certificate of title is surrendered for a certificate of title branded previously salvaged, the application for a certificate of title shall be accompanied by a statement of inspection as provided in section60-146.

60-175.
Salvage branded, flood-damaged branded, or manufacturer buyback branded certificate of title; when issued; procedure.
Any person who acquires ownership of a salvage, flood-damaged, or manufacturer buyback vehicle for which he or she does not obtain a salvage branded, flood-damaged branded, or manufacturer buyback branded certificate of title shall surrender the certificate of title to the county treasurer and make application for a salvage branded, flood-damaged branded, or manufacturer buyback branded certificate of title within thirty days after acquisition or prior to the sale or resale of the vehicle or any major component part of such vehicle or use of any major component part of the vehicle, whichever occurs earlier.

60-176.
Salvage branded certificate of title; prohibited act; penalty.

Any person who knowingly transfers a wrecked, damaged, or destroyed vehicle in violation of sections60-171to60-177is guilty of a Class IV felony.

60-177.
Salvage branded certificate of title; sections; how construed.
Nothing in sections60-171to60-177shall be construed to require the actual repair of a wrecked, damaged, or destroyed vehicle to be designated as salvage.

60-178.
Stolen vehicle; duties of law enforcement and department.
Every sheriff, chief of police, or member of the patrol having knowledge of a stolen vehicle shall immediately furnish the department with full information in connection therewith. The department, whenever it receives a report of the theft or conversion of such a vehicle, whether owned in this or any other state, together with the make and manufacturer's serial number or motor number, if applicable, shall make a distinctive record thereof and file the same in the numerical order of the manufacturer's serial number with the index records of such vehicle of such make. The department shall prepare a report listing such vehicles stolen and recovered as disclosed by the reports submitted to it, and the report shall be distributed as it may deem advisable. In the event of the receipt from any county treasurer of a copy of a certificate of title to such vehicle, the department shall immediately notify the rightful owner thereof and the county treasurer who issued such certificate of title, and if upon investigation it appears that such certificate of title was improperly issued, the department shall immediately cancel the same. In the event of the recovery of such stolen or converted vehicle, the owner shall immediately notify the department, which shall cause the record of the theft or conversion to be removed from its file.

60-179.
Prohibited acts; penalty.
A person commits a Class IV felony if he or she (1) forges any certificate of title or manufacturer's or importer's certificate to a vehicle, any assignment of either certificate, or any cancellation of any lien on a vehicle, (2) holds or uses such certificate, assignment, or cancellation knowing the same to have been forged, (3) procures or attempts to procure a certificate of title to a vehicle or passes or attempts to pass a certificate of title or any assignment thereof to a vehicle, knowing or having reason to believe that such vehicle has been stolen, (4) sells or offers for sale in this state a vehicle on which the motor number or manufacturer's serial number has been destroyed, removed, covered, altered, or defaced with knowledge of the destruction, removal, covering, alteration, or defacement of such motor number or manufacturer's serial number, (5) knowingly uses a false or fictitious name, knowingly gives a false or fictitious address, knowingly makes any false statement in any application or affidavit required under the Motor Vehicle Certificate of Title Act or in a bill of sale or sworn statement of ownership, or (6) otherwise knowingly commits a fraud in any application for a certificate of title.

60-180.
Violations; penalty.
(1) A person who operates in this state a vehicle for which a certificate of title is required without having such certificate in accordance with the Motor Vehicle Certificate of Title Act or upon which the certificate of title has been canceled is guilty of a Class III misdemeanor.
(2) A person who is a dealer or acting on behalf of a dealer and who acquires, purchases, holds, or displays for sale a new vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided for in the Motor Vehicle Certificate of Title Act is guilty of a Class III misdemeanor.
(3) A person who fails to surrender any certificate of title or any certificate of registration or license plates or tags upon cancellation of the same by the department and notice thereof as prescribed in the Motor Vehicle Certificate of Title Act is guilty of a Class III misdemeanor.
(4) A person who fails to surrender the certificate of title to the county treasurer

or department as provided in section60-169in case of the destruction or dismantling or change of a vehicle in such respect that it is not the vehicle described in the certificate of title is guilty of a Class III misdemeanor.
(5) A person who purports to sell or transfer a vehicle without delivering to the purchaser or transferee thereof a certificate of title or a manufacturer's or importer's certificate thereto duly assigned to such purchaser as provided in the Motor Vehicle Certificate of Title Act is guilty of a Class III misdemeanor.
(6) A person who knowingly alters or defaces a certificate of title or manufacturer's or importer's certificate is guilty of a Class III misdemeanor.
(7) Except as otherwise provided in section60-179, a person who violates any of the other provisions of the Motor Vehicle Certificate of Title Act or any rules or regulations adopted and promulgated pursuant to the act is guilty of a Class III misdemeanor.

60-181.
Vehicle identification inspections; training expenses; how paid.
The Nebraska State Patrol Cash Fund shall be used to defray the expenses of training personnel in title document examination, vehicle identification, and fraud and theft investigation and to defray the patrol's expenses arising pursuant to sections60-181to60-189, including those incurred for printing and distribution of forms, personal services, hearings, and similar administrative functions. Personnel may include, but shall not be limited to, county treasurers, investigative personnel of the Nebraska Motor Vehicle Industry Licensing Board, and peace officers as defined in section60-646. The training program shall be administered by the patrol. The patrol may utilize the Nebraska Law Enforcement Training Center to accomplish the training requirements of sections60-181to60-189. The superintendent may make expenditures from the fund necessary to implement such training.

60-182.
Vehicle identification inspections; sheriff; designate inspectors.
The sheriff shall designate a sufficient number of persons to become certified to assure completion of inspections with reasonable promptness.

60-183.
Vehicle identification inspections; inspectors; certificate required; issuance.
No person shall conduct an inspection unless he or she is the holder of a current certificate of training issued by the patrol. The certificate of training shall be issued upon completion of a course of instruction, approved by the patrol, in the identification of stolen and altered vehicles. The superintendent may require an individual to take such additional training as he or she deems necessary in order to maintain a current certificate of training.

60-184.
Vehicle identification inspections; application for training; contents.
The sheriff may designate an employee of his or her office, any individual who is a peace officer as defined in section60-646, or, by agreement, a county treasurer to assist in accomplishing inspections. Upon designation, the person shall request approval for training from the superintendent. Any person requesting approval for training shall submit a written application to the patrol. Such application shall include the following information: (1) The name and address of the applicant; (2) the name and address of the agency employing the applicant and the name of the agency head; and (3) such biographical information as the superintendent may require to facilitate the designation authorized by this section.

60-185.

Vehicle identification inspections; application for training; investigation; denial; grounds.
(1) Upon receipt of an application for training pursuant to section60-184, the patrol may inquire into the qualifications of the applicant and may also inquire into the background of the applicant.
(2) The patrol shall not approve any applicant who has (a) knowingly purchased, sold, or done business in stolen vehicles or parts therefor, (b) been found guilty of any felony which has not been pardoned, been found guilty of any misdemeanor concerning fraud or conversion, or suffered any judgment in any civil action involving fraud, misrepresentation, or conversion, or (c) made a false material statement in his or her application.

60-186.
Vehicle identification inspections; revocation of certificate of training; procedure; appeal.
The patrol may, after notice and a hearing, revoke a certificate of training. The patrol shall only be required to hold a hearing if the hearing is requested in writing within fifteen days after notice of the proposed revocation is delivered by the patrol. The patrol may revoke a certificate of training for any reason for which an applicant may be denied approval for training pursuant to section60-185. The patrol may revoke a certificate of training if the holder fails to keep a certificate current by taking any additional training the patrol may require. The patrol may revoke a certificate of training if the patrol finds that the holder is incompetent. A rebuttable presumption of incompetence shall arise from a finding by the patrol or a court of competent jurisdiction that the holder of a certificate of training has issued a statement of inspection for a stolen vehicle. Any person who feels himself or herself aggrieved by the patrol's decision to revoke a certificate may appeal such decision, and the appeal shall be in accordance with the Administrative Procedure Act.

60-187.
Vehicle identification inspections; attendance at training; restriction.
No individual, other than a peace officer, shall attend training for inspections funded under the Nebraska State Patrol Cash Fund unless such individual has been designated by a sheriff and approved by the patrol.

60-188.
Vehicle identification inspections; restriction on authority to inspect.
A holder of a certificate of training who is an employee of a licensee as determined by the department shall not inspect any vehicle which is not owned by his or her sponsoring licensee. A holder of a certificate of training who is a licensee shall not inspect any vehicle which he or she does not own.

60-189.
Vehicle identification inspections;
superintendent; duty.
The superintendent shall, from time
to time, provide each county treasurer and
each sheriff with a list of persons holding then current certificates of training.

60-190.
Odometers; unlawful acts; exceptions.
It shall be unlawful for any person to:
(1) Knowingly tamper with, adjust, alter, change, disconnect, or fail to connect an odometer of a motor vehicle, or cause any of the foregoing to occur, to reflect a mileage different than has actually been driven by such motor vehicle except as provided in section60-191;
(2) With intent to defraud, operate a motor vehicle on any street or highway knowing that the odometer is disconnected or nonfunctional; or
(3) Advertise for sale, sell, use, or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than that actually driven.
Sections60-190to60-196shall not apply to gross-rated motor vehicles of more than sixteen thousand pounds.

60-191.
Odometers; repaired or replaced; notice.
If any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement and the adjustment shall not be deemed a violation of section60-190, except that when the repaired or replaced odometer is incapable of registering the same mileage as before such repair or replacement, the repaired or replaced odometer shall be adjusted to read zero and a notice in writing on a form prescribed by the department shall be attached to the left door frame of the motor vehicle, or in the case of a motorcycle, other than an autocycle, to the frame of the motorcycle, by the owner or his or her agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced and any removal or alteration of such notice so affixed shall be deemed a violation of section60-190.

60-192.
Odometers; transferor; statement; contents.
(1) The transferor of any motor vehicle described in subsection (2) of this section, which was equipped with an odometer by the manufacturer, shall provide to the transferee a statement, signed by the transferor, setting forth:
(a) The mileage on the odometer at the time of transfer; and
(b)(i) A statement that, to the transferor's best knowledge, such mileage is that actually driven by the motor vehicle;
(ii) A statement that the transferor has knowledge that the mileage shown on the odometer is in excess of the designated mechanical odometer limit; or
(iii) A statement that the odometer reading does not reflect the actual mileage and should not be relied upon because the transferor has knowledge that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error.
(2) Prior to January 1, 2021, this section applies to the transfer of any motor vehicle of an age of less than ten years. Beginning January 1, 2021, this section applies to the transfer of any motor vehicle with a manufacturer's model year designation of 2011 or newer and an age of less than twenty years.
(3) If a discrepancy exists between the odometer reading and the actual mileage, a warning notice to alert the transferee shall be included with the statement. The transferor shall retain a true copy of such statement for a period of five years from the date of the transaction.
(4) Beginning on the implementation date designated by the director pursuant to subsection (2) of section60-1508, if motor vehicle ownership has been transferred by operation of law pursuant to repossession under subdivision (2)(b)(iv) of section60-166, the mileage shall be listed as the odometer reading at the time of the most recent transfer of ownership prior to the repossession of the motor vehicle. The adjustment shall not be deemed a violation of section60-190.

60-193.
Odometers; application for certificate of title; statement required.
The statement required by section60-192shall be on a form prescribed by the department or shall appear on the certificate of title. Such statement shall be submitted with the application for certificate of title unless the statement appears on the certificate of title being submitted with the application. The statement required by section60-192shall appear on the new certificate of title issued in the name of the transferee. No certificate of title shall be issued for a motor vehicle unless the application is accompanied by such statement or unless the information required by such statement appears on the certificate of title being submitted with the application.

60-194.
Odometers; motor vehicle dealer; duties;
violation; effect.
No licensed motor vehicle dealer shall
have in his or her possession as inventory for sale any used motor vehicle
of an age of less than twenty-five years for which the dealer does not have
in his or her possession the transferor's statement required by section60-192unless a certificate of title has been issued for such motor vehicle in the
name of the dealer. Violation of sections60-190to60-196shall be grounds
for suspension or revocation of a motor vehicle dealer's license under the Motor Vehicle Industry Regulation Act.

60-195.
Odometers; motor vehicle dealer; not guilty of violation; conditions.
A licensed motor vehicle dealer reassigning a certificate of title shall not be guilty of a violation of sections60-190to60-196if such dealer has in his or her possession the transferor's statement and if he or she has no knowledge that the statement is false and that the odometer does not reflect the mileage actually driven by the motor vehicle.

60-196.
Odometers; retention of statement; violation; penalty.
Any transferor who does not retain a true copy of the odometer statement for a period of five years from the date of the transaction as required by section60-192shall be guilty of a Class V misdemeanor. Any person who violates any other provision of sections60-190to60-196shall be guilty of a Class IV felony.

60-197.
Certificates, statements, notations, rules, regulations, and orders under prior law; effect.
(1) The repeal of Chapter 60, article 1, as it existed on September 4, 2005, and the enactment of the Motor Vehicle Certificate of Title Act is not intended to affect the validity of manufacturer's or importer's certificates, certificates of title of any kind, odometer statements, or security interests or liens in existence on such date. All such certificates, statements, and notations are valid under the

Motor Vehicle Certificate of Title Act as if issued or made under such act.
(2) The repeal of Chapter 60, article 1, as it existed on September 4, 2005, and the enactment of the Motor Vehicle Certificate of Title Act is not intended to affect the validity of certificates of training for inspections in existence on such date. All such certificates are valid under the Motor Vehicle Certificate of Title Act as if issued under such act.
(3) The rules, regulations, and orders of the Director of Motor Vehicles and the Department of Motor Vehicles issued under Chapter 60, article 1, shall remain in effect as if issued under the Motor Vehicle Certificate of Title Act unless changed or eliminated by the director or the department to the extent such power is statutorily granted to the director and department.

60-301.
Act, how cited.
Sections60-301to60-3,260shall be known and may be cited as the Motor Vehicle Registration Act.

60-302.
Definitions, where found.
For purposes of the Motor Vehicle Registration Act, unless the context otherwise requires, the definitions found in sections60-302.01to60-360shall be used.

60-302.01.
Access aisle, defined.
Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal regulations adopted in response to the act, as the act and the regulations existed on January 1, 2024.

60-303.
Agricultural floater-spreader implement, defined.
Agricultural floater-spreader implement means self-propelled equipment which is designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops and which has a gross laden weight of forty-eight thousand pounds or less and is equipped with floatation tires.

60-304.
Agricultural products, defined.
Agricultural products means field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them.

60-305.
All-terrain vehicle,
defined.
All-terrain vehicle means any motorized
off-highway vehicle which (1) is fifty inches or less in width, (2) has a
dry weight of twelve hundred pounds or less,
(3) travels on three or more nonhighway tires, and (4) is designed for operator
use only with no passengers or is specifically designed by the original manufacturer
for the operator and one passenger.
All-terrain vehicles which have been modified or retrofitted with after-market
parts to include additional equipment not required by sections60-6,357and60-6,358shall not be registered under the Motor Vehicle Registration Act,
nor shall such modified or retrofitted vehicles be eligible for registration
in any other category of vehicle defined in the act.

60-306.
Alternative
fuel, defined.
Alternative fuel includes electricity, solar power, and
any other source of energy not otherwise taxed under the motor fuel laws as
defined in section66-712which is used to power a motor vehicle. Alternative
fuel does not include motor vehicle fuel as defined in section66-482, diesel
fuel as defined in section66-482, or compressed fuel as defined in section66-6,100.

60-307.
Ambulance, defined.

Ambulance means any privately or publicly owned motor vehicle that is especially designed, constructed or modified, and equipped and is intended to be used and is maintained or operated for the overland transportation of patients upon the highways in this state or any other motor vehicle used for such purposes but does not include or mean any motor vehicle owned or operated under the direct control of an agency of the United States Government.

60-308.
Apportionable vehicle, defined.
(1) Apportionable vehicle means any motor vehicle or trailer used or intended for use in two or more member jurisdictions that allocate or proportionally register motor vehicles or trailers and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property.
(2) Apportionable vehicle does not include any recreational vehicle, motor vehicle displaying restricted plates, city pickup and delivery vehicle, or government-owned motor vehicle.
(3) An apportionable vehicle that is a power unit shall (a) have two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds or eleven thousand seven hundred ninety-three and four hundred one thousandths kilograms, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds or eleven thousand seven hundred ninety-three and four hundred one thousandths kilograms gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand pounds or eleven thousand seven hundred ninety-three and four hundred one thousandths kilograms or less and two-axle vehicles may be proportionally registered at the option of the registrant.

60-309.
Assembled vehicle, defined.
Assembled vehicle means a motor vehicle or trailer which was manufactured or assembled less than thirty years prior to application for registration under the Motor Vehicle Registration Act and which is materially altered from its construction by the removal, addition, or substitution of new or used major component parts unless such major component parts were replaced under warranty by the original manufacturer of the motor vehicle or trailer. Its make shall be assembled, and its model year shall be the year in which the motor vehicle or trailer was assembled.

60-309.01.
Autocycle, defined.
Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

60-310.
Automobile liability policy, defined.
Automobile liability policy means liability insurance written by an insurance carrier duly authorized to do business in this state protecting other persons from damages for liability on account of accidents occurring subsequent to the effective date of the insurance arising out of the ownership of a motor vehicle (1) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (2) subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (3) in the amount of twenty-five thousand dollars because of injury to or destruction of property of other persons in any one accident. An automobile liability policy shall not exclude, limit, reduce, or otherwise alter liability coverage under the policy solely because the injured person making a claim is the named insured in the policy or residing in the household with the named insured.

60-310.01.
Auxiliary axle, defined.
Auxiliary axle means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a full trailer, commonly known as converter gears or converter dollies.

60-311.

Base jurisdiction, defined.
Base jurisdiction means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where miles or kilometers are accrued by the fleet, and where operational records of such fleet are maintained or can be made available.

60-312.
Boat dealer, defined.
Boat dealer means a person engaged in the business of buying, selling, or exchanging boats at retail who has a principal place of business for such purposes in this state.

60-313.
Bus, defined.
Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

60-314.
Cabin trailer, defined.
Cabin trailer means any trailer designed for living quarters and for being towed by a motor vehicle and not exceeding one hundred two inches in width, forty feet in length, or thirteen and one-half feet in height, except as provided in subdivision (2)(k) of section60-6,288.

60-314.01.
Car toter or tow dolly, defined.
Car toter or tow dolly means a two-wheeled conveyance designed or adapted to support the weight of one axle of a motor vehicle while being towed in combination behind another motor vehicle.

60-315.
Collector, defined.
Collector means the owner of one or more historical vehicles who collects, purchases, acquires, trades, or disposes of such historical vehicles or parts thereof for his or her own use in order to preserve, restore, and maintain a historical vehicle or vehicles for hobby purposes.

60-316.
Commercial motor vehicle, defined.
(1) This subsection applies until January 1, 2023. Commercial motor vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks or public power district motor vehicles.
(2) This subsection applies beginning January 1, 2023. Commercial motor vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks, metropolitan utilities district motor vehicles, or public power district motor vehicles.

60-317.
Commercial trailer, defined.
Commercial trailer means any trailer or semitrailer which has a gross weight, including load thereon, of more than nine thousand pounds and which is designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Commercial trailer does not include cabin trailers, farm trailers, fertilizer trailers, or utility trailers.

60-318.
Current model year vehicle, defined.
Current model year vehicle means a motor vehicle or trailer for which the model year as designated by the manufacturer corresponds to the calendar year.

60-319.
Department, defined.
Department means the Department of Motor Vehicles.

60-321.
Director, defined.

Director means the Director of Motor Vehicles.

60-322.
Electric personal assistive mobility device, defined.
Electric personal assistive mobility device means a self-balancing, two-nontandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of seven hundred fifty watts or one horsepower, whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

60-323.
Evidence of insurance, defined.
Evidence of insurance means evidence of a current and effective automobile liability policy in paper or electronic format.

60-324.
Farm trailer, defined.
Farm trailer means a trailer or semitrailer belonging to a farmer or rancher and used wholly and exclusively to carry supplies to or from the owner's farm or ranch, used by a farmer or rancher to carry his or her own agricultural products to or from storage or market, or used by a farmer or rancher for hauling of supplies or agricultural products in exchange of services. Farm trailer does not include a trailer so used when attached to a farm tractor.

60-325.
Farm truck, defined.
Farm truck means a truck or sport utility vehicle, including any combination of a truck, truck-tractor, or sport utility vehicle, and a trailer or semitrailer, of a farmer or rancher (1) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (2) used by the farmer or rancher to carry his or her own agricultural products to or from storage or market, (3) used by a farmer or rancher in exchange of services in such hauling of supplies or agricultural products, or (4) used occasionally to carry camper units, to tow boats or cabin trailers, or to carry or tow museum pieces or historical vehicles, without compensation, to events for public display or educational purposes.

60-326.
Fertilizer trailer, defined.
Fertilizer trailer means any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less.

60-327.
Film vehicle, defined.
Film vehicle means any motor vehicle or trailer used exclusively by a nonresident production company temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production.

60-328.
Finance company, defined.
Finance company means any person engaged in the business of financing sales of motor vehicles, motorcycles, or trailers, or purchasing or acquiring promissory notes, secured instruments, or other documents by which the motor vehicles, motorcycles, or trailers are pledged as security for payment of obligations arising from such sales and who may find it necessary to engage in the activity of repossession and the sale of the motor vehicles, motorcycles, or trailers so pledged.

60-328.01.
Former military vehicle, defined.
Former military vehicle means a motor vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight, but is no longer used, or never was used, by a military force.

60-329.
Fleet, defined.
Fleet means one or more apportionable vehicles.

60-329.01.
Golf car vehicle, defined.

Golf car vehicle
means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

60-330.
Gross vehicle weight, defined.
Gross vehicle weight means the sum of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which the truck or truck-tractor is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time.

60-331.
Gross vehicle weight rating, defined.
Gross vehicle weight rating means the value specified by the manufacturer as the loaded weight of a single motor vehicle or trailer.

60-331.01.
Handicapped or disabled parking
permit, defined.
Handicapped or disabled parking permit means a permit issued by the department that authorizes the use of parking spaces and access aisles that have been designated for the exclusive use of handicapped or disabled persons.

60-331.02.
Handicapped or disabled person, defined.
Handicapped or disabled person means any individual with a severe visual, neurological, or physical impairment which limits personal mobility and results in an inability to travel more than two hundred feet without stopping or without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs.

60-332.
Highway, defined.
Highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

60-333.
Historical vehicle, defined.
Historical vehicle means a motor vehicle or trailer which is thirty or more years old, which is essentially unaltered from the original manufacturer's specifications, and which is, because of its significance, being collected, preserved, restored, or maintained by a collector as a leisure pursuit.

60-334.
Injurisdiction distance, defined.
Injurisdiction distance means total miles or kilometers operated (1) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (2) in noncontracting reciprocity jurisdictions by fleet vehicles that are base-plated in Nebraska.

60-334.01.
International Registration
Plan, defined.
International Registration Plan means the International Registration Plan adopted by International Registration Plan, Inc.

60-335.
Kit vehicle, defined.

Kit vehicle means a motor vehicle or trailer which was assembled by a person other than a generally recognized manufacturer of motor vehicles or trailers by the use of a reproduction resembling a specific manufacturer's make and model that is at least thirty years old purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. Kit vehicle does not include glider kits.

60-335.01.
Licensed dealer, defined.
Licensed dealer means a motor vehicle dealer, motorcycle dealer, or trailer dealer licensed under the Motor Vehicle Industry Regulation Act.

60-336.
Local truck, defined.
Local truck means a truck and combinations of trucks, truck-tractors, or trailers operated solely within an incorporated city or village or within ten miles of the corporate limits of the city or village in which they are owned, operated, and registered.

60-336.01.
Low-speed vehicle, defined.
Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2024, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

60-336.02.
Metropolitan utilities district, defined.
Metropolitan utilities district means a district created pursuant to section14-2101.

60-337.
Minibike, defined.
Minibike means a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. Minibike shall not include an electric personal assistive mobility device.

60-337.01.
Minitruck, defined.
Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission.

60-338.
Moped, defined.
Moped means a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than thirty miles per hour on level ground.

60-339.
Motor vehicle, defined.
Motor vehicle means any vehicle propelled by any power other than muscular power. Motor vehicle does not include (1) mopeds, (2) farm tractors, (3) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (4) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (5) vehicles which run only on rails or tracks, (6) off-road

designed vehicles not authorized by law for use on a highway, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles, utility-type vehicles, snowmobiles registered or exempt from registration under sections60-3,207to60-3,219, and minibikes, (7) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, (8) self-propelled chairs used by persons who are disabled, (9) electric personal assistive mobility devices, and (10) bicycles as defined in section60-611.

60-340.
Motorcycle, defined.
Motorcycle means any motor vehicle having a seat or saddle for use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes an autocycle.

60-341.
Noncontracting reciprocity jurisdiction, defined.
Noncontracting reciprocity jurisdiction means any jurisdiction which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial motor vehicles or trailers and, as a condition to operate on the highways of that jurisdiction, (1) does not require any type of motor vehicle or trailer registration or allocation of motor vehicles or trailers for registration purposes or (2) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that jurisdiction, on any motor vehicles or trailers which are part of a Nebraska-based fleet.

60-342.
Owner, defined.
Owner means a person, firm, or corporation which holds a legal title of a motor vehicle or trailer. If (1) a motor vehicle or trailer is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (2) a motor vehicle or trailer is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (3) a mortgagor of a motor vehicle or trailer is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for purposes of the Motor Vehicle Registration Act.

60-343.
Park, defined.
Park means to stop a motor vehicle or trailer for any length of time, whether occupied or unoccupied.

60-344.
Parts vehicle, defined.
Parts vehicle means a vehicle or trailer the title to which has been surrendered (1) in accordance with subdivision (1)(a) of section60-169or (2) to any other state by the owner of the vehicle or an insurance company to render the vehicle fit for sale for scrap and parts only.

60-345.
Passenger car, defined.
Passenger car means a motor vehicle designed and used to carry ten passengers or less and not used for hire. Passenger car may include a sport utility vehicle.

60-345.01.
Plug-in hybrid electric vehicle, defined.
Plug-in hybrid electric vehicle means any motor vehicle which:
(1) Uses batteries to power an electric motor;
(2) Uses motor vehicle fuel as defined in section66-482, diesel fuel as defined in section66-482, or compressed fuel as defined in section66-6,100to power an internal combustion engine; and
(3) Has batteries that can be charged using a wall outlet or charging equipment.

60-346.

Proof of financial responsibility, defined.
Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (1) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (2) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (3) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

60-346.01.
Public power district, defined.
Public power district means a district as defined by section70-601receiving annual gross revenue of at least forty million dollars as determined by the Nebraska Power Review Board.

60-346.02.
Reconstructed, defined.
Reconstructed means the designation of a vehicle which was permanently altered from its original design construction by removing, adding, or substituting major component parts.

60-346.03.
Replica, defined.
Replica means the designation of a vehicle which resembles a specific manufacturer's make and model that is at least thirty years old and which has been assembled as a kit vehicle.

60-347.
Recreational vehicle, defined.
Recreational vehicle means a motor vehicle designed for living quarters.

60-348.
Semitrailer, defined.
Semitrailer means any trailer so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle. Semitrailer does not include an auxiliary axle or a car toter or tow dolly.

60-349.
Situs, defined.
Situs means the tax district where the motor vehicle or trailer is stored and kept for the greater portion of the calendar year. For a motor vehicle or trailer used or owned by a student, the situs is at the place of residence of the student if different from the place at which he or she is attending school.

60-350.
Snowmobile, defined.
Snowmobile means a self-propelled vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats.

60-351.
Specially constructed vehicle, defined.
Specially constructed vehicle means a motor vehicle or trailer which was not originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles or trailers. Specially constructed vehicle includes kit vehicle.

60-351.01.
Sport utility vehicle, defined.
Sport utility vehicle means a high-performance motor vehicle weighing six thousand pounds or less designed to carry ten passengers or less or designated as a sport utility vehicle by the manufacturer.

60-352.
Suspension of operator's license, defined.
Suspension of operator's license means the temporary withdrawal by formal action of the department of a person's motor vehicle operator's license for a period specifically designated by the department, if any, and until compliance with all conditions for reinstatement.

60-352.01.

Temporarily handicapped or disabled person, defined.

Temporarily handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited as described in section60-331.02for no longer than one year.

60-353.

Total fleet distance, defined.

Total fleet distance means the distance traveled by a fleet in all jurisdictions during the preceding year.

60-354.

Trailer, defined.

Trailer means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include an auxiliary axle or a car toter or tow dolly.

60-355.

Transporter, defined.

Transporter means any person lawfully engaged in the business of transporting motor vehicles or trailers not his or her own solely for delivery thereof (1) by driving singly, (2) by driving in combinations by the towbar, fullmount, or saddlemount method or any combination thereof, or (3) when a truck or truck-tractor tows a trailer.

60-356.

Truck, defined.

Truck means a motor vehicle that is designed, used, or maintained primarily for the transportation of property or designated as a truck by the manufacturer.

60-357.

Truck-tractor, defined.

Truck-tractor means any motor vehicle designed and used primarily for towing other motor vehicles or trailers and not so constructed as to carry a load other than a part of the weight of the motor vehicle or trailer and load being towed.

60-358.

Utility trailer, defined.

Utility trailer means a trailer having a gross weight, including load thereon, of nine thousand pounds or less.

60-358.01.

Utility-type vehicle, defined.

(1) Utility-type vehicle means any motorized off-highway vehicle which (a) is seventy-four inches in width or less, (b) is not more than one hundred eighty inches, including the bumper, in length, (c) has a dry weight of two thousand pounds or less, and (d) travels on four or more nonhighway tires. Utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by sections60-6,357and60-6,358shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act.

(2) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.

60-359.

Well-boring apparatus, defined.

Well-boring apparatus means trucks, truck-tractors, or combinations of trucks or truck-tractors and trailers which are not for hire and are used exclusively to travel to and from the well site including (1) the well rig truck, (2) the boom truck, (3) the water tank truck, and (4) such other devices as are used exclusively for transporting well-boring apparatus to and from the well site including the drill stem, casing, drilling mud, pumps and related equipment, and well-site excavating machinery or equipment.

60-360.

Well-servicing equipment, defined.
Well-servicing equipment means equipment used for the (1) care and replacement of down-hole production equipment and (2) restimulation of a well.

60-361.
Department; powers.
The department may administer and enforce the International Registration Plan Act and the Motor Vehicle Registration Act.

60-362.
Registration required; presumption.
Unless otherwise expressly provided, no motor vehicle shall be operated or parked and no trailer shall be towed or parked on the highways of this state unless the motor vehicle or trailer is registered in accordance with the Motor Vehicle Registration Act. There shall be a rebuttable presumption that any motor vehicle or trailer stored and kept more than thirty days in the state is being operated, parked, or towed on the highways of this state, and such motor vehicle or trailer shall be registered in accordance with the act, from the date of title of the motor vehicle or trailer or, if no transfer in ownership of the motor vehicle or trailer has occurred, from the expiration of the last registration period for which the motor vehicle or trailer was registered. No motor vehicle or trailer shall be eligible for initial registration in this state, except a motor vehicle or trailer registered or eligible to be registered as part of a fleet of apportionable vehicles under section60-3,198, unless the Motor Vehicle Certificate of Title Act has been complied with insofar as the motor vehicle or trailer is concerned.

60-363.
Registration certificate; duty to carry, exceptions.
(1) No person shall operate or park a motor vehicle on the highways unless such motor vehicle at all times carries in or upon it, subject to inspection by any peace officer, the registration certificate issued for it.
(2) No person shall tow or park a trailer on the highways unless the registration certificate issued for the trailer or a copy thereof is carried in or upon the trailer or in or upon the motor vehicle that is towing or parking the trailer, subject to inspection by any peace officer, except as provided in subsections (4) and (5) of this section and except fertilizer trailers as defined in section60-326. The registration certificate for a fertilizer trailer shall be kept at the principal place of business of the owner of the fertilizer trailer.
(3) In the case of a motorcycle other than an autocycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle.
(4) In the case of a motor vehicle or trailer operated by a public power district registered pursuant to section60-3,228, the registration certificate shall be kept at the principal place of business of the public power district.
(5) Beginning January 1, 2023, in the case of a motor vehicle or trailer operated by a metropolitan utilities district registered pursuant to section60-3,228, the registration certificate shall be kept at the principal place of business of the metropolitan utilities district.
(6) In the case of an apportionable vehicle registered under section60-3,198, the registration certificate may be displayed as a legible paper copy or electronically as authorized by the department.

60-364.
Transfer of vehicle; effect on registration.
Upon the transfer of ownership of any motor vehicle or trailer, its registration shall expire.

60-365.
Operation of
vehicle without registration; limitation; proof of ownership.
Any person purchasing a motor vehicle or trailer in this
state other than from a licensed dealer in motor vehicles or trailers shall
not operate or tow such motor vehicle or trailer in this state without registration
except as provided in this section. Such purchaser may operate or tow such
motor vehicle or trailer without registration for a period not to exceed thirty
days. Upon demand of proper authorities, there shall be presented by the person
in charge of such motor vehicle or trailer, for examination, a bill of sale showing the date of transfer or
the certificate of title to such motor vehicle or trailer with assignment
thereof duly executed. When such motor vehicle or trailer is purchased from
a nonresident, the person in charge of such motor vehicle or trailer shall
present upon demand proper evidence of ownership from the state where such
motor vehicle or trailer was purchased.

60-366.
Nonresident owner; registration; when; reciprocity; avoidance of proper registration; Department of Motor Vehicles or Department

of Revenue; powers; notice; determination; appeal; penalty; when.
(1) Any nonresident owner who desires to register a motor vehicle or trailer in this state shall register in the county where the motor vehicle or trailer is domiciled or where the owner conducts a bona fide business.
(2) A nonresident owner, except as provided in subsections (3) and (4) of this section, owning any motor vehicle or trailer which has been properly registered in the state, country, or other place of which the owner is a resident, and which at all times, when operated or towed in this state, has displayed upon it the license plate or plates issued for such motor vehicle or trailer in the place of residence of such owner, may operate or permit the operation or tow or permit the towing of such motor vehicle or trailer within the state without registering such motor vehicle or trailer or paying any fees to this state.
(3)(a) Except as otherwise provided in subdivision (c) of this subsection, any nonresident owner gainfully employed or present in this state, operating a motor vehicle or towing a trailer in this state, shall register such motor vehicle or trailer in the same manner as a Nebraska resident, after thirty days of continuous employment or presence in this state, unless the state of his or her legal residence grants immunity from such requirements to residents of this state operating a motor vehicle or towing a trailer in that state.
(b) Except as otherwise provided in subdivision (c) of this subsection, any nonresident owner who operates a motor vehicle or tows a trailer in this state for thirty or more continuous days shall register such motor vehicle or trailer in the same manner as a Nebraska resident unless the state of his or her legal residence grants immunity from such requirements to residents of this state operating a motor vehicle or towing a trailer in that state.
(c) Any nonresident owner of a film vehicle may operate the film vehicle for up to one year without registering the vehicle in this state.
(4)(a) The Department of Motor Vehicles or the Department of Revenue may determine (i) that a limited liability company, partnership, corporation, or other business entity that is organized under the laws of another state or country and that owns or holds title to a recreational vehicle is a shell company used to avoid proper registration of the recreational vehicle in this state and (ii) that the recreational vehicle is controlled by a Nebraska resident.
(b) Factors that the Department of Motor Vehicles or the Department of Revenue may consider to determine that the limited liability company, partnership, corporation, or other business entity is a shell company used to avoid proper registration of the recreational vehicle in this state include, but are not limited to:
(i) The limited liability company, partnership, corporation, or other business entity lacks a business activity or purpose;
(ii) The limited liability company, partnership, corporation, or other business entity does not maintain a physical location in this state;
(iii) The limited liability company, partnership, corporation, or other business entity does not employ individual persons and provide those persons with Internal Revenue Service Form W-2 wage and tax statements; or
(iv) The limited liability company, partnership, corporation, or other business entity fails to file federal tax returns or fails to file a state tax return in this state.
(c) Factors that the Department of Motor Vehicles or the Department of Revenue may consider to determine that the recreational vehicle is controlled by a Nebraska resident include, but are not limited to:
(i) A Nebraska resident was the initial purchaser of the recreational vehicle;
(ii) A Nebraska resident operated or stored the recreational vehicle in this state for any period of time;
(iii) A Nebraska resident is a member, partner, or shareholder or is otherwise affiliated with the limited liability company, partnership, corporation, or other business entity purported to own the recreational vehicle; or
(iv) A Nebraska resident is insured to operate the recreational vehicle.
(d) If the Department of Motor Vehicles or the Department of Revenue makes the determinations described in subdivision (4)(a) of this section, there is a rebuttable presumption that:
(i) The Nebraska resident in control of the recreational vehicle is the actual owner of the recreational vehicle;
(ii) Such Nebraska resident is required to register the recreational vehicle in this state and is liable for all motor vehicle taxes, motor vehicle fees, and registration fees as provided in the Motor Vehicle Registration Act; and
(iii) The purchase of the recreational vehicle is subject to sales or use tax under section77-2703.
(e) The Department of Motor Vehicles or the Department of Revenue shall notify the Nebraska resident who is presumed to be the owner of the recreational vehicle that he or she is required to register the recreational vehicle in this state, pay any applicable taxes and fees for proper registration of the recreational vehicle under the Motor Vehicle Registration Act, and pay any applicable sales or use tax due on the purchase under the Nebraska Revenue Act of 1967 no later than thirty days after the date of the notice.
(f)(i) For a determination made by the Department of Motor Vehicles under this subsection, the Nebraska resident who is presumed to be the owner of the recreational vehicle may accept the determination and pay the county treasurer as shown in the notice, or he or she may dispute the determination and appeal the matter. Such appeal shall be filed with the Director of Motor Vehicles within thirty days after the date of the notice or the determination will be final. The director shall appoint a hearing officer who shall hear the appeal and issue a written decision. Such appeal shall be in accordance with the Administrative Procedure Act. Following a final determination in the appeal in favor of the Department of Motor Vehicles or if no further appeal is filed, the Nebraska resident shall owe the taxes and fees determined to be due, together with any costs for the appeal assessed against the owner.
(ii) For a determination made by the Department of Revenue under this subsection, the Nebraska resident who is presumed to be the owner of the recreational vehicle may appeal the determination made by the Department of Revenue, and such appeal shall be in accordance with section77-2709.
(g) If the Nebraska resident who is presumed to be the owner of the recreational vehicle fails to pay the motor vehicle taxes, motor

vehicle fees, registration fees, or sales or use tax required to be paid under this subsection, he or she shall be assessed a penalty of fifty percent of such unpaid taxes and fees. Such penalty shall be remitted by the county treasurer or the Department of Revenue to the State Treasurer for credit to the Highway Trust Fund.

60-367.
Nonresident; applicability
of act.
Except as otherwise provided in section60-366, the provisions of the Motor Vehicle Registration Act relative to registration and display of registration numbers do not apply to a motor vehicle or trailer owned by a nonresident of this state, other than a foreign corporation doing business in this state, if the owner thereof has complied with the provisions of the law of the foreign country, state, territory, or federal district of his or her residence relative to registration of motor vehicles or trailers and the display of registration numbers thereon and conspicuously displays his or her registration numbers as required thereby.

60-368.
Nonresident; nonresident licensed vehicles hauling grain or seasonally harvested products; reciprocity.
Sections60-367and60-3,112shall be operative as to motor vehicles or trailers owned by a nonresident of this state only to the extent that under the laws of the foreign country, state, territory, or federal district of his or her residence, like exemptions and privileges are guaranteed to motor vehicles or trailers duly registered under the laws of and owned by residents of this state or to a motor vehicle or trailer duly licensed in the state of residence and operated by a nonresident agricultural worker, certified by the Department of Labor, as engaged in temporary agricultural employment in this state, for a period of not to exceed sixty days.

60-369.
Operation of vehicle without registration; purchase from state or political subdivision; proof of ownership.
Any purchaser of a motor vehicle or trailer from the State of Nebraska or any political subdivision of the state may operate such motor vehicle or tow such trailer without registration for a period of thirty days. Upon demand of proper authority, satisfactory proof of ownership, which shall be either the certificate of title to such motor vehicle or trailer with assignment thereof duly executed or a bill of sale which describes such motor vehicle or trailer with identification number, shall be presented by the person in charge of such motor vehicle or trailer for examination.

60-370.
County number system; alphanumeric system.
(1) Except as provided in subsection (3) of this section:
(a) In counties having a population of one hundred thousand inhabitants or more according to the most recent federal decennial census, registration of motor vehicles or trailers shall be by the alphanumeric system; and
(b) In all other counties, registration of motor vehicles or trailers shall be, at the option of each county board, by either the alphanumeric system or the county number system.
(2) Counties using the county number system shall show on motor vehicles or trailers licensed therein a county number on the license plate preceding a dash which shall then be followed by the registration number assigned to the motor vehicle or trailer. The county numbers assigned to the counties in Nebraska shall be as follows:
No.Name of CountyNo.Name of
County1Douglas2Lancaster3Gage4Custer5Dodge6Saunders7Madison8Hall9Buffalo10Platte11Otoe12Knox13Cedar14Adams15Lincoln16Sew
Bluff22Saline23Boone24Cuming25Butler26Antelope27Wayne28Hamilton29Washington30Clay31Burt32Thayer33Jefferson34Fillmore35Dix
Willow49Howard50Franklin51Harlan52Kearney53Stanton54Pawnee55Thurston56Sherman57Johnson58Nance59Sarpy60Frontier61Sheridan6
Butte66Cherry67Hitchcock68Keith69Dawes70Dakota71Kimball72Chase73Gosper74Perkins75Brown76Dundy77Garden78Deuel79Hayes80S
Paha83Garfield84Wheeler85Banner86Blaine87Logan88Loup89Thomas90McPherson91Arthur92Grant93Hooker
(3) Counties using the alphanumeric system shall show on the license plates of motor vehicles or trailers licensed therein a combination of three letters followed by a combination of three numerals. The department may adopt and promulgate rules and regulations creating alphanumeric distinctions on the license plates based upon the registration of the motor vehicle or trailer and designating plate types that shall display county numbers on a statewide basis, taking into consideration cost, the need for uniformity, factors applicable to the production, distribution, and use of specific plate types, and any other factors consistent with the purposes of the Motor Vehicle Registration Act that the director deems relevant.

60-371.
Exemption from civil liability.
The county and the county treasurer and his or her employees or agents shall be exempt from all civil liability when carrying out powers and duties delegated under the Motor Vehicle Registration Act.

60-372.
Vehicle Title and Registration System; agent of county treasurer; appointment.
(1) Each county shall issue and file registration certificates using the Vehicle Title and Registration System which shall be provided and maintained by the department.
(2) The county treasurer may appoint an agent to issue registration certificates and to accept the payment of taxes and fees as provided in the Motor Vehicle Registration Act, upon approval of the county board. The agent shall furnish a bond in such amount and upon such conditions as determined by the county board.

60-373.
Operation of vehicle without registration; dealer; employee or agent; licensed manufacturer; conditions.
(1) Each licensed motor vehicle dealer or trailer dealer as defined in sections60-1401.26and60-1401.37, respectively, doing business in this state, in lieu of registering each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any full-time or part-time employee or agent of such dealer may, if the motor vehicle or trailer displays dealer number plates:
(a) Operate or tow the motor vehicle or trailer upon the highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of business as a motor vehicle or trailer dealer. Such use may include personal or private use by the dealer and personal or private use by any bona fide employee, if the employee can be verified by payroll records maintained at the dealership as ordinarily working more than thirty hours per week or fifteen hundred hours per year at the dealership;
(b) Operate or tow the motor vehicle or trailer upon the highways of this state for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery; or
(c) Sell the motor vehicle or trailer.
(2) Each licensed manufacturer as defined in section60-1401.24which actually manufactures or assembles motor vehicles or trailers within this state, in lieu of registering each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer may operate or tow the motor vehicle or trailer upon the highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers, or use in the ordinary course and conduct of business as a motor vehicle or trailer manufacturer, upon the condition that any such motor vehicle or trailer display thereon, in the manner prescribed in section60-3,100, dealer number plates as provided for in section60-3,114.
(3) In no event shall such plates be used on motor vehicles or trailers hauling other than automotive or trailer equipment, complete motor vehicles, or trailers which are inventory of such licensed dealer or manufacturer unless there is issued by the department a special permit specifying the hauling of other products. This section shall not be construed to allow a dealer to operate a motor vehicle or trailer with dealer number plates for the delivery of parts inventory. A dealer may use such motor vehicle or trailer to pick up parts to be used for the motor vehicle or trailer inventory of the dealer.

60-374.
Operation of vehicle without registration; prospective buyer; conditions; special permit; fee.
Motor vehicles or trailers owned by a dealer and bearing dealer number plates may be operated or towed upon the highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Motor vehicles or trailers owned and held for sale by a dealer and bearing such dealer number plates may be operated or towed upon the highways for a period of forty-eight hours as service loaner vehicles by customers having their vehicles repaired by the dealer. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes or to a service customer, the dealer shall deliver to the prospective buyer or service customer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer or service customer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the department and shall be carried by such prospective buyer or service customer while operating such motor vehicle or towing such trailer. The department shall charge ten dollars for each special permit issued under this section.

60-375.
Operation of vehicle without registration;
finance company; repossession plates; fee.
(1) A finance
company which is licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the department for a repossession registration certificate and one repossession license plate. Additional pairs of repossession certificates and repossession license plates may be procured for a fee of ten dollars each. Repossession license plates may be used only for operating or towing motor vehicles or trailers on the highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers. The repossession certificate shall be displayed on demand for any motor vehicle or trailer

which has a repossession license plate. A finance company shall be entitled to a dealer license plate only in the event such company is licensed as a motor vehicle dealer or trailer dealer under the Motor Vehicle Industry Regulation Act.
(2) Repossession license plates shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such license plates shall be displayed only on the rear of a repossessed motor vehicle or trailer.

60-376.
Operation of vehicle without registration; In Transit sticker; records required; proof of ownership.
Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any motor vehicle dealer or trailer dealer who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers, who regularly maintains within this state an established place of business, and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, his or her agent, or a bona fide purchaser, operate such motor vehicle or tow such trailer on the highways of this state without charge or registration of such motor vehicle or trailer. A sticker shall be displayed on the front and rear windows or the rear side windows of such motor vehicle, except an autocycle or a motorcycle, and displayed on the front and rear of each such trailer. On the sticker shall be plainly printed in black letters the words In Transit. One In Transit sticker shall be displayed on an autocycle or a motorcycle, which sticker may be one-half the size required for other motor vehicles. Such stickers shall include a registration number, which registration number shall be different for each sticker or pair of stickers issued, and the contents of such sticker and the numbering system shall be as prescribed by the department. Each dealer issuing such stickers shall keep a record of the registration number of each sticker or pair of stickers on the invoice of such sale. Such sticker shall allow such owner to operate the motor vehicle or tow such trailer for a period of thirty days in order to effect proper registration of the new or used motor vehicle or trailer. When any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or tow such trailer for a period of thirty days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

60-377.
Business of equipping, modifying, repairing, or detailing; registration and plates; fee.
Any person, firm, or corporation in this state engaged in the business of equipping, modifying, repairing, or detailing motor vehicles or trailers which are not registered and which are not owned by such person, firm, or corporation shall make an application to the department for a registration certificate and one license plate. Such application shall be accompanied by a fee of thirty dollars. Additional pairs of certificates and license plates may be procured for a fee of thirty dollars each. Such license plates shall be designed by the department and shall bear a mark and be serially numbered so as to be distinguished from each other. Such license plates may be used solely for the purpose of equipping, modifying, repairing, detailing, and delivering such motor vehicles or trailers. Upon demand of proper authorities, the operator of such motor vehicle shall present a written statement from the owner authorizing operation of such motor vehicle or towing such trailer.

60-378.
Transporter plates; fee; records.
(1) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, apply to the department for a transporter's certificate and one transporter license plate. Additional pairs of transporter certificates and transporter license plates may be procured for a fee of ten dollars each. Transporter license plates shall be displayed (a) upon the motor vehicle or trailer being transported or (b) upon a properly registered truck or truck-tractor which is a work or service vehicle in the process of towing a trailer which is itself being delivered by the transporter, and such registered truck or truck-tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for three years a record of each motor vehicle or trailer transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file with the department proof of his or her status as a bona fide transporter.
(2) Transporter license plates may be the same size as license plates issued for motorcycles other than autocycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such license plates may only be displayed upon the front of a driven motor vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being towed.

60-379.
Boat dealer trailer plate; fee.

Any boat dealer when transporting a boat which is part of the inventory of the boat dealer on a trailer required to be registered may annually, in lieu of registering the trailer and upon application to the department and payment of a fee of ten dollars, obtain a certificate and a license plate. The plate may be displayed on any trailer owned by the boat dealer when the trailer is transporting such a boat. The license plate shall be of a type designed by the department and so numbered as to distinguish one plate from another.

60-380.
Motor vehicle or trailer owned by dealer; presumption.
Any motor vehicle or trailer owned by a dealer licensed under the Motor Vehicle Industry Regulation Act and bearing other than dealer license plates shall be conclusively presumed not to be a part of the dealer's inventory and not for demonstration or sale and therefor not eligible for any exemption from taxes or fees applicable to motor vehicles or trailers with dealer license plates.

60-381.
Manufacturer or dealer; branch offices; separate registration; dealer's plates; use.
Whenever a manufacturer or dealer licensed under the Motor Vehicle Industry Regulation Act maintains a branch or subagency, the manufacturer or dealer shall apply for a separate registration for such branch or subagency and shall pay therefor the fees provided in section60-3,114for the registration of motor vehicles or trailers owned by or under the control of the manufacturer or dealer, and the determination of the department upon the question whether any establishment constitutes a branch or subagency, within the intent of this section, shall be conclusive. No manufacturer, dealer, or employee of a manufacturer or dealer shall cause or permit the display or other use of any license plate or certificate of registration which has been issued to such manufacturer or dealer except upon motor vehicles or trailers owned by such manufacturer or dealer.

60-382.
Nonresident owners; thirty-day license plate; application; fee; certificate; contents.
(1) Any person, not a resident of this state, who is the owner of a motor vehicle or trailer required to be registered in this state or any other state may, for the sole purpose of delivering, or having delivered, such motor vehicle or trailer, to his or her home or place of business in another state, apply for and obtain a thirty-day license plate which shall allow such person or his or her agent or employee to operate such motor vehicle or trailer upon the highways under conditions set forth in subsection (2) of this section, without obtaining a certificate of title to such motor vehicle in this state.
(2) Applications for such thirty-day license plate shall be made to the county treasurer of the county where such motor vehicle or trailer was purchased or acquired. Upon receipt of such application and payment of the fee of five dollars, the county treasurer shall issue to such applicant a thirty-day license plate, which shall be devised by the director, and evidenced by the official certificate of the county treasurer, which certificate shall state the name of the owner and operator of the motor vehicle or trailer so licensed, the description of such motor vehicle or trailer, the place in Nebraska where such motor vehicle or trailer was purchased or otherwise acquired, the place where delivery is to be made, and the time, not to exceed thirty days from date of purchase or acquisition of the motor vehicle or trailer, during which time such license plate shall be valid.
(3) Nonresident owner thirty-day license plates issued under this section shall be the same size and of the same basic design as regular license plates

issued pursuant to section60-3,100.

60-383.01.
Minitruck; registration; fee.
For the registration of
every minitruck, the fee shall be fifteen dollars.

60-383.02.
Low-speed vehicle; registration;
fee.
For
the registration of every low-speed vehicle, the fee shall be fifteen dollars.

60-384.
Nonresident carnival operator; thirty-day
permit; fees; reciprocity.
Upon receipt of an application
duly verified, a nonresident carnival operator shall be issued a thirty-day carnival operators' permit to operate in Nebraska upon the payment of the following fees: For the gross vehicle weight of sixteen thousand pounds or less, ten dollars; for more than sixteen thousand pounds and not more than twenty-eight thousand pounds, fifteen dollars; for more than twenty-eight thousand pounds and not more than forty thousand pounds, twenty dollars; and for more than forty thousand pounds and not more than seventy-three thousand two hundred eighty pounds, twenty-five dollars, except that such a permit shall be issued only to out-of-state operators when the jurisdiction in which the motor vehicle and trailer is registered grants reciprocity to Nebraska. Such fees shall be paid to the county treasurer or persons designated by the director, who shall have authority to issue the permit when the applicant is eligible and pays the required fee. All fees collected under this section shall be paid into the state treasury and by the State Treasurer credited to the Highway Cash Fund.

60-385.
Application; situs.
Every owner of a motor vehicle or trailer required to be registered shall make application for registration to the county treasurer of the county in which the motor vehicle or trailer has situs. The application shall be by any means designated by the department. An approved licensed dealer participating in the electronic dealer services system pursuant to section60-1507may submit such application electronically to the appropriate county treasurer or the department. A salvage branded certificate of title and a nontransferable certificate of title provided for in section60-170shall not be valid for registration purposes.

60-386.
Application; contents.
(1) Each new application shall contain, in addition to other information as may be required by the department, the name and residential and mailing address of the applicant and a description of the motor vehicle or trailer, including the color, the manufacturer, the identification number, the United States Department of Transportation number if required by 49 C.F.R. 390.5 through 390.21, as such regulations existed on January 1, 2024, and the weight of the motor vehicle or trailer required by the Motor Vehicle Registration Act. For trailers which are not required to have a certificate of title under section60-137and which have no identification number, the assignment of an identification number shall be required and the identification number shall be issued by the county treasurer or department. With the application the applicant shall pay the proper registration fee and shall state whether the motor vehicle is propelled by alternative fuel and, if alternative fuel, the type of fuel. The application shall also contain a notification that bulk fuel purchasers may be subject to federal excise tax liability. The department shall include such notification in the notices required by section60-3,186.
(2) In addition to the information required under subsection (1) of this section, the application for registration shall contain (a)(i) the full legal name as defined in section60-468.01of each owner or (ii) the name of each owner as such name appears on the owner's motor vehicle operator's license or state identification card and (b)(i) the motor vehicle operator's license number or state identification card number of each owner, if applicable, and one or more of the identification elements as listed in section60-484of each owner, if applicable, and (ii) if any owner is a business entity, a nonprofit organization, an estate, a trust, or a church-controlled organization, its tax identification number.

60-387.

Proof of financial responsibility required.
An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section60-528bearing the seal of the department. Evidence of insurance shall give the effective dates of the automobile 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. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description. Proof of financial responsibility also may be evidenced by (1) a check by the department or its agents of the motor vehicle insurance database created under section60-3,136or (2) any other automated or electronic means as prescribed or developed by the department. For purposes of this section, fleet means a group of at least five vehicles that belong to the same owner.

60-387.01.
Evidence of insurance; display
as electronic image.
Evidence
of insurance may be displayed as an electronic image on an electronic device.
If a person displays evidence of insurance on an electronic device, the person
is not consenting for law enforcement to access other contents of the device.
Whenever a person presents an electronic device for purposes of evidence of
insurance, the person presenting the electronic device assumes liability for
any damage to the device.

60-388.
Collection of taxes and fees required.
No county treasurer shall receive or accept an application
or registration fee or issue any registration certificate for any motor vehicle
or trailer without collection of the taxes and the fees imposed in sections60-3,185,60-3,190, and77-2703and any other applicable taxes and fees upon
such motor vehicle or trailer. If applicable, the applicant shall furnish
proof of payment, in the form prescribed by the director as directed by the
United States Secretary of the Treasury, of the federal heavy vehicle use
tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

60-389.
Registration number; trailer identification tags; assignment.
Upon the filing of such application, the department shall, upon registration, assign to such motor vehicle or trailer a distinctive registration number in the form of a license plate. Beginning on the implementation date designated by the director pursuant to subsection (4) of section60-1508, for trailers which are not required to have a certificate of title under section60-137and which have an identification number issued by the county treasurer or department under section60-386, trailer identification tags shall be supplied by the department and shall be required to be affixed to the trailer after issuance. Upon sale or transfer of any such motor vehicle or trailer, such number may be canceled or may be reassigned to another motor vehicle or trailer, at the option of the department, subject to the provisions of the Motor Vehicle Registration Act.

60-390.
Certificate of registration; contents.
The certificate of registration shall contain upon the face thereof the name of the registered owner of the motor vehicle or trailer, his or her residential mailing address, a description of the motor vehicle or trailer as set forth in the application for registration, and whether alternative fuel was used to propel the motor vehicle and, if so, the type of fuel. The certificate of registration shall have and contain the identical registration number denoted on the license plate in connection with which such certificate of registration is issued and shall be valid only for the registration period for which it is issued. On the back of the certificate, the certificate of registration shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility is required in Nebraska. By paying the required registration fees, every person whose name appears on the registration of the motor vehicle or trailer certifies that a current and effective automobile liability policy or proof of financial responsibility will be maintained for the motor vehicle or trailer at the time of registration and while the motor vehicle or trailer is operated on a highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility for the motor vehicle or trailer upon demand.

60-391.
Combined certificate and receipt for

fees; county treasurer; report; contents.
The county treasurer shall issue a combined certificate and receipt for all fees received for the registration of motor vehicles or trailers to the applicant for registration and forward an electronic copy of the combined application and receipt to the department in a form prescribed by the department. Each county treasurer shall make a report to the department of the number of original registrations of motor vehicles or trailers registered in the rural areas of the county and of the number of original registrations of motor vehicles or trailers registered in each incorporated city and village in the county during each month, on or before the twenty-fifth day of the succeeding month. The department shall prescribe the form of such report. When any county treasurer fails to file such report, the department shall notify the county board of such county and the Director of Administrative Services who shall immediately suspend any payments to such county for highway purposes until the required reports are submitted.

60-392.
Renewal of registration; license plates; validation decals; registration period; expiration.
(1) Except as provided otherwise in this section, registration may be renewed annually in a manner designated by the department and upon payment of the same fee as provided for the original registration. On making an application for renewal, the registration certificate for the preceding registration period or renewal notice or other evidence designated by the department shall be presented with the application. A person may renew an annual registration up to thirty days prior to the date of expiration.
(2) The certificate of registration and license plates issued by the department shall be valid during the registration period for which they are issued, and when validation decals issued pursuant to section60-3,101have been affixed to the license plates, the plates shall also be valid for the registration period designated by such validation decals. If a person renews an annual registration up to thirty days prior to the date of expiration, the registration shall be valid for such time period as well.
(3) The registration period for motor vehicles and trailers required to be registered as provided in section60-362shall expire on the first day of the month one year from the month of issuance, and renewal shall become due on such day and shall become delinquent on the first day of the following month.
(4) Subsections (1) through (3) of this section do not apply to dealer's license plates, repossession plates, and transporter plates as provided in sections60-373,60-375,60-378, and60-379, which plates shall be issued for a calendar year.
(5) The registration period for apportioned vehicles as provided in section60-3,198shall be renewed monthly, quarterly, or annually at the discretion of the director. Such registration period expires on the last day of the registration period and renewal is delinquent on the first day of the second full month following such expiration date. The department may adopt and promulgate rules and regulations to establish a staggered registration system for apportioned vehicles registered pursuant to section60-3,198, including the collection of eighteen or fewer months of registration fees.

60-393.
Multiple vehicle registration.
Any owner who has two or more motor vehicles or trailers required to be registered under the Motor Vehicle Registration Act may register all such motor vehicles or trailers on a calendar-year basis or on an annual basis for the same registration period beginning in a month chosen by the owner. When electing to establish the same registration period for all such motor vehicles or trailers, the owner shall pay the registration fee, the motor vehicle tax imposed in section60-3,185, the motor vehicle fee imposed in section60-3,190, and the alternative fuel fee imposed in section60-3,191on each motor vehicle for the number of months necessary to extend its current registration period to the registration period under which all such motor vehicles or trailers will be registered. Credit shall be given for registration paid on each motor vehicle or trailer when the motor vehicle or trailer has a later expiration date than that chosen by the owner except as otherwise provided in sections60-3,121,60-3,122.02,60-3,122.04,60-3,128,60-3,224,60-3,227,60-3,233,60-3,235,60-3,238,60-3,240,60-3,242,60-3,244,60-3,246,60-3 and60-3,260. Thereafter all such motor vehicles or trailers shall be registered on an annual basis starting in the month chosen by the owner.

60-394.
Registration; certain name and address changes; fee.
(1) Registration which is in the name of one spouse may be transferred to the other spouse for a fee of one dollar and fifty cents.
(2) So long as one registered name on a registration of a noncommercial motor vehicle or trailer remains the same, other names may be deleted therefrom or new names added thereto for a fee of one dollar and fifty cents.
(3) At any time prior to annual renewal beginning January 1, 2019, an owner may voluntarily update his or her address on the registration certificate upon payment of a fee of one dollar and fifty cents.

60-395.

Refund or credit of fees; when authorized.
(1) Except as otherwise provided in subsection (2) of this section and sections60-3,121,60-3,122.02,60-3,122.04,60-3,128,60-3,224,60-3,227,60-3,231,60-3,233,60-3,235,60-3,238,60-3,240,60-3,242,60-3,244,60-3 and60-3,260, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals and by either making application on a form prescribed by the department to the county treasurer of the occurrence of an event described in subdivisions (a) through (e) of this subsection or, in the case of a change in situs, displaying to the county treasurer the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees and taxes on motor vehicles or trailers based on the number of unexpired months remaining in the registration period from the date of any of the following events:
(a) Upon transfer of ownership of any motor vehicle or trailer;
(b) In case of loss of possession because of fire, natural disaster, theft, dismantlement, or junking;
(c) When a salvage branded certificate of title is issued;
(d) Whenever a type or class of motor vehicle or trailer previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees, the motor vehicle tax imposed in section60-3,185, the motor vehicle fee imposed in section60-3,190, and the alternative fuel fee imposed in section60-3,191;
(e) Upon a trade-in or surrender of a motor vehicle under a lease; or
(f) In case of a change in the situs of a motor vehicle or trailer to a location outside of this state.
(2) If the date of the event falls within the same calendar month in which the motor vehicle or trailer is acquired, no refund shall be allowed for such month.
(3) If the transferor or lessee acquires another motor vehicle at the time of the transfer, trade-in, or surrender, the transferor or lessee shall have the credit provided for in this section applied toward payment of the motor vehicle fees and taxes then owing. Otherwise, the transferor or lessee shall file a claim for refund with the county treasurer upon an application form prescribed by the department.
(4) The registered owner or lessee shall make a claim for refund or credit of the fees and taxes for the unexpired months in the registration period within sixty days after the date of the event or shall be deemed to have forfeited his or her right to such refund or credit.
(5) For purposes of this section, the date of the event shall be: (a) In the case of a transfer or loss, the date of the transfer or loss; (b) in the case of a change in the situs, the date of registration in another state; (c) in the case of a trade-in or surrender under a lease, the date of trade-in or surrender; (d) in the case of a legislative act, the effective date of the act; and (e) in the case of a court decision, the date the decision is rendered.
(6) Application for registration or for reassignment of license plates and, when appropriate, validation decals to another motor vehicle or trailer shall be made within thirty days of the date of purchase.
(7) If a motor vehicle or trailer was reported stolen under section60-178, a refund under this section shall not be reduced for a lost plate charge and a credit under this section may be reduced for a lost plate charge but the applicant shall not be required to pay the plate fee for new plates.
(8) The county treasurer shall refund the motor vehicle fee and registration fee from the fees which have not been transferred to the State Treasurer. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed. No refund of less than two dollars shall be paid.

60-396.
Credit of fees; vehicle disabled or removed from service.
Whenever the registered owner files an application with the county treasurer showing that a motor vehicle, trailer, or semitrailer is disabled and has been removed from service, the registered owner may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals or, in the case of the unavailability of such registration certificate or certificates, license plates, or validation decals, then by making an affidavit to the county treasurer of such disablement and removal from service, receive a credit for a portion of the registration fee from the fee deposited with the State Treasurer at the time of registration based upon the number of unexpired months remaining in the registration year except as otherwise provided in sections60-3,121,60-3,122.02,60-3,122.04,60-3,128,60-3,224,60-3,227,60-3,233,60-3,235,60-3,238,60-3,240,60-3,242,60-3,244,60-3,246,60-3 and60-3,260. The owner shall also receive a credit for the unused portion of the motor vehicle tax and fee based upon the number of unexpired months remaining in the registration year. When the owner registers a replacement motor vehicle, trailer, or semitrailer at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement motor vehicle, trailer, or semitrailer. When no such replacement motor vehicle, trailer, or semitrailer is so registered, the county treasurer shall determine the amount, if any, of the allowable credit for the registration fee and the motor vehicle tax and fee and issue a credit certificate to the owner. When such motor vehicle, trailer, or semitrailer is removed from service within the same month in which it was registered, no credits shall be allowed for such month. The credits may be applied against taxes and fees for new or replacement motor vehicles, trailers, or semitrailers incurred within one year after cancellation of registration of the motor vehicle, trailer, or semitrailer for which the credits were allowed. When any such motor vehicle, trailer, or semitrailer is reregistered within the same registration year in which its registration has been canceled, the taxes and fees shall be that portion of the registration fee and the motor vehicle tax and fee for the remainder of the registration year.

60-397.

Refund or credit; salvage branded certificate of title.

If a motor vehicle or trailer has a salvage branded certificate of title issued as a result of an insurance company acquiring the motor vehicle or trailer through a total loss settlement, the prior owner of the motor vehicle or trailer who is a party to the settlement may receive a refund or credit of unused fees and taxes by (1) filing an application with the county treasurer within sixty days after the date of the settlement stating that title to the motor vehicle or trailer was transferred as a result of the settlement and (2) returning the registration certificate, the license plates, and, when appropriate, the validation decals or, in the case of the unavailability of the registration certificate, license plates, or validation decals, filing an affidavit with the county treasurer regarding the transfer of title due to the settlement and the unavailability of the certificate, license plates, or validation decals. The owner may receive a refund or credit of the registration fees and motor vehicle taxes and fees for the unexpired months remaining in the registration year determined based on the date when the motor vehicle or trailer was damaged and became unavailable for service. When the owner registers a replacement motor vehicle or trailer at the time of filing such affidavit, the credit may be immediately applied against the registration fee and the motor vehicle tax and fee for the replacement motor vehicle or trailer. When no such replacement motor vehicle or trailer is so registered, the county treasurer shall refund the unused registration fees. If the motor vehicle or trailer was damaged and became unavailable for service during the same month in which it was registered, no refund or credit shall be allowed for such month. When any such motor vehicle or trailer is reregistered within the same registration year in which its registration has been canceled, the taxes and fees shall be that portion of the registration fee and the motor vehicle tax and fee for the remainder of the registration year.

60-398.

Nonresident; refund; when allowed.

A nonresident may, if he or she applies within ninety days from his or her original registration date and surrenders the registration certificate and license plates which were assigned to him or her, receive from the county treasurer, or the department if registration was pursuant to section60-3,198, a refund in the amount of fifty percent of the original license fee, fifty percent of the motor vehicle tax imposed in section60-3,185, and fifty percent of the motor vehicle fee imposed in section60-3,190, except that no refunds shall be made on any license surrendered after the ninth month of the registration period for which the motor vehicle or trailer was registered.

60-399.

Display of plates; requirements.

(1) Except as otherwise specifically provided, no person shall operate or park or cause to be operated or parked a motor vehicle or tow or park or cause to be towed or parked a trailer on the highways unless such motor vehicle or trailer has displayed the proper number of plates as required in the Motor Vehicle Registration Act.

In each registration period in which new license plates are not issued, previously issued license plates shall have affixed thereto the validation decals issued pursuant to section60-3,101. In all cases such license plates shall be securely fastened in an upright position to the motor vehicle or trailer so as to prevent such plates from swinging and at a minimum distance of twelve inches from the ground to the bottom of the license plate. No person shall attach to or display on such motor vehicle or trailer any (a) license plate or registration certificate other than as assigned to it for the current registration period, (b) fictitious or altered license plates or registration certificate, (c) license plates or registration certificate that has been canceled by the department, or (d) license plates lacking current validation decals.

(2) All letters, numbers, printing, writing, and other identification marks upon such plates and certificate shall be kept clear and distinct and free from grease, dust, or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the nighttime.

60-3,100.

License plates; issuance; license decal; display; additional registration fee.
(1) The department shall issue to every person whose motor vehicle or trailer is registered one or two fully reflectorized license plates upon which shall be displayed (a) the registration number consisting of letters and numerals assigned to such motor vehicle or trailer in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The license plates shall be of a color designated by the director. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed, the director shall secure competitive bids for materials pursuant to the State Procurement Act. Autocycle, motorcycle, minitruck, low-speed vehicle, and trailer license plate letters and numerals may be one-half the size of those required in this section.
(2)(a) Except as otherwise provided in this subsection, two license plates shall be issued for every motor vehicle.
(b) One license plate shall be issued for (i) apportionable vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles, other than autocycles, (vi) special interest motor vehicles that use the special interest motor vehicle license plate authorized by and issued under section60-3,135.01, (vii) trailers, and (viii) truck-tractors.
(c)(i) One license plate shall be issued, upon request and compliance with this subdivision, for any passenger car which is not manufactured to be equipped with a bracket on the front of the vehicle to display a license plate. A license decal shall be issued with the license plate as provided in subdivision (ii) of this subdivision and shall be displayed on the driver's side of the windshield. In order to request a single license plate and license decal, there shall be an additional annual nonrefundable registration fee of fifty dollars plus the cost of the decal paid to the county treasurer at the time of registration. All fees collected under this subdivision shall be remitted to the State Treasurer for credit to the Highway Trust Fund.
(ii) The department shall design, procure, and furnish to the county treasurers a license decal which shall be displayed as evidence that a license plate has been obtained under this subdivision. Each county treasurer shall furnish a license decal to the person obtaining the plate.
(d) When two license plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered motor vehicle or trailer. When only one plate is issued, it shall be prominently displayed on the rear of the registered motor vehicle or trailer. When only one plate is issued for motor vehicles registered pursuant to section60-3,198and truck-tractors, it shall be prominently displayed on the front of the apportionable vehicle.

60-3,101.
License plates; when issued; validation decals.
(1) License plates shall be issued every six years beginning with the license plates issued in the year 2005.
(2) In the years in which plates are not issued, in lieu of issuing such license plates, the department shall furnish to every person whose motor vehicle or trailer is registered one or two validation decals, as the case may be. Such validation decals shall bear the year for which issued and be so constructed as to permit them to be permanently affixed to the plates.
(3) This section shall not apply to license plates issued pursuant to sections60-3,203and60-3,228.

60-3,102.
Plate fee.
(1) Whenever new license plates, including duplicate or replacement license plates, are issued to any person, a fee per plate shall be charged in addition to all other required fees. The license plate fee shall be determined by the department and shall only cover the cost of the license plate and validation decals but shall not exceed:
(a) Three dollars and fifty cents through December 31, 2022; and
(b) Four dollars and twenty-five cents beginning January 1, 2023.
(2) All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.
(3) This section shall not apply to license plates issued pursuant to section60-3,122,60-3,122.02,60-3,123,60-3,124, or60-3,125.

60-3,103.
License Plate Cash Fund; created; use; investment.
There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section39-2215. All costs associated with the manufacture of license plates and decals provided for in the Motor Vehicle Registration Act and section60-1804shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

60-3,104.
Types of license plates.
The department shall issue the following types of license plates:
(1) Amateur radio station license plates issued pursuant to section60-3,126;
(2) Apportionable vehicle license plates issued pursuant to section60-3,203;
(3) Autocycle license plates issued pursuant to section60-3,100;
(4) Boat dealer license plates issued pursuant to section60-379;
(5) Breast Cancer Awareness Plates issued pursuant to sections60-3,230and60-3,231;

(6) Bus license plates issued pursuant to section60-3,144;
(7) Choose Life License Plates issued pursuant to sections60-3,232and60-3,233;
(8) Commercial motor vehicle license plates issued pursuant to section60-3,147;
(9) Czech Heritage Plates issued pursuant to sections60-3,259and60-3,260;
(10) Dealer or manufacturer license plates issued pursuant to sections60-3,114and60-3,115;
(11) Disabled veteran license plates issued pursuant to section60-3,124;
(12) Donate Life Plates issued pursuant to sections60-3,245and60-3,246;
(13) Down Syndrome Awareness Plates issued pursuant to sections60-3,247and60-3,248;
(14) Farm trailer license plates issued pursuant to section60-3,151;
(15) Farm truck license plates issued pursuant to section60-3,146;
(16) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section60-3,146;
(17) Fertilizer trailer license plates issued pursuant to section60-3,151;
(18) Former military vehicle license plates issued pursuant to section60-3,236;
(19) Gold Star Family license plates issued pursuant to sections60-3,122.01and60-3,122.02;
(20) Handicapped or disabled person license plates issued pursuant to section60-3,113;
(21) Historical vehicle license plates issued pursuant to sections60-3,130to60-3,134;
(22) Josh the Otter-Be Safe Around Water Plates issued pursuant to section60-3,258;
(23) Local truck license plates issued pursuant to section60-3,145;
(24) Metropolitan utilities district license plates issued pursuant to section60-3,228;
(25) Military Honor Plates issued pursuant to sections60-3,122.03and60-3,122.04;
(26) Minitruck license plates issued pursuant to section60-3,100;
(27) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section60-3,105;
(28) Motor vehicles exempt pursuant to section60-3,107;
(29) Motorcycle license plates issued pursuant to section60-3,100;
(30) Mountain Lion Conservation Plates issued pursuant to sections60-3,226and60-3,227;
(31) Native American Cultural Awareness and History Plates issued pursuant to sections60-3,234and60-3,235;
(32) Nebraska Cornhusker Spirit Plates issued pursuant to sections60-3,127to60-3,129;
(33) Nebraska History Plates issued pursuant to sections60-3,255and60-3,256;
(34) Nebraska 150 Sesquicentennial Plates issued pursuant to sections60-3,223to60-3,225;
(35) Nonresident owner thirty-day license plates issued pursuant to section60-382;
(36) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section60-3,143other than autocycles;
(37) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section60-3,143other than autocycles;
(38) Pearl Harbor license plates issued pursuant to section60-3,122;
(39) Personal-use dealer license plates issued pursuant to section60-3,116;
(40) Personalized message license plates for motor vehicles, trailers, and semitrailers, except motor vehicles, trailers, and semitrailers registered under section60-3,198, issued pursuant to sections60-3,118to60-3,121;
(41) Pets for Vets Plates issued pursuant to sections60-3,249and60-3,250;
(42) Prisoner-of-war license plates issued pursuant to section60-3,123;
(43) Prostate Cancer Awareness Plates issued pursuant to section60-3,240;
(44) Public power district license plates issued pursuant to section60-3,228;
(45) Purple Heart license plates issued pursuant to section60-3,125;
(46) Recreational vehicle license plates issued pursuant to section60-3,151;
(47) Repossession license plates issued pursuant to section60-375;
(48) Sammy's Superheroes license plates for childhood cancer awareness issued pursuant to section60-3,242;
(49) Special interest motor vehicle license plates issued pursuant to section60-3,135.01;
(50) Specialty license plates issued pursuant to sections60-3,104.01and60-3,104.02;
(51) Support the Arts Plates issued pursuant to sections60-3,251and60-3,252;
(52) Support Our Troops Plates issued pursuant to sections60-3,243and60-3,244;
(53) The Good Life Is Outside Plates issued pursuant to sections60-3,253and60-3,254;
(54) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section60-3,106;
(55) Trailer license plates issued for trailers owned or operated by a metropolitan utilities district or public power district pursuant to section60-3,228;
(56) Trailer license plates issued pursuant to section60-3,100;
(57) Trailers exempt pursuant to section60-3,108;
(58) Transporter license plates issued pursuant to section60-378;
(59) Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation

work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section60-3,149;
(60) Utility trailer license plates issued pursuant to section60-3,151;
(61) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section60-3,109; and
(62) Wildlife Conservation Plates issued pursuant to section60-3,238.

60-3,104.01.
Specialty license plates; application; fee; delivery; fee; transfer; credit allowed; fee.
(1) A person may apply for specialty license plates in lieu of regular license plates on an application prescribed and provided by the department pursuant to section60-3,104.02for any motor vehicle, trailer, or semitrailer, except for motor vehicles or trailers registered under section60-3,198. An applicant receiving a specialty license plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications. Each application for initial issuance or renewal of specialty license plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit sixty percent of the fee for initial issuance and renewal of specialty license plates to the Department of Motor Vehicles Cash Fund and forty percent of the fee to the Highway Trust Fund.
(2)(a) When the department receives an application for specialty license plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue specialty license plates in lieu of regular license plates when the applicant complies with the other provisions of law for registration of the motor vehicle, trailer, or semitrailer. If specialty license plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(3)(a) The owner of a motor vehicle, trailer, or semitrailer bearing specialty license plates may make application to the county treasurer to have such specialty license plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the specialty license plates.
(b) The owner may have the unused portion of the specialty license plate fee credited to the other motor vehicle, trailer, or semitrailer which will bear the specialty license plates at the rate of eight and one-third percent per month for each full month left in the registration period.
(c) Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-3,104.02.
Specialty license plates; organization; requirements; design of plates.
(1) The department shall issue specialty license plates for any organization which certifies that it meets the requirements of this section. The department shall work with the organization to design the plates.
(2) The department shall make applications available pursuant to section60-3,104.01for each type of specialty license plate when it is designed. The department shall not manufacture specialty license plates for an organization until the department has received two hundred fifty prepaid applications for specialty license plates designed for that organization. The department may revoke the approval for an organization's specialty license plate if the total number of registered vehicles that obtained such plate is less than two hundred fifty within three years after receiving approval.
(3) In order to have specialty license plates designed and manufactured, an organization shall furnish the department with the following:
(a) A copy of its articles of incorporation and, if the organization consists of a group of nonprofit corporations, a copy for each organization;
(b) A copy of its charter or bylaws and, if the organization consists of a group of nonprofit corporations, a copy for each organization;
(c) Any Internal Revenue Service rulings of the organization's nonprofit tax-exempt status and, if the organization consists of a group of nonprofit corporations, a copy for each organization;
(d) A copy of a certificate of existence on file with the Secretary of State under the Nebraska Nonprofit Corporation Act;
(e) Two hundred fifty prepaid applications for the alphanumeric specialty license plates; and

(f) A completed application for the issuance of the plates on a form provided by the department certifying that the organization meets the following requirements:
(i) The organization is a nonprofit corporation or a group of nonprofit corporations with a common purpose;
(ii) The primary activity or purpose of the organization serves the community, contributes to the welfare of others, and is not offensive or discriminatory in its purpose, nature, activity, or name;
(iii) The name and purpose of the organization does not promote any specific product or brand name that is on a product provided for sale;
(iv) The organization is authorized to use any name, logo, or graphic design suggested for the design of the plates;
(v) No infringement or violation of any property right will result from such use of such name, logo, or graphic design; and
(vi) The organization will hold harmless the State of Nebraska and its employees and agents for any liability which may result from any infringement or violation of a property right based on the use of such name, logo, or graphic design.
(4)(a) One type of plate under this section shall be alphanumeric plates. The department shall assign a designation up to five characters and not use a county designation.
(b) One type of plate under this section shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used. Personalized message specialty license plates under this section shall only be issued after the requirements of subsection (3) of this section have been met.
(5) The department may adopt and promulgate rules and regulations to carry out this section.

60-3,105.
Motor vehicles owned or operated by the state, counties, municipalities, or school districts; distinctive plates or undercover license plates.
(1) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Motor vehicles owned or operated by the state, counties, municipalities, or school districts shall display such distinctive license plates when such license plates are issued or shall display undercover license plates when such license plates are issued under section60-3,135.
(2) Any motor vehicle owned or leased and used by any city or village of this state, any rural fire protection district, the Civil Air Patrol, any public school district, any county, the state, the United States Government, any entity formed pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, or any municipal public body or authority used in operating a public passenger transportation system, and exempt from a distinct marking as provided in section81-1021, may carry license plates the same design and size as are provided in subsection (1) of this section or undercover license plates issued under section60-3,135.

60-3,106.
Trailers owned or operated by the state, counties, municipalities, or school districts; distinctive plates.
(1) The department may provide a distinctive license plate for all trailers owned or operated by the state, counties, municipalities, or school districts. Trailers owned or operated by the state, counties, municipalities, or school districts shall display such distinctive license plates when such license plates are issued or shall display undercover license plates when such license plates are issued under section60-3,135.
(2) Any trailer owned or leased and used by any city or village of this state, any rural fire protection district, the Civil Air Patrol, any public school district, any county, the state, the United States Government, any entity formed pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, or any municipal public body or authority used in operating a public passenger transportation system, and exempt from a distinct marking as provided in section81-1021, may carry license plates the same design and size as are provided in subsection (1) of this section or undercover license plates issued under section60-3,135.

60-3,107.
Tax-exempt motor vehicles; distinctive plates.
The department may provide distinctive license plates issued for use on motor vehicles which are tax exempt pursuant to subdivision (6) of section60-3,185. License plates on such motor vehicles shall display, in addition to the license number, the words tax exempt.

60-3,108.
Tax-exempt trailers; distinctive plates.
The department may provide distinctive license plates issued for use on trailers exempt pursuant to subdivision (6) of section60-3,185. License plates on such trailers shall display, in addition to the license number, the word exempt which shall appear at the bottom of the license plates.

60-3,109.
Well-boring apparatus and well-servicing
equipment license plates.

(1) Any owner of well-boring apparatus and well-servicing equipment may make application to the county treasurer for license plates.
(2) Well-boring apparatus and well-servicing equipment license plates shall display thereon, in addition to the license number, the words special equipment.

60-3,110.
Local truck; special permit; fee.
Any owner of a motor vehicle registered as a local truck may make application to the department for a special permit authorizing operation of such local truck on the highways of this state beyond the limits specified by law for local trucks for the sole purpose of having such truck equipped, modified, or serviced. The operator of the local truck shall have such permit in his or her possession at all times when he or she is operating such local truck beyond the limits specified by law for the local truck and shall display such permit upon demand of proper authorities. The fee for this permit shall be five dollars payable to the department. The department shall remit the fee to the State Treasurer for credit to the Highway Cash Fund.

60-3,111.
Farmers and ranchers; special permits; fee.
Special permits may be supplied by the department and issued by the county treasurer for truck-tractor and semitrailer combinations of farmers or ranchers used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch or used by the farmer or rancher to carry his or her own agricultural products to or from storage or market. Such special permits shall be valid for periods of thirty days and shall be carried in the cab of the truck-tractor. The fee for such permit shall be equivalent to one-twelfth of the regular commercial registration fee as determined by gross vehicle weight and size limitations as defined in sections60-6,288to60-6,294, but the fee shall be no less than twenty-five dollars. Such fee shall be collected and distributed in the same manner as other motor vehicle fees.

60-3,112.
Nonresident licensed vehicle hauling grain or seasonally harvested products; permit; fee.
If a truck, truck-tractor, or trailer is lawfully licensed under the laws of another state or province and is engaged in hauling grain or other seasonally harvested products from the field where they are harvested to storage or market during the period from June 1 to December 15 of each year or under emergency conditions, the right to operate over the highways of this state for a period of ninety days shall be authorized by obtaining a permit therefor from the county treasurer or his or her agent of the county in which grain is first hauled. Such permit shall be issued electronically upon the payment of a fee of twenty dollars for a truck or one hundred fifty dollars for any combination of truck, truck-tractor, or trailer. The fees for such permits, when collected, shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

60-3,113.
Handicapped or disabled person; plates; department; compile and maintain registry.
(1) The department shall, without the payment of any fee except the taxes and fees required by sections60-3,102,60-3,185,60-3,190, and60-3,191, issue license plates for one motor vehicle not used for hire and a license plate for one autocycle or motorcycle not used for hire to:
(a) Any permanently handicapped or disabled person or his or her parent, legal guardian, foster parent, or agent upon application and proof of a permanent handicap or disability; or
(b) A trust which owns the motor vehicle, autocycle, or motorcycle if a designated beneficiary of the trust qualifies under subdivision (a) of this subsection.
An application and proof of disability in the form and with the information required by section60-3,113.02shall be submitted before license plates are issued or reissued.
(2) The license plate or plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation of a

person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the director prescribes. Such license plate or plates shall be used by such person in lieu of the usual license plate or plates.
(3) The department shall compile and maintain a registry of the names, addresses, and license numbers of all persons who obtain special license plates pursuant to this section and all persons who obtain a handicapped or disabled parking permit.

60-3,113.01.
Handicapped or disabled person;
parking permits; electronic system; department; duties.
The department
shall develop, implement, and maintain an electronic system for accepting
and processing applications for handicapped or disabled parking permits.

60-3,113.02.
Handicapped or disabled person; parking permit; issuance; procedure; renewal; notice; identification card.
(1) A handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, foster parent, or certifying health care provider may apply for a handicapped or disabled parking permit to the department or through a health care provider using a secure online process developed by the department which will entitle the holder of a permit or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by sections18-1736and18-1737when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, (a) the handicapped or disabled person or temporarily handicapped or disabled person is considered the holder of the permit and (b) certifying health care provider means the physician, physician assistant, or advanced practice registered nurse who makes the certification required in subsection (2) of this section or his or her designee.
(2) The application process for a handicapped or disabled parking permit or for the renewal of a permit under this section shall include presentation of proof of identity by the handicapped or disabled person or temporarily handicapped or disabled person and certification by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her certification act that the person who will be the holder meets the statutory criteria for qualification. An application for the renewal of a permit under this section may be submitted within one hundred eighty days prior to the expiration of the permit. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall recommend that the permit for the temporarily handicapped or disabled person be issued for either a three-month period or a six-month period, with such recommendation to be based on the estimated date of recovery.
(3) The department, upon receipt of a completed application for a handicapped or disabled parking permit under this section, shall verify that the applicant qualifies for such permit and, if so, shall deliver the permit to the applicant. In issuing a renewal of a permit, the department shall deliver a new expiration sticker to the applicant to be affixed to the existing permit. Such renewal sticker shall not be issued sooner than ten days prior to the date of expiration of the existing permit. A person may hold up to two permits under this section. If a person holds a permit under this section, such person may not hold a permit under section60-3,113.03.
(4) In issuing any handicapped or disabled parking permit under this section, the department shall include a notice and an identification card. The notice shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used by the party to whom issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space or access aisle. The notice shall also indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months. The identification card shall show the expiration date of the permit and such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom the permit is issued as is necessary to the enforcement of sections18-1736to18-1741.07as determined by the department.

60-3,113.03.
Handicapped or disabled person; parking permit; permit for specific motor vehicle; application; issuance; procedure; renewal; notice; identification card.
(1) The department shall take an application from any person for a handicapped or disabled parking permit that is issued for a specific motor vehicle and entitles the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces or access aisles provided for by sections18-1736and18-1737if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.
(2) A person applying for a handicapped or disabled parking permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons and shall include such information as is required by the department, including a demonstration to the department that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. An application for the renewal of a permit under this section may be submitted within one hundred eighty days

prior to the expiration of the permit.
(3) The department, upon receipt of a completed application, shall verify that the applicant qualifies for a handicapped or disabled parking permit under this section and, if so, shall deliver the permit to the applicant. In issuing renewed permits, the department shall deliver each individual renewal to the applicant as provided in section60-3,113.02. The renewed permit shall not be issued sooner than ten days prior to the date of expiration, and the existing permit shall be invalid upon receipt of the renewed permit. No more than one such permit shall be issued for each motor vehicle under this section.
(4) In issuing any handicapped or disabled parking permit under this section, the department shall include a notice and an identification card to the registered owner of the motor vehicle or the applicant. The notice shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used for the motor vehicle for which it is issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space or access aisle. The notice shall also indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months. The identification card shall identify the motor vehicle for which the permit is issued as is necessary to the enforcement of sections18-1736to18-1741.07as determined by the department.

60-3,113.04.
Handicapped or disabled person; parking permit; contents; issuance; duplicate permit.
(1) A handicapped or disabled parking permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the regulations adopted by the United States Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on January 1, 2024.
(2) No handicapped or disabled parking permit shall be issued to any person or for any motor vehicle if any permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section18-1741.02. At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in sections60-3,113.02,60-3,113.03, and60-3,113.05.
(3) A duplicate handicapped or disabled parking permit may be provided up to two times during any single permit period if a permit is destroyed, lost, or stolen. Such duplicate permit shall be issued as provided in section60-3,113.02or60-3,113.03, whichever is applicable, except that a new certification by a physician, a physician assistant, or an advanced practice registered nurse need not be provided. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. If a person has been issued two duplicate permits under this subsection and needs another permit, such person shall reapply for a new permit under section60-3,113.02or60-3,113.03, whichever is applicable.

60-3,113.05.
Handicapped or disabled persons; parking permit; expiration date; permit for temporarily handicapped or disabled person; period valid; renewal.
(1) Permanently issued handicapped or disabled parking permits shall be valid for a period ending on the last day of the month of the applicant's birthday in the sixth year after issuance and shall expire on that day.
(2) All handicapped or disabled parking permits for temporarily handicapped or disabled persons shall be issued for a period ending either three months after the date of issuance or six months after the date of issuance, with such period to be based on the estimated date of recovery, but such permit may be renewed one time for a similar three-month or six-month period. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability.

60-3,113.06.
Handicapped or disabled persons;
parking permit; use; display; prohibited acts; violation; penalty.
A
handicapped or disabled parking permit shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which the permit is issued. A handicapped or disabled parking permit shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. A handicapped or disabled parking permit shall be displayed on the dashboard only when there is no rearview mirror. No person shall alter or reproduce in any manner a handicapped or disabled parking permit. No person shall knowingly hold more than the allowed number of handicapped or disabled parking permits. No person shall display a handicapped or disabled parking permit issued under section60-3,113.02and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless the holder of the permit will enter or exit the motor vehicle while it is parked in a designated space or access aisle. No person shall display a handicapped or disabled parking permit issued under section60-3,113.03and park in a space or access aisle designated for the exclusive use of a handicapped or

disabled person unless the person displaying the permit is driving the motor vehicle for which the permit was issued and a handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated space or access aisle. Any violation of this section shall constitute a handicapped parking infraction as defined in section18-1741.01and shall be subject to the penalties and procedures set forth in sections18-1741.01to18-1741.07.

60-3,113.07.
Handicapped or disabled persons;
parking permit; prohibited acts; violation; penalty; powers of director.
(1) No person shall knowingly
provide false information on an application for a handicapped or disabled parking permit. Any person who violates this subsection shall be guilty of a Class III misdemeanor.
(2) If the director discovers
evidence of fraud in an application for a handicapped or disabled parking permit or a license plate issued under section60-3,113, the director may summarily cancel such permit or license plate and send notice of cancellation to the applicant.

60-3,113.08.
Handicapped or disabled persons;
parking permit; rules and regulations.
The department
may adopt and promulgate rules and regulations necessary to fulfill any duties and obligations as provided in sections60-3,113.01to60-3,113.08. All rules and regulations of the department relating
to the issuance and use of handicapped or disabled parking permits adopted and promulgated prior to July 18, 2014, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

60-3,114.
Dealer or manufacturer license plates;
fee.
(1) Any licensed dealer or manufacturer may, upon payment
of a fee of thirty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one dealer license plate for the type of motor vehicle or trailer the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. One additional dealer license plate may be procured for the type of motor vehicle or trailer the dealer has sold during the last previous period of October 1 through September 30 for each twenty motor vehicles or trailers sold at retail during such period or one additional dealer license plate for each thirty motor vehicles or trailers sold at wholesale during such period, but not to exceed a total of five additional dealer license plates in the case of motor vehicles or trailers sold at wholesale, or, in the case of a manufacturer, for each ten motor vehicles or trailers actually manufactured or assembled within the state within the last previous period of October 1 through September 30 for a fee of fifteen dollars each.
(2) Dealer or manufacturer license plates shall display, in addition to the registration number, the letters DLR.

60-3,115.
Additional dealer license plates;
unauthorized use; hearing.
When an applicant applies for
a license, the Nebraska Motor Vehicle Industry Licensing Board may authorize the county treasurer to issue additional dealer license plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional

dealer license plates because of special condition or hardship. In the case of unauthorized use of dealer license plates by any licensed dealer, the Nebraska Motor Vehicle Industry Licensing Board may hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer license plates for a set period not to exceed one year.

60-3,116.
Personal-use dealer license plates; fee.
(1) Any licensed dealer or manufacturer may, upon payment of an annual fee of two hundred fifty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one personal-use dealer license plate for the type of motor vehicle or trailer the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. Additional personal-use dealer license plates may be procured upon payment of an annual fee of two hundred fifty dollars each, subject to the same limitations as provided in section60-3,114as to the number of additional dealer license plates. A personal-use dealer license plate may be displayed on a motor vehicle having a gross weight including any load of six thousand pounds or less belonging to the dealer, may be used in the same manner as a dealer license plate, and may be used for personal or private use of the dealer, the dealer's immediate family, or any bona fide employee of the dealer.
(2) Personal-use dealer license plates shall have the same design and shall be displayed as provided in sections60-370and60-3,100.

60-3,117.
Surrender of dealer license plates; when.
When any motor vehicle or trailer dealer's or manufacturer's license has been revoked or otherwise terminated, it shall be the duty of such dealer or manufacturer to immediately surrender to the department or to the Nebraska Motor Vehicle Industry Licensing Board any dealer license plates issued to him or her for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer license plates to the department upon demand by the department shall be unlawful.

60-3,118.
Personalized message license plates; conditions.
(1) In lieu of the license plates provided for by section60-3,100, the department shall issue personalized message license plates for motor vehicles, trailers, or semitrailers, except for motor vehicles and trailers registered under section60-3,198, to all applicants who meet the requirements of sections60-3,119to60-3,121. Personalized message license plates shall be the same size and of the same basic design as regular license plates issued pursuant to section60-3,100. The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section60-3,100. A maximum of seven characters may be used, except that for an autocycle or a motorcycle, a maximum of six characters may be used.
(2) The following conditions apply to all personalized message license plates:
(a) County prefixes shall not be allowed except in counties using the alphanumeric system for motor vehicle registration. The numerals in the county prefix shall be the numerals assigned to the county, pursuant to subsection (2) of section60-370, in which the motor vehicle or trailer is registered. Renewal of a personalized message license plate containing a county prefix shall be conditioned upon the motor vehicle or trailer being registered in such county. The numerals in the county prefix, including the hyphen or any other unique design for an existing license plate style, count against the maximum number of characters allowed under this section;
(b) The characters in the order used shall not conflict with or duplicate any number used or to be used on the regular license plates or any number or license plate already approved pursuant to sections60-3,118to60-3,121;
(c) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and
(d) An applicant receiving a personalized message license plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to such license plate.
(3) The department shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

60-3,119.
Personalized message license plates; application; renewal; fee.
(1) Application for personalized message license plates shall be made to the department. The department shall make available through each county treasurer forms to be used for such applications.
(2) Each initial application shall be accompanied by a fee of forty dollars. The fees shall be remitted to the State Treasurer. The State Treasurer shall credit forty percent of the fee to the Highway Trust Fund and sixty percent of the fee to the Department of Motor Vehicles Cash Fund.
(3) An application for renewal of a license plate previously approved and issued shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subsection shall remit them to the State Treasurer. The State Treasurer shall credit forty percent of the fee to the Highway Trust Fund and sixty percent of the fee to the Department of Motor Vehicles Cash Fund.

60-3,120.
Personalized message license plates; delivery; fee.
When the department approves an application for personalized message license plates, the department shall notify the applicant and deliver the license plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is to be registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue such plates to the applicant, in lieu of regular license plates, when the applicant complies with the other provisions of law for registration of the motor vehicle or trailer.

60-3,121.
Personalized message license plates; transfer; credit allowed; fee.
(1) The owner of a motor vehicle or trailer bearing personalized message license plates may make application to the county treasurer to have such license plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such license plates were originally purchased if such motor vehicle or trailer is owned by the owner of the license plates.
(2) The owner may have the unused portion of the message plate fee credited to the other motor vehicle or trailer which will bear the license plate at the rate of eight and one-third percent per month for each full month left in the registration period.
(3) Application for such transfer shall be accompanied by a fee of three dollars. The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-3,122.
Pearl Harbor plates.
(1) Any person may, in addition to the application required by section60-385, apply to the department for license plates designed by the department to indicate that he or she is a survivor of the Japanese attack on Pearl Harbor if he or she:
(a) Was a member of the United States Armed Forces on December 7, 1941;
(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;
(c) Was discharged or otherwise separated with a characterization of honorable from the United States Armed Forces; and
(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.
(2) Pearl Harbor license plates shall be issued upon the applicant paying the license plate fee as provided in subsection (3) of this section and furnishing proof satisfactory to the department that the applicant fulfills the requirements provided by subsection (1) of this section. Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section60-3,198shall not be so licensed.
(3) No license plate fee shall be required for Pearl Harbor license plates.
(4) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.
(5) License plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.
(6) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

60-3,122.01.
Gold
Star Family plates; design requirements.
(1) The department
shall design license plates to be known as Gold Star Family plates. The department shall create designs reflecting support for those who died while serving in good standing in the United States Armed Forces in consultation with the Department of Veterans' Affairs and the Military Department. The Department of Veterans' Affairs shall recommend the design of the plate to the Department of Motor Vehicles. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications

available for this type of plate when it is designed. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,122.02.
(2) One type of Gold Star Family plate shall be consecutively numbered plates. The department shall:
(a) Number the plates consecutively beginning with the number one, using numerals the size of which maximizes legibility and limiting the numerals to five characters or less; and
(b) Not use a county designation or any characters other than numbers on the plates.
(3) One type of Gold Star Family plate shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.

60-3,122.02.
Gold Star Family plates; eligibility; verification; fee; delivery; fee.
(1) Any person who is a surviving spouse, whether remarried or not, or an ancestor, including a stepparent, a descendant, including a stepchild, a foster parent or a person in loco parentis, or a sibling of a person who died while in good standing on active duty in the military service of the United States may apply to the department for Gold Star Family plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a Gold Star Family plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. In order to be eligible for Gold Star Family plates, a person shall register with the Department of Veterans' Affairs pursuant to section80-414. The plates shall be issued upon payment of the license fee described in subsection (2) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section80-414.
(2)(a) No additional fee shall be required for consecutively numbered Gold Star Family plates issued under this section and such plates shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.
(b)(i) Each application for initial issuance of personalized message Gold Star Family plates shall be accompanied by a fee of forty dollars. An application for renewal of such plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees for renewals pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Nebraska Veteran Cemetery System Operation Fund.
(ii) No license plate fee under section60-3,102shall be required for personalized message Gold Star Family plates issued under this section, other than the renewal fee provided for in subdivision (2)(b)(i) of this section. Such plates shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually and the renewal fee provided for in subdivision (2)(b)(i) of this section is paid.
(3)(a) When the department receives an application for Gold Star Family plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. If delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Gold Star Family plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Gold Star Family plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request and without charge.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Gold Star Family plates may apply to the county treasurer to have such plates transferred at no cost to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates, if any, credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period.
(5) If the cost of manufacturing Gold Star Family plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first

to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Gold Star Family plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.

60-3,122.03.
Military Honor Plates; design.
(1) The department shall design license plates to be known as Military Honor Plates.
(2) The department shall create designs honoring persons who have served or are serving in the United States Army, United States Army Reserve, United States Navy, United States Navy Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard, United States Coast Guard Reserve, United States Air Force, United States Air Force Reserve, Air National Guard, or Army National Guard.
(3) There shall be twelve such designs, one for each of such armed forces reflecting its official emblem, official seal, or other official image. The issuance of plates for each of such armed forces shall be conditioned on the approval of the armed forces owning the copyright to the official emblem, official seal, or other official image.
(4) The department shall create five additional designs honoring persons who are serving or have served in the armed forces of the United States and who have been awarded the Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Southwest Asia Service Medal, or Vietnam Service Medal.
(5) A person may qualify for a Military Honor Plate by registering with the Department of Veterans' Affairs pursuant to section80-414. The Department of Motor Vehicles shall verify the applicant's eligibility for a plate created pursuant to this section by consulting the registry established by the Department of Veterans' Affairs.
(6) The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The Department of Motor Vehicles shall make applications available for each type of plate when it is designed. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,122.04.
(7) One type of Military Honor Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(8) One type of Military Honor Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(9) The department shall cease to issue Military Honor Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,122.04.
Military Honor Plates; fee; eligibility; delivery; fee; transfer; fee.
(1) An eligible person may apply to the department for Military Honor Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a Military Honor Plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section and verification by the department of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section80-414. To be eligible an applicant shall be (a) active duty or reserve duty armed forces personnel serving in any of the armed forces listed in subsection (2) of section60-3,122.03, (b) a veteran of any of such armed forces who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), (c) a current or former commissioned officer of the United States Public Health Service or National Oceanic and Atmospheric Administration who has been detailed directly to any branch of such armed forces for service on active or reserve duty and who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) as proven with valid orders from the United States Department of Defense, a statement of service provided by the United States Public Health Service, or a report of transfer or discharge provided by the National Oceanic and Atmospheric Administration, or (d) a person who is serving or has served in the armed forces of the United States and who has been awarded the Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Southwest Asia Service Medal, or Vietnam Service Medal. Any person using Military Honor Plates shall surrender the plates to the county treasurer if such person is no longer eligible for the plates. Regular plates shall be issued to any such person upon surrender of the Military Honor Plates for a three-dollar transfer fee and forfeiture of any of the remaining annual fee. The three-dollar transfer fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Military Honor Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Nebraska Veteran Cemetery System Operation Fund.

(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Military Honor Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Nebraska Veteran Cemetery System Operation Fund.
(3)(a) When the department receives an application for Military Honor Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Military Honor Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Military Honor Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Military Honor Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Military Honor Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Nebraska Veteran Cemetery System Operation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Military Honor Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Nebraska Veteran Cemetery System Operation Fund.
(6) If the director discovers evidence of fraud in an application for Military Honor Plates or that the holder is no longer eligible to have Military Honor Plates, the director may summarily cancel the plates and registration and send notice of the cancellation to the holder of the license plates.

60-3,123.
Prisoner of war plates; eligibility; verification; fee.
(1) Any person who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section60-385, apply to the department for license plates designed to indicate that he or she is a former prisoner of war.
(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to section80-414. The license plates shall be issued upon the applicant paying the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section80-414. Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section60-3,198shall not be so licensed.
(3) No license plate fee shall be required for license plates under this section.
(4) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued replacement license plates upon request and without charge.
(5) License plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.
(6) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

60-3,124.

Disabled veteran plates; eligibility; verification; fee.
(1) Any person who is a veteran of the United States Armed Forces, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who is classified by the United States Department of Veterans Affairs as one hundred percent service-connected disabled may, in addition to the application required in section60-385, apply to the Department of Motor Vehicles for license plates designed by the department to indicate that the applicant is a disabled veteran. The inscription on the license plates shall be D.A.V. immediately below the license plate number to indicate that the holder of the license plates is a disabled veteran.
(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to section80-414. The plates shall be issued upon the applicant paying the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section80-414. Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section60-3,198shall not be so licensed.
(3) No license plate fee shall be required for license plates under this section.
(4) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates as provided in section60-3,157.
(5) License plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.
(6) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

60-3,125.
Purple Heart plates; eligibility; verification; fee.
(1) Any person may, in addition to the application required by section60-385, apply to the department for license plates designed by the department to indicate that the applicant has received from the federal government an award of a Purple Heart. The inscription of the plates shall be designed so as to include a facsimile of the award and beneath any numerical designation upon the plates pursuant to section60-370the words Purple Heart separately on one line and the words Combat Wounded on the line below.
(2) In order to be eligible for license plates under this section, a person shall register with the Department of Veterans' Affairs pursuant to section80-414. The license plates shall be issued upon payment of the license plate fee as provided in subsection (3) of this section and verification by the Department of Motor Vehicles of an applicant's eligibility using the registry established by the Department of Veterans' Affairs pursuant to section80-414. Any number of motor vehicles, trailers, or semitrailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section60-3,198shall not be so licensed.
(3) No license plate fee shall be required for license plates under this section.
(4) If license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.
(5) License plates issued under this section shall not require the payment of any additional license plate fees and shall be permanently attached to the vehicle to which the plates are registered as long as the vehicle is properly registered by the applicant annually.
(6) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

60-3,126.
Amateur radio station license plates; fee; renewal.
(1) Any person who holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission and is the owner of a motor vehicle, trailer, or semitrailer, except for motor vehicles and trailers registered under section60-3,198, may, in addition to the application required by section60-385, apply to the department for license plates upon which shall be inscribed the official amateur radio call letters of such applicant.
(2) Such license plates shall be issued, in lieu of the usual numbers and letters, to such an applicant upon payment of the regular license fee and the payment of an additional fee of five dollars and furnishing proof that the applicant holds such an unrevoked and unexpired amateur radio station license. The additional fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. Only one such motor vehicle or trailer owned by an applicant shall be so registered at any one time.
(3) An applicant applying for renewal of amateur radio station license plates shall again furnish proof that he or she holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission.
(4) The department shall prescribe the size and design of the license plates and furnish such plates to the persons applying for and

entitled to the same upon the payment of the required fee.
(5) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

60-3,127.
Nebraska Cornhusker Spirit Plates; design requirements.
(1) The department, in designing Nebraska Cornhusker Spirit Plates, shall:
(a) Include the word Cornhuskers or Huskers prominently in the design;
(b) Use scarlet and cream colors in the design or such other similar colors as the department determines to best represent the official team colors of the University of Nebraska Cornhuskers athletic programs and to provide suitable reflection and contrast;
(c) Use cream or a similar color for the background of the design and scarlet or a similar color for the printing; and
(d) Create a design reflecting support for the University of Nebraska Cornhuskers athletic programs in consultation with the University of Nebraska-Lincoln Athletic Department. The design shall be selected on the basis of (i) enhancing the marketability of spirit plates to supporters of University of Nebraska Cornhuskers athletic programs and (ii) limiting the manufacturing cost of each spirit plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102.
(2) One type of Nebraska Cornhusker Spirit Plates shall be consecutively numbered spirit plates. The department shall:
(a) Number the spirit plates consecutively beginning with the number one, using numerals the size of which maximizes legibility; and
(b) Not use a county designation or any characters other than numbers on the spirit plates.
(3) One type of Nebraska Cornhusker Spirit Plates shall be personalized message spirit plates. Such plates shall be issued subject to the same conditions specified for message plates in subsection (2) of section60-3,118. The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section60-3,100. A maximum of seven characters may be used.
(4) The department shall cease to issue Nebraska Cornhusker Spirit Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,128.
Nebraska Cornhusker Spirit Plates; application; fee; delivery; fee; transfer; credit allowed.
(1) A person may apply to the department for Nebraska Cornhusker Spirit Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for motor vehicles or trailers registered under section60-3,198. An applicant receiving a spirit plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the spirit plate. The department shall make forms available for such applications through the county treasurers. Each application for initial issuance or renewal of spirit plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit sixty percent of the fees for initial issuance and renewal of spirit plates to the Department of Motor Vehicles Cash Fund and forty percent of the fees to the Highway Trust Fund.
(2)(a) When the department receives an application for spirit plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. If delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue spirit plates in lieu of regular license plates when the applicant complies with the other provisions of law for registration of the motor vehicle or trailer. If spirit plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(3)(a) The owner of a motor vehicle or trailer bearing spirit plates may make application to the county treasurer to have such spirit plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the spirit plates.
(b) The owner may have the unused portion of the spirit plate fee credited to the other motor vehicle or trailer which will bear the spirit plate at the rate of eight and one-third percent per month for each full month left in the registration period.
(c) Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be

remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-3,129.
Spirit Plate
Proceeds Fund; created; use; investment.
(1) The
Spirit Plate Proceeds Fund is created. Any money in the fund available for
investment shall be invested by the state investment officer pursuant to the
Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(2) If the cost of manufacturing Nebraska Cornhusker Spirit
Plates at any time exceeds the amount charged for license plates pursuant
to section60-3,102, any money to be credited to the Spirit Plate Proceeds
Fund shall instead be credited first to the Highway Trust Fund in an amount
equal to the difference between the manufacturing costs of such spirit plates
and the amount charged pursuant to such section with respect to such spirit
plates and the remainder shall be credited to the Spirit Plate Proceeds Fund as provided in section60-3,128.
(3) The first three million dollars credited to the Spirit
Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated
to the University of Nebraska to establish an endowment fund to provide financial
support to former University of Nebraska athletes to pursue undergraduate
and postgraduate studies at any University of Nebraska campus. Funds appropriated
by the Legislature for such scholarship program shall be held, managed, and
invested as an endowed scholarship fund in such manner as the Board of Regents
of the University of Nebraska shall determine and as authorized by section72-1246. The income from the endowed scholarship fund shall be expended for
such scholarships. The University of Nebraska shall grant financial support
to former athletes who demonstrate financial need as determined by the Federal
Pell Grant Program or similar need-based qualifications as approved by the
financial aid office of the appropriate campus.
(4) The next two million dollars credited to the Spirit Plate
Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated
to the University of Nebraska to establish an endowment fund to provide financial
support for the academic service units of the athletic departments of the
campuses of the University of Nebraska in support of academic services to
athletes.

60-3,130.
Historical license plates; conditions.
(1) Except as provided in section60-3,134, a person presenting a certificate of title issued pursuant to section60-142.01or60-142.02or a certificate of title indicating that the vehicle is thirty or more years old may apply for historical license plates or may use license plates of the year of manufacture in lieu of regular license plates as provided in sections60-3,130to60-3,134.
(2) Each collector applying for such license plates, other than a nonprofit organization described in sections21-608and21-609, must own and have registered one or more motor vehicles with regular license plates which he or she uses for regular transportation.
(3) A motor vehicle or trailer manufactured, assembled from a kit, or otherwise assembled as a reproduction or facsimile of a historical vehicle shall not be eligible for historical license plates unless it has been in existence for thirty years or more. The age of the motor vehicle or trailer shall be calculated from the year reflected on the certificate of title.

60-3,130.01.
Historical license plates; application; form; contents.
The application under section60-3,130shall be made on a form prescribed and furnished by the department. The form shall contain (1) a description of the vehicle owned and sought to be registered, including the make, body type, model, vehicle identification number, and year of manufacture, (2) a description of any vehicle owned by the applicant and registered by him or her with regular license plates and used for regular transportation, which description shall include make, body type, model, vehicle identification number, year of manufacture, and the Nebraska registration number assigned to the vehicle, and (3) an affidavit sworn to by the vehicle owner that the historical vehicle is being collected, preserved, restored, and maintained by the applicant as a hobby and not for the general use of the vehicle for the same purposes and under the same circumstances as other motor vehicles of the same type.

60-3,130.02.
Historical license plates; fees; delivery; fee.

(1) An initial processing fee of ten dollars shall be submitted with an application under section60-3,130to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector. A fee of fifty dollars for each vehicle so registered shall also be submitted with the application. When the department receives an application for historical license plates, the department may deliver the plates and registration certificate to the applicant by United States mail. The department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(2) For use of license plates as provided in section60-3,130.04, a fee of twenty-five dollars shall be submitted with the application in addition to the fees specified in subsection (1) of this section.
(3) The fees shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

60-3,130.03.
Historical license plates; department; powers and duties.
The department shall design historical license plates with a distinctive design which, in addition to the identification number, includes the words historical and Nebraska for identification. The department may adopt and promulgate rules and regulations to implement sections60-3,130to60-3,134.

60-3,130.04.
Historical vehicle; model-year license plates; authorized.
(1) An owner of a historical vehicle eligible for registration under section60-3,130may use a license plate or plates designed by this state in the year corresponding to the model year when the vehicle was manufactured in lieu of the plates designed pursuant to section60-3,130.03subject to the approval of the department. The department shall inspect the plate or plates and may approve the plate or plates if it is determined that the model-year license plate or plates are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department.
(2) The department may consult with a recognized car club in determining whether the year of the license plate or plates to be used corresponds to the model year when the vehicle was manufactured.
(3) If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general.
(4) License plates used pursuant to this section corresponding to the year of manufacture of the vehicle shall not be personalized message license plates, Pearl Harbor license plates, prisoner-of-war license plates, disabled veteran license plates, Purple Heart license plates, amateur radio station license plates, Nebraska Cornhusker Spirit Plates, Nebraska History Plates, handicapped or disabled person license plates, specialty license plates, special interest motor vehicle license plates, Military Honor Plates, Nebraska 150 Sesquicentennial Plates, Breast Cancer Awareness Plates, Prostate Cancer Awareness Plates, Mountain Lion Conservation Plates, Choose Life License Plates, Czech Heritage Plates, Donate Life Plates, Down Syndrome Awareness Plates, Native American Cultural Awareness and History Plates, Sammy's Superheroes license plates for childhood cancer awareness, Wildlife Conservation Plates, Pets for Vets Plates, Support the Arts Plates, Support Our Troops Plates, The Good Life Is Outside Plates, or Josh the Otter-Be Safe Around Water Plates.

60-3,130.05.
Historical license plates; model-year license plates; validity.
License plates issued or used pursuant to section60-3,130or60-3,130.04shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

60-3,130.06.
Historical vehicle; transfer of registration and license plates; authorized; fee.
A collector, upon loss of possession of a historical vehicle registered pursuant to section60-3,130, may have the registration and license plate transferred to another vehicle in his or her possession, which is eligible for such registration, upon payment of a fee of twenty-five dollars. The fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

60-3,130.07.
Historical vehicles; registered and licensed on August 24, 1975; how treated.
Collectors who, on August 24, 1975, had vehicles registered and licensed as historical vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the department sworn to by the vehicle owner that the vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the vehicle.

60-3,131.
Historical vehicles; use.
(1) Except as otherwise provided in subsection (2) of this section, historical vehicles may be used for hobby pursuits but shall not be

used for the same purposes and under the same conditions as other motor vehicles or trailers of the same type, and under ordinary circumstances, such historical vehicles shall not be used to transport passengers for hire. Any such historical vehicle shall not be used for business or occupation or regularly for transportation to and from work, and may be driven on the public streets and roads only for servicing, test drives, public displays, parades, and related pleasure or hobby activities.
(2) For special events that are sponsored or in which participation is by organized clubs such historical vehicles may:
(a) Transport passengers for hire only if any money received is to be used for club activities or to be donated to a charitable nonprofit organization; and
(b) Haul other vehicles to and from such special event.

60-3,132.
Historical vehicles; storage; conditions.
Subject to land-use regulations of a county or municipality, a collector may store any motor vehicles, trailers, or parts vehicles, licensed or unlicensed, operable or inoperable, on his or her property if such motor vehicles, trailers, and parts vehicles and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and if the motor vehicles, trailers, and parts vehicles are located away from ordinary public view or are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, opaque covering, or other appropriate means.

60-3,133.
Historical vehicles; emission controls; exempt, when; safety equipment; proper operating condition.
(1) Unless the presence of equipment specifically named by Nebraska law was a prior condition for legal sale within Nebraska at the time a specific model of historical vehicle was manufactured for first use, the presence of such equipment shall not be required as a condition for use of any such model of historical vehicle as authorized in section60-3,131.
(2) Any historical vehicle manufactured prior to the date emission controls were standard equipment on that particular make or model of historical vehicle is exempted from statutes requiring the inspection and use of such emission controls.
(3) Any safety equipment that was manufactured as part of the historical vehicle's original equipment must be in proper operating condition.

60-3,134.
Historical vehicle; registered with regular license plates; when.
Any motor vehicle or trailer that qualifies as an historical vehicle which is used for the same general purposes and under the same conditions as motor vehicles or trailers registered with regular license plates shall be required to be registered with regular license plates, regardless of its age, and shall be subject to the payment of the same taxes and fees required of motor vehicles or trailers registered with regular license plates.

60-3,135.
Undercover license plates; issuance;
confidential.
(1)(a) Undercover license plates may be issued
to federal, state,
county, city, or village law enforcement agencies and shall be used only for legitimate criminal investigatory purposes. Undercover license plates may also be issued to the Nebraska State Patrol, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control, the prevention and control of those communicable diseases which endanger the public health, the enforcement of drug control laws, or other investigation purposes, the Department of Agriculture for special investigative purposes, and the Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes. Undercover license plates shall not be used on personally owned vehicles or for personal use of government-owned vehicles.
(b) The director shall prescribe a form for agencies to apply for undercover license plates. The form shall include a space for the name and signature of the contact person for the requesting agency, a statement that the undercover license plates are to be used only for legitimate criminal investigatory purposes, and a statement that undercover license plates are not to be used on personally owned vehicles or for personal use of government-owned vehicles.
(2) The agency shall include the name and signature of the contact person for the agency on the form and pay the fee prescribed in section60-3,102.

If the undercover license plates will be used for the investigation of a specific event rather than for ongoing investigations, the agency shall designate on the form an estimate of the length of time the undercover license plates will be needed. The contact person in the agency shall sign the form and verify the information contained in the form.
(3) Upon receipt of a completed form, the director shall determine whether the undercover license plates will be used by an approved agency for a legitimate purpose pursuant to subsection (1) of this section. If the director determines that the undercover license plates will be used for such a purpose, he or she may issue the undercover license plates in the form and under the conditions he or she determines to be necessary. The decision of the director regarding issuance of undercover license plates is final.
(4) The department shall keep records pertaining to undercover license plates confidential, and such records shall not be subject to public disclosure.
(5) The contact person shall return the undercover license plates to the department if:
(a) The undercover license plates expire and are not renewed;
(b) The purpose for which the undercover license plates were issued has been completed or terminated; or
(c) The director requests their return.
(6) A state agency, board, or commission that uses motor vehicles from the transportation services bureau of the Department of Administrative Services shall notify the bureau immediately after undercover license plates have been assigned to the motor vehicle and shall provide the equipment and license plate number and the undercover license plate number to the bureau. The transportation services bureau shall maintain a list of state-owned motor vehicles which have been assigned undercover license plates. The list shall be confidential and not be subject to public disclosure.
(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each motor vehicle, and the person who is assigned to the motor vehicle. This record shall be confidential and not be subject to public disclosure.

60-3,135.01.
Special interest motor vehicle license plates; application; fee; delivery; fee; special interest motor vehicle; restrictions on use; prohibited acts; penalty.
(1) The department shall either modify an existing plate design or design license plates to identify special interest motor vehicles, to be known as special interest motor vehicle license plates. The department, in designing such special interest motor vehicle license plates, shall include the words special interest and limit the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall choose the design of the plate. The department shall make applications available for this type of plate when it is designed.
(2) One type of special interest motor vehicle license plate shall be alphanumeric plates. The department shall:
(a) Assign a designation up to seven characters; and
(b) Not use a county designation.
(3) One type of special interest motor vehicle license plate shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118.
(4) A person may apply to the department for a special interest motor vehicle license plate in lieu of regular license plates on an application prescribed and provided by the department for any special interest motor vehicle, except that no motor vehicle registered under section60-3,198, autocycle, motorcycle, or trailer shall be eligible for special interest motor vehicle license plates. The department shall make forms available for such applications through the county treasurers.
(5) The form shall contain a description of the special interest motor vehicle owned and sought to be registered, including the make, body type, model, serial number, and year of manufacture.
(6)(a) In addition to all other fees required to register a motor vehicle, each application for initial issuance or renewal of a special interest motor vehicle license plate shall be accompanied by a special interest motor vehicle license plate fee of fifty dollars. Twenty-five dollars of the special interest motor vehicle license plate fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund, and twenty-five dollars of the special interest motor vehicle license plate fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund.
(b) If a special interest motor vehicle license plate is lost, stolen, or mutilated, the owner shall be issued a replacement license plate pursuant to section60-3,157.

(7) When the department receives an application for a special interest motor vehicle license plate, the department may deliver the plate and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the special interest motor vehicle is registered and the delivery of the plate and registration certificate shall be made through a secure process and system. If delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue the special interest motor vehicle license plate in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the special interest motor vehicle.
(8) If the cost of manufacturing special interest motor vehicle license plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Department of Motor Vehicles Cash Fund under this section shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of special interest motor vehicle license plates and the amount charged pursuant to section60-3,102with respect to such license plates and the remainder shall be credited to the Department of Motor Vehicles Cash Fund.
(9) The special interest motor vehicle license plate shall be affixed to the rear of the special interest motor vehicle.
(10) A special interest motor vehicle shall not be used for the same purposes and under the same conditions as other motor vehicles of the same type and shall not be used for business or occupation or regularly for transportation to and from work. A special interest motor vehicle may be driven on the public streets and roads only for occasional transportation, public displays, parades, and related pleasure or hobby activities.
(11) It shall be unlawful to own or operate a motor vehicle with special interest motor vehicle license plates in violation of this section. Upon conviction of a violation of any provision of this section, a person shall be guilty of a Class V misdemeanor.
(12) For purposes of this section, special interest motor vehicle means a motor vehicle of any age which is being collected, preserved, restored, or maintained by the owner as a leisure pursuit and not used for general transportation of persons or cargo.

60-3,136.
Motor vehicle insurance database; created; powers and duties; Motor Vehicle Insurance Database Task Force; created.
(1)(a) The motor vehicle insurance database is created. The department shall develop and administer the motor vehicle insurance database which shall include the information provided by insurance companies as required by the department pursuant to sections60-3,136to60-3,139. The motor vehicle insurance database shall be used to facilitate registration of motor vehicles in this state by the department and its agents. The director may contract with a designated agent for the purpose of establishing and operating the motor vehicle insurance database and monitoring compliance with the financial responsibility requirements of such sections.
(b) The department may adopt and promulgate rules and regulations to carry out sections60-3,136to60-3,139. The rules and regulations shall include specifications for the information to be transmitted by the insurance companies to the department for inclusion in the motor vehicle insurance database, and specifications for the form and manner of transmission of data for inclusion in the motor vehicle insurance database, as recommended by the Motor Vehicle Insurance Database Task Force created in subsection (2) of this section in its report to the department.
(2)(a) The Motor Vehicle Insurance Database Task Force is created. The Motor Vehicle Insurance Database Task Force shall investigate the best practices of the industry and recommend specifications for the information to be transmitted by the insurance companies to the department for inclusion in the motor vehicle insurance database and specifications for the form and manner of transmission of data for inclusion in the motor vehicle insurance database.
(b) The Motor Vehicle Insurance Database Task Force shall consist of:
(i) The Director of Motor Vehicles or his or her designee;
(ii) The Director of Insurance or his or her designee;
(iii) The following members who shall be selected by the Director of Insurance:
(A) One representative of a domestic automobile insurance company or domestic automobile insurance companies;
(B) One representative of an admitted foreign automobile insurance company or admitted foreign automobile insurance companies; and
(C) One representative of insurance producers licensed under the laws of this state; and
(iv) Four members to be selected by the Director of Motor Vehicles.
(c) The requirements of this subsection shall expire on July 1, 2004, except that the director may reconvene the task force at any time thereafter if he or she deems it necessary.

60-3,137.
Motor vehicle insurance database; information required.
Each insurance company doing business in this state shall provide information shown on each automobile liability policy issued in this state as required by the department pursuant to sections60-3,136to60-3,139for inclusion in the motor vehicle insurance database in a form and manner acceptable to the department. Any person who qualifies as a self-insurer under sections60-562to60-564or any person who provides financial responsibility under sections75-392to75-3,100shall not be required to provide information to the department for inclusion in the motor vehicle insurance database.

60-3,138.
Motor vehicle insurance database; information; restrictions.
Information provided to the department by insurance companies for inclusion in the motor vehicle insurance database created under section60-3,136is the property of the insurance company and the department, as the case may be. The department may disclose whether an individual has the required insurance coverage pursuant to the Uniform Motor Vehicle Records Disclosure Act, but in no case shall the department provide any person's insurance coverage information for purposes of resale, for purposes of solicitation, or as bulk listings.

60-3,139.
Motor vehicle insurance database; immunity.
(1) The state shall not be liable to any person for gathering, managing, or using information in the motor vehicle insurance database created under section60-3,136.
(2) No insurance company shall be liable to any person for performing its duties under sections60-3,136to60-3,138, unless and to the extent the insurance company commits a willful and wanton act or omission.

60-3,140.
Registration fees; to whom payable.
All fees for the registration of motor vehicles or trailers, unless otherwise expressly provided, shall be paid to the county treasurer of the county in which the motor vehicle or trailer has situs. If registered pursuant to section60-3,198, all fees shall be paid to the department.

60-3,141.
Agents of department; fees; collection.
(1) The various county treasurers shall act as agents for the department in the collection of all motor vehicle taxes, motor vehicle fees, and registration fees. An approved licensed dealer participating in the electronic dealer services system pursuant to section60-1507may collect all such taxes and fees as agent for the appropriate county treasurer and the department in a manner provided by such system.
(2) While acting as agents pursuant to subsection (1) of this section, the county treasurers or any approved licensed dealers participating in the electronic dealer services system shall in addition to the taxes and registration fees collect one dollar and fifty cents for each registration of a motor vehicle or trailer of a resident of the State of Nebraska and four dollars and fifty cents for each registration of a motor vehicle or trailer of a nonresident. The county treasurer shall credit such additional fees collected by the county treasurer or any approved licensed dealer participating in the electronic dealer services system to the county general fund in a manner provided by such system.
(3) The county treasurers shall transmit all motor vehicle fees and registration fees collected pursuant to this section to the State Treasurer on or before the twentieth day of each month and at such other times as the State Treasurer requires for credit to the Motor Vehicle Fee Fund and the Highway Trust Fund, respectively, except as provided in section60-3,156. Any county treasurer who fails to transfer to the State Treasurer the amount due the state at the times required in this section shall pay interest at the rate specified in section45-104.02, as such rate may be adjusted from time to time, from the time the motor vehicle fees and registration fees become due until paid.
(4) If a registrant requests delivery of license plates, registration certificates, or validation decals by mail, the county treasurer may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant.

60-3,142.
Fees; retention by county.
The various county treasurers acting as agents for the department in collection of the fees shall retain five percent of each fee collected under section60-3,112for credit to the county general fund.

60-3,143.
Autocycle; passenger motor vehicle; leased motor vehicle; registration fee.
(1) For autocycles, the registration fee shall be as provided in section60-3,153.
(2) For every motor vehicle of ten-passenger capacity or less and not used for hire, the registration fee shall be fifteen dollars.
(3) For each motor vehicle having a seating capacity of ten persons or less and used for hire, the registration fee shall be six dollars plus an additional four dollars for every person such motor vehicle is equipped to carry in addition to the driver.
(4) For motor vehicles leased for hire when no driver or chauffeur is furnished by the lessor as part of the consideration paid for by the lessee, incident to the operation of the leased motor vehicle, the fee shall be fifteen dollars.

60-3,144.
Buses; registration fees.
(1) For buses used exclusively to carry children to and from school, and other school activities, the registration fee shall be ten dollars.
(2) For buses equipped to carry more than ten persons for hire, the fee shall be based on the weight of such bus. To ascertain the weight, the unladen weight in pounds shall be used. There shall be added to such weight in pounds the number of persons such bus is equipped to carry times two hundred, the sum thereof being the weight of such bus for license purposes. The unladen weight shall be ascertained by scale weighing of the bus fully equipped and as used upon the highways under the supervision of a member of the Nebraska State Patrol or a carrier enforcement officer and certified by such patrol member or carrier enforcement officer to the department or county treasurer. The fee therefor shall be as follows:
(a) If such bus weighs thirty-two thousand pounds and less than thirty-four thousand pounds, it shall be licensed as a twelve-ton truck as provided in section60-3,147and pay the same fee as therein provided;
(b) If such bus weighs thirty thousand pounds and less than thirty-two thousand pounds, it shall be licensed as an eleven-ton truck as provided in section60-3,147and pay the same fee as therein provided;
(c) If such bus weighs twenty-eight thousand pounds and less than thirty thousand pounds, it shall be licensed as a ten-ton truck as provided in section60-3,147and pay the same fee as therein provided;
(d) If such bus weighs twenty-two thousand pounds and less than twenty-eight thousand pounds, it shall be licensed as a nine-ton truck as provided in section60-3,147and pay the same fee as therein provided;
(e) If such bus weighs sixteen thousand pounds and less than twenty-two thousand pounds, it shall be licensed as an eight-ton truck as provided in section60-3,147and pay the same fee as therein provided; and
(f) If such bus weighs less than sixteen thousand pounds, it shall be licensed as a five-ton truck as provided in section60-3,147and pay the same fee as therein provided, except that upon registration of buses equipped to carry ten passengers or more and engaged entirely in the transportation of passengers for hire within municipalities or in and within a radius of five miles thereof the fee shall be seventy-five dollars, and for buses equipped to carry more than ten passengers and not for hire the registration fee shall be thirty dollars.
(3) License plates issued under this section shall be the same size and of the same basic design as regular license plates issued under section60-3,100.

60-3,145.
Local trucks; registration fees.
(1) The registration fee on local trucks shall be based on the gross vehicle weight as provided in section60-3,147, and local trucks shall be registered at a fee of thirty percent of the commercial motor vehicle registration fee, except that (a) no local truck shall be registered for a fee of less than eighteen dollars, (b) the registration fee for each truck with a factory-rated capacity of one ton or less shall be eighteen dollars, and (c) commercial pickup trucks with a gross load of over three tons shall be registered for the fee provided for commercial motor vehicles.
(2) Local truck license plates shall display, in addition to the registration number, the designation of local motor vehicles.

60-3,146.
Farm trucks; registration fees.
(1) For the registration of farm trucks, except for trucks or combinations of trucks or truck-tractors and trailers having a gross vehicle weight exceeding sixteen tons, the registration fee shall be eighteen dollars for up to and including five tons gross vehicle weight, and in excess of five tons the fee shall be twenty-two dollars.
(2) For a truck or a combination of a truck or truck-tractor and trailer weighing in excess of sixteen tons registered as a farm truck, except as provided in sections60-3,111and60-3,151, the registration fee shall be based upon the gross vehicle weight. The registration fee on such trucks weighing in excess of sixteen tons shall be at the following rates: For a gross weight in excess of sixteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over seventeen tons, and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons.
(3) Farm truck license plates shall display, in addition to the registration number, the designation farm and the words NOT FOR HIRE.

(4) Farm trucks with a gross weight of over sixteen tons license plates shall also display the weight that such farm truck is licensed for, using a decal on the license plates in letters and numerals of such size and design as shall be determined and issued by the department.

60-3,147.
Commercial motor vehicles; public power district motor vehicles; metropolitan utilities district motor vehicles; registration fees.
(1) The registration fee on commercial motor vehicles, public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles, except those motor vehicles registered under section60-3,198, shall be based upon the gross vehicle weight, not to exceed the maximum authorized by section60-6,294.
(2) The registration fee on commercial motor vehicles, public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles, except for motor vehicles and trailers registered under section60-3,198, shall be based on the gross vehicle weight on such commercial motor vehicles, public power district motor vehicles, or metropolitan utilities district motor vehicles plus the gross vehicle weight of any trailer or combination with which it is operated, except that for the purpose of determining the registration fee, the gross vehicle weight of a commercial motor vehicle towing or hauling a disabled or wrecked motor vehicle properly registered for use on the highways shall be only the gross vehicle weight of the towing commercial motor vehicle fully equipped and not including the weight of the motor vehicle being towed or hauled.
(3) Except as provided in subsection (4) of this section, the registration fee on such commercial motor vehicles, public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles shall be at the following rates:
(a) For a gross vehicle weight of three tons or less, eighteen dollars;
(b) For a gross vehicle weight exceeding three tons and not exceeding four tons, twenty-five dollars;
(c) For a gross vehicle weight exceeding four tons and not exceeding five tons, thirty-five dollars;
(d) For a gross vehicle weight exceeding five tons and not exceeding six tons, sixty dollars;
(e) For a gross vehicle weight exceeding six tons but not exceeding seven tons, eighty-five dollars; and
(f) For a gross vehicle weight in excess of seven tons, the fee shall be that for a commercial motor vehicle, public power district motor vehicle, or metropolitan utilities district motor vehicle having a gross vehicle weight of seven tons and, in addition thereto, twenty-five dollars for each ton of gross vehicle weight over seven tons.
(4)(a) For fractional tons in excess of the twenty percent or the tolerance of one thousand pounds, as provided in section60-6,300, the fee shall be computed on the basis of the next higher bracket.
(b) The fees provided by this section shall be reduced ten percent for motor vehicles used exclusively for the transportation of agricultural products.
(c) Fees for commercial motor vehicles, public power district motor vehicles, or, beginning January 1, 2023, metropolitan utilities district motor vehicles with a gross vehicle weight in excess of thirty-six tons shall be increased by twenty percent for all such commercial motor vehicles, public power district motor vehicles, or metropolitan utilities district motor vehicles operated on any highway not a part of the National System of Interstate and Defense Highways.
(5)(a) Such fee may be paid one-half at the time of registration and one-half on the first day of the seventh month of the registration period when the license fee exceeds two hundred ten dollars. When the second half is paid, the county treasurer shall furnish a registration certificate and license plates issued by the department which shall be displayed on such commercial motor vehicle in the manner provided by law. In addition to the registration fee, the department shall collect a sufficient fee to cover the cost of issuing the certificate and license plates.
(b) If such second half is not paid within thirty days following the first day of the seventh month, the registration of such commercial motor vehicle shall be canceled and the registration certificate and license plates shall be returned to the county treasurer.
(c) Such fee shall be paid prior to any subsequent registration or renewal of registration.
(6) Except as provided in section60-3,228, license plates issued under this section shall be the same size and of the same basic design as regular license plates issued under section60-3,100.
(7) A license plate or plates issued to a commercial motor vehicle with a gross weight of five tons or over shall display, in addition to the registration number, the weight that the commercial motor vehicle is licensed for, using a decal on the license plate or plates of the commercial motor vehicle in letters and numerals of such size and design as shall be determined and issued by the department.

60-3,148.
Commercial motor vehicle; public power district motor vehicle; metropolitan utilities district motor vehicle; increase of gross vehicle weight; where allowed.
(1) This subsection applies until January 1, 2023. No owner of a commercial motor vehicle or public power district motor vehicle shall be permitted to increase the gross vehicle weight for which such commercial motor vehicle or public power district motor vehicle is registered except at the office of the county treasurer in the county where such commercial motor vehicle or public power district motor vehicle is currently registered unless the need for such increase occurs when such commercial motor vehicle is more than one hundred miles from the county seat of such county or the public power district motor vehicle is more than one hundred miles from its base location, unless authorized to do so by the Nebraska State Patrol or authorized state scale examiner as an emergency.

(2) This subsection applies beginning January 1, 2023. No owner of a commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle shall be permitted to increase the gross vehicle weight for which such commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle is registered except at the office of the county treasurer in the county where such commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle is currently registered unless the need for such increase occurs when such commercial motor vehicle is more than one hundred miles from the county seat of such county or the metropolitan utilities district motor vehicle or public power district motor vehicle is more than one hundred miles from its base location, unless authorized to do so by the Nebraska State Patrol or authorized state scale examiner as an emergency.

60-3,149.
Soil and water conservation vehicles; registration fee.
(1) For the registration of trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction, the registration fee shall be one-half of the rate for similar commercial motor vehicles registered under section60-3,147, except that no commercial motor vehicle or commercial trailer registered under this section shall be registered for a fee of less than eighteen dollars.
(2) Such license plates shall display, in addition to the registration number, the letter A.

60-3,150.
Truck-tractor and semitrailer; commercial trailer; registration fee.
For registration purposes, a truck-tractor and semitrailer unit and a commercial trailer shall be considered as separate units. The registration fee of the truck-tractor shall be the fee provided for commercial motor vehicles. Each semitrailer and each commercial trailer shall be registered upon the payment of a fee of one dollar. The department shall provide an appropriate license plate or, when appropriate, validation decal to identify such semitrailers. If any truck or truck-tractor, operated under the classification designated as local, farm, or A or with plates issued under section60-3,113is operated outside of the limits of its respective classification, it shall thereupon come under the classification of commercial motor vehicle.

60-3,151.
Trailers; recreational vehicles; registration fee.
(1) For the registration of any commercial trailer or semitrailer, the fee shall be one dollar.
(2) The fee for utility trailers shall be one dollar for each one thousand pounds gross vehicle weight or fraction thereof, up to and including nine thousand pounds. Utility trailer license plates shall display, in addition to the registration number, the letter X. Trailers other than farm trailers of more than nine thousand pounds must be registered as commercial trailers.
(3) The fee for cabin trailers having gross vehicle weight of one thousand pounds or less shall be nine dollars and more than one thousand pounds, but less than two thousand pounds, shall be twelve dollars. Cabin trailers having a gross vehicle weight of two thousand pounds or more shall be registered for a fee of fifteen dollars.
(4) Recreational vehicles having a gross vehicle weight of eight thousand pounds or less shall be registered for a fee of eighteen dollars, those having a gross vehicle weight of more than eight thousand pounds but less than twelve thousand pounds shall be registered for thirty dollars, and those having a gross vehicle weight of twelve thousand pounds or over shall be registered for forty-two dollars. When living quarters are added to a registered truck, a recreational vehicle registration may be obtained without surrender of the truck registration, in which event both the truck and recreational vehicle license plates shall be displayed on the vehicle. Recreational vehicle license plates shall be the same size and of the same basic design as regular license plates issued pursuant to section60-3,100.
(5) Farm trailers shall be licensed for a fee of one dollar, except that when a farm trailer is used with a registered farm truck, such farm trailer may, at the option of the owner, be registered as a separate unit for a fee of three dollars per ton gross vehicle weight and, if so registered, shall not be considered a truck and trailer combination for purposes of sections60-3,145and60-3,146. Farm trailer license plates shall display, in addition to the registration number, the letter X.
(6) Fertilizer trailers shall be registered for a fee of one dollar. Fertilizer trailer license plates shall display, in addition to the registration number, the letter X.
(7) Trailers used to haul poles and cable reels owned and operated exclusively by public utility companies shall be licensed at a fee based on two dollars for each one-thousand-pound load to be hauled or any fraction thereof, and such load shall not exceed sixteen thousand pounds.

60-3,152.
Ambulances; hearses; registration fee.
For all ambulances, except publicly owned ambulances, and hearses, the registration fee shall be fifteen dollars.

60-3,153.
Motorcycle; registration fee.
For the registration of every motorcycle, the fee shall be six dollars.

60-3,154.
Taxicabs; registration fee.
For taxicabs, used for hire, duly licensed by the governing authorities of cities and villages, the registration fee shall be fifteen dollars.

60-3,155.
Well-boring apparatus and well-servicing equipment; registration fee.
For the registration of well-boring apparatus and well-servicing equipment, the registration fee shall be one-twelfth of the regular commercial registration fee as determined by gross vehicle weight. Such fee shall be collected and distributed in the same manner as other motor vehicle fees.

60-3,156.
Additional fees.
In addition to the registration fees for motor vehicles and trailers, the county treasurer or his or her agent shall collect:
(1) Two dollars for each certificate issued and shall remit two dollars of each additional fee collected to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund;
(2) Fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the Nebraska Emergency Medical System Operations Fund; and
(3) One dollar and fifty cents for each certificate issued and shall remit the fee to the State Treasurer for credit to the State Recreation Road Fund.

60-3,157.
Lost or mutilated license plate or registration certificate; duplicate; fees.
If a license plate or registration certificate is lost or mutilated or has become illegible, the person to whom such license plate and registration certificate has been issued shall immediately apply to the county treasurer for a duplicate registration certificate or for new license plates, accompanying his or her application with a fee of one dollar for a duplicate registration certificate and a fee of two dollars and fifty cents for a duplicate or replacement license plate. No fee shall be required under this section if the vehicle or trailer was reported stolen under section60-178.

60-3,158.
Methods of payment authorized.
A county treasurer or his or her agent may accept credit cards, charge cards, debit cards, or electronic funds transfers as a means of payment for registration pursuant to section13-609.

60-3,159.
Registration fees; fees for previous years.
Upon application to register any motor vehicle or trailer, no registration fee shall be required to be paid thereon for any previous registration period during which such motor vehicle or trailer was not at any time driven or used upon any highway within this state, and the person desiring to register such motor vehicle or trailer without payment of fees for previous registration periods shall file with the county treasurer an affidavit showing where, when, and for how long such motor vehicle or trailer was stored and that the same was not used in this state during such registration period or periods, and upon receipt thereof the county treasurer shall issue a registration certificate.

60-3,160.
Governmental vehicle; exempt from fee.
No registration fee shall be charged for any motor vehicle or trailer owned or leased and used by any city or village of this state, any rural fire protection district, the Civil Air Patrol, any public school district, any county, the state, the United States Government, any entity formed pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, or any municipal public body or authority used in operating a public passenger transportation system.

60-3,162.
Certificate of registration; improper issuance; revocation.
(1) The department shall, upon a sworn complaint in writing of any person, investigate whether a certificate of registration:
(a) Has been issued on a motor vehicle or trailer that exceeds the length, height, or width provided by law;
(b) Was issued contrary to any law of this state; or
(c) Was issued to a person who has had a certificate of registration revoked pursuant to subdivision (1)(c) of section60-3,183under the International Registration Plan Act.
(2) If the department validates the information in the complaint after conducting such investigation, it shall have the power to revoke such certificate of registration.

60-3,164.
Operation or parking of unregistered vehicle; penalty.
(1) Any person who operates or parks a motor vehicle or who tows or parks a trailer on any highway, which motor vehicle or trailer has not been registered as required by section60-362, shall be subject to the penalty provided in section60-3,170.
(2) A person who parks a motor vehicle or tows a trailer on any highway, which motor vehicle or trailer has been properly registered in this state but such registration has expired, shall not be in violation of this section or section60-362or subject to the penalty provided in section60-3,170, unless thirty days have passed from the expiration of the prior registration.

60-3,165.
Registration; noncompliance; citation; effect.
If a citation is issued to an owner or operator of a motor vehicle or trailer for a violation of section60-362and the owner properly registers and licenses the motor vehicle or trailer not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur.

60-3,166.
Law enforcement officers; arrest
violators; violations; penalty; payment of taxes and fees.
It
shall be the duty of all law enforcement officers to arrest all violators
of any of the provisions of sections60-373,60-374,60-375,60-376,60-378,60-379, and60-3,114to60-3,116. Any person, firm, or corporation, including
any motor vehicle, trailer, or boat dealer or manufacturer, who fails to comply
with such provisions shall be guilty of a Class V misdemeanor and, in addition
thereto, shall pay the county treasurer any and all motor vehicle taxes and
fees imposed in sections60-3,185and60-3,190, registration fees, or certification
fees due had the motor vehicle or trailer been properly registered or certified
according to law.

60-3,167.
Financial responsibility; owner; requirements; prohibited acts; violation; penalty; dismissal of citation; when.
(1) It shall be unlawful for any owner of a motor vehicle or trailer which is being operated or towed with In Transit stickers pursuant to section60-376, which is being operated or towed pursuant to section60-365or60-369, or which is required to be registered in this state and which is operated or towed on a public highway of this state to allow the operation or towing of the motor vehicle or trailer on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation or towing of his or her motor vehicle or trailer on a highway of this state in violation of this section when the motor vehicle or trailer is being operated or towed by a person other than the owner. An owner of a motor vehicle or trailer who operates or tows the motor vehicle or trailer or allows the operation or towing of the motor vehicle or trailer in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the department until he or she complies with sections60-505.02and60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she

complies with sections60-505.02and60-528. The owner shall also be required to comply with section60-528for a continuous period of three years after the violation. This subsection shall not apply to motor vehicles or trailers registered in another state.
(2) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle or trailer at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.
(3) The department shall, for any person convicted for a violation of this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section60-528without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle or trailer at the time the citation was issued.

60-3,168.
Proof of financial responsibility required; violation; penalty.
It shall be unlawful for any owner to pay the required registration fees when the owner does not, at the time of paying the fees or during the entire registration period, have or keep in effect a current and effective automobile liability policy or proof of financial responsibility. Any person violating this section shall be guilty of a Class IV misdemeanor. The penalty shall be mandatory and shall not be suspended by a court.

60-3,169.
Farm truck; unauthorized use; penalty.
Any person using a truck or combination of a truck or truck-tractor and trailer registered as a farm truck pursuant to section60-3,146in violation of the uses authorized shall be guilty of a Class IV misdemeanor and shall be required to register such truck or combination of a truck or truck-tractor and trailer as a commercial motor vehicle or commercial trailer for the entire registration period in which the violation occurred.

60-3,170.
Violations; penalty.
Any person, firm, association, partnership, limited liability company, or corporation which violates any provision of the Motor Vehicle Registration Act for which a penalty is not otherwise provided shall be guilty of a Class III misdemeanor.

60-3,171.
Fraud; penalty.
Any person who registers or causes to be registered any motor vehicle or trailer in the name of any person other than the owner thereof, who gives a false or fictitious name or false or fictitious residential and mailing address of the registrant, or who gives false information pursuant to section60-386in any application for registration of a motor vehicle or trailer shall be deemed guilty of a Class III misdemeanor.

60-3,172.
Registration in incorrect county; penalty.
Any person applying for a motor vehicle or trailer registration in any county or location other than that specified in section60-385or60-3,198shall be deemed guilty of a Class IV misdemeanor.

60-3,173.
Commercial trucks and truck-tractors; commercial vehicles; prohibited acts; penalty.
Any person who fails to return a registration certificate and license plate when required to do so under subdivision (5)(b) of section60-3,147and any person, firm, association, or corporation who otherwise violates section60-3,147or60-3,148shall be guilty of a Class IV misdemeanor.

60-3,174.
Well-boring apparatus and well-servicing equipment; prohibited acts; penalty.
Any person using a motor vehicle or trailer registered as well-boring apparatus and well-servicing equipment for any purpose other than that for which the special equipment license plate was issued shall be guilty of a Class IV misdemeanor and shall be required to register such motor vehicle or trailer as a commercial motor vehicle or commercial trailer for the entire year in which the violation occurred.

60-3,175.
Historical vehicles; prohibited acts; penalty.

It shall be unlawful to own or operate a motor vehicle or trailer with historical license plates in violation of section60-3,130,60-3,131, or60-3,134. Upon conviction of a violation of any provision of such sections, a person shall be guilty of a Class V misdemeanor.

60-3,176.
Undercover plates; prohibited acts; penalty.
Any person who receives information pertaining to undercover license plates in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.

60-3,177.
Nonresident vehicles; prohibited acts.
It shall be unlawful to operate trucks, truck-tractors, trailers, or buses owned by nonresidents who are not in compliance with sections60-3,178to60-3,182or any agreement executed under the authority granted in sections60-3,180to60-3,182.

60-3,178.
Nonresident vehicles; requirements; exception; reciprocity.
Trucks, truck-tractors, trailers, or buses, from a jurisdiction other than Nebraska, entering Nebraska shall be required to comply with all the laws and regulations of any nature imposed on Nebraska trucks, truck-tractors, trailers, or buses unless the jurisdiction in which such trucks, truck-tractors, trailers, or buses are domiciled grants reciprocity comparable to that extended by the laws of Nebraska.

60-3,179.
Nonresident vehicles; nonreciprocal jurisdiction; fees.
In case a jurisdiction is not reciprocal as to license fees on trucks, truck-tractors, trailers, or buses, the owners of nonresident trucks, truck-tractors, trailers, or buses from those jurisdictions shall pay the same license fees as are charged residents of this state. The owners of all trucks, truck-tractors, trailers, or buses from other jurisdictions doing intrajurisdiction hauling in this state shall pay the same registration fees as those paid by residents of this state unless such trucks, truck-tractors, trailers, or buses are registered as a part of a fleet in interjurisdiction commerce as provided in section60-3,198.

60-3,180.
Nonresident vehicles; reciprocal agreements authorized; terms and conditions; revision; absence of agreement; effect.
(1) In order to effect the purposes of sections60-3,178,60-3,179, and60-3,198, the director shall have the power, duty, and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories, or possessions of the United States and foreign countries, states, or provinces, granting to trucks, truck-tractors, trailers, or buses or owners of trucks, truck-tractors, trailers, or buses which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any fees or other charges imposed upon such trucks, truck-tractors, trailers, or buses or owners with respect to the operation or ownership of such trucks, truck-tractors, trailers, or buses under the laws of this state. Such agreements or arrangements shall provide that trucks, truck-tractors, trailers, or buses registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to trucks, truck-tractors, trailers, or buses from such jurisdictions in this state. Such agreements may be revised or replaced by new agreements from time to time in order to promote greater uniformity among the jurisdictions. The director may withdraw from any agreement when he or she determines that it is for the best interest of the State of Nebraska upon thirty days' notice.
(2) Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide, with respect to resident or nonresident fleets of apportionable vehicles which are engaged in interjurisdiction and intrajurisdiction commerce, that the registrations of such fleets can be apportioned between this state and other jurisdictions in which such fleets operate in accordance with the method set out in section60-3,198. A Nebraska-based fleet owner may include trucks, truck-tractors, trailers, and buses in such apportionable fleet by listing them in an application filed pursuant to section60-3,198, and any trucks, truck-tractors, trailers, and buses so included shall be eligible for permanent license plates issued pursuant to section60-3,203. The registration procedure required by section60-3,198shall be the only such registration required, and when the fees required by such section and section60-3,203if applicable have been paid, the trucks, truck-tractors, trailers, and buses listed on the application shall be duly registered as part of such Nebraska-based fleet and shall be considered part of a Nebraska-based fleet for purposes of taxation.
(3) In the absence of an agreement or arrangement with any jurisdiction, the director is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits, and privileges to be extended to trucks, truck-tractors, trailers, and buses registered in such jurisdiction or to the owners or operators of such trucks, truck-tractors, trailers, and buses.
When no written agreement or arrangement has been entered into with another jurisdiction or declaration issued pertaining thereto, any trucks, truck-tractors, trailers, and buses properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits, and privileges granted by such other

jurisdiction to trucks, truck-tractors, trailers, and buses registered in this state.

60-3,181.
Truck, truck-tractor, trailer, or bus; no additional registration or license fees required; when.
(1) When a truck, truck-tractor, trailer, or bus has been duly registered in any jurisdiction, including those that are part of a Nebraska-based fleet registered pursuant to section60-3,198, no additional registration or license fees, except as provided in section60-3,203if applicable, shall be required in this state when such truck, truck-tractor, trailer, or bus is operated in combination with any truck, truck-tractor, trailer, or bus properly licensed or registered in accordance with sections60-3,179to60-3,182and60-3,198or agreements, arrangements, or declarations pursuant to such sections.
(2) Properly registered means a truck, truck-tractor, trailer, or bus licensed or registered in one of the following: (a) The jurisdiction where the person registering the truck, truck-tractor, trailer, or bus has his or her legal residence; (b) the jurisdiction in which a truck, truck-tractor, trailer, or bus is registered, when the operation in which such truck, truck-tractor, trailer, or bus is used has a principal place of business therein, and from or in which the truck, truck-tractor, trailer, or bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled and the truck, truck-tractor, trailer, or bus is assigned to such principal place of business; or (c) the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions or pursuant to a declaration, the person registering the truck, truck-tractor, trailer, or bus has licensed the truck, truck-tractor, trailer, or bus as required by such jurisdiction.

60-3,182.
Agreements, arrangements, declarations, and amendments; requirements.
(1) All agreements, arrangements, declarations, and amendments authorized by sections60-3,179to60-3,182and60-3,198shall be in writing and shall become effective when filed in the office of the director.
(2) Agreements or arrangements entered into or declarations issued under the authority of sections60-3,179to60-3,182may contain provisions denying exemptions, benefits, and privileges granted in such agreements, arrangements, or declarations to any truck, truck-tractor, trailer, or bus which is in violation of conditions stated in such agreements, arrangements, or declarations.

60-3,183.
Registration under International Registration Plan Act; disciplinary actions; procedure; enforcement.
(1) The director may revoke, suspend, cancel, or refuse to issue or renew a registration certificate under sections60-3,198to60-3,203:
(a) If the ability of the applicant or registration certificate holder to operate has been terminated or denied by a federal agency, upon receipt of notice of the termination or denial under the federal Performance and Registration Information Systems Management Program;
(b) If the applicant has failed to disclose material information required on the application or if the applicant has made a materially false statement on the application; or
(c) If the applicant has applied for the purpose of avoiding a suspension, revocation, cancellation, or refusal to issue or renew a registration certificate for the real party in interest or if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person or entity who or which is ineligible for registration, including the applicant entity, a relative, a family member, a corporate officer, or a shareholder.
(2) Any person who receives notice from the director of action taken pursuant to subsection (1) of this section shall, within three business days, return such registration certificate and license plates to the department. If any person fails to return the registration certificate and license plates to the department, the department shall notify the Nebraska State Patrol that any such person is in violation of this section.

60-3,184.
Motor vehicle tax and fee; terms, defined.
For purposes of sections60-3,184to60-3,190:
(1) Automobile means passenger cars, trucks, utility vehicles, and vans up to and including seven tons;
(2) Motor vehicle means every motor vehicle, trailer, and semitrailer subject to the payment of registration fees or permit fees under the laws of this state;
(3) Motor vehicle fee means the fee imposed upon motor vehicles under section60-3,190;
(4) Motor vehicle tax means the tax imposed upon motor vehicles under section60-3,185; and
(5) Registration period means the period from the date of registration pursuant to section60-392to the first day of the month following one year after such date.

60-3,185.
Motor vehicle tax; exemptions.
A motor vehicle tax is imposed on motor vehicles registered for operation upon the highways of this state, except:
(1) Motor vehicles exempt from the registration fee in section60-3,160;
(2) One motor vehicle owned and used for his or her personal transportation by a disabled or blind veteran of the United States Armed Forces as defined in section77-202.23whose disability or blindness is recognized by the United States Department of

Veterans Affairs and who was discharged or otherwise separated with a characterization of honorable if an application for the exemption has been approved under subsection (1) of section60-3,189;
(3) Motor vehicles owned by Indians who are members of an Indian tribe;
(4) Motor vehicles owned by a member of the United States Armed Forces serving in this state in compliance with military or naval orders or his or her spouse if such servicemember or spouse is a resident of a state other than Nebraska;
(5) Motor vehicles owned by the state and its governmental subdivisions and exempt as provided in subdivision (1)(a) or (b) of section77-202;
(6) Motor vehicles owned and used exclusively by an organization or society qualified for a tax exemption provided in subdivision (1)(c) or (d) of section77-202if an application for the exemption provided in this subdivision has been approved under subsection (2) of section60-3,189; and
(7) Trucks, trailers, or combinations thereof registered under section60-3,198.

60-3,186.
Motor vehicle tax; notice; taxes and fees; payment; proceeds; disposition.
(1) The department shall annually determine the motor vehicle tax on each motor vehicle registered pursuant to section60-3,187and shall cause a notice of the amount to be delivered to the registrant. The notice may be delivered to the registrant at the address shown upon his or her registration certificate or the registrant's most recent address according to information received by the department from the National Change of Address program of the United States Postal Service or delivered electronically to the registrant if the registrant has provided electronic contact information to the department. The notice shall be provided on or before the first day of the last month of the registration period.
(2)(a) The motor vehicle tax, motor vehicle fee, registration fee, sales tax, and any other applicable taxes and fees shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. If the motor vehicle being registered has been transferred as a gift or for a nominal amount, any sales tax owed by the transferor on the purchase of the motor vehicle shall have been paid or be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period.
(b) After retaining one percent of the motor vehicle tax proceeds collected for costs incurred by the county treasurer, and after transferring one percent of the motor vehicle tax proceeds collected to the State Treasurer for credit to the Vehicle Title and Registration System Replacement and Maintenance Cash Fund, the remaining motor vehicle tax proceeds shall be allocated to each county, local school system, school district, city, and village in the tax district in which the motor vehicle has situs.
(c)(i) Twenty-two percent of the remaining motor vehicle tax proceeds shall be allocated to the county, (ii) sixty percent shall be allocated to the local school system or school district, and (iii) eighteen percent shall be allocated to the city or village, except that (A) if the tax district is not in a city or village, forty percent shall be allocated to the county, and (B) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city or village.
(d) The amount allocated to a local school system shall be distributed to school districts in the same manner as property taxes.
(3) Proceeds from the motor vehicle tax shall be treated as property tax revenue for purposes of expenditure limitations, matching of state or federal funds, and other purposes.

60-3,187.
Motor vehicle tax schedules; calculation of tax.
(1) The motor vehicle tax schedules are set out in this section.
(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:
YEARFRACTIONFirst1.00Second0.90Third0.80Fourth0.70Fifth0.60Sixth0.51Seventh0.42Eighth0.33Ninth0.24Tenth and Eleventh0.15Twelfth and Thirteenth0.07Fourteenth and older0.00
(3) The base tax shall be:
(a) Automobiles, autocycles, and motorcycles â■■ An amount determined using the following table:
Value when newBase taxUp to $3,999$ 25$4,000 to $5,99935$6,000 to $7,99945$8,000 to $9,99960$10,000 to $11,999100$12,000 to $13,999140$14,000 to $15,999180$16,000 to $17,999220$18,000 to $19,999260$20,000 to $21,999300$22,000 to $23,999340$24,000 to $25,999380$26,000 to $27,999420$28,000 to $29,999460$30,000 to $31,999500$32,000 to $33,999540$34,000 to $35,999580$36,000 to $37,999620$38,000 to $39,999660$40,000 to $41,999700$42,000 to $43,999740$44,000 to $45,999780$46,000 to $47,999820$48,000 to $49,999860$50,000 to $51,999900$52,000 to $53,999940$54,000 to $55,999980$56,000 to $57,9991,020$58,000 to $59,9991,060$60,000 to $61,9991,100$62,000 to $63,9991,140$64,000 to $65,9991,180$66,000 to $67,9991,220$68,000 to $69,9991,260$70,000 to $71,9991,300$72,000 to $73,9991,340$74,000 to $75,9991,380$76,000 to $77,9991,420$78,000 to $79,9991,460$80,000 to $81,9991,500$82,000 to $83,9991,540$84,000 to $85,9991,580$86,000 to $87,9991,620$88,000 to $89,9991,660$90,000 to $91,9991,700$92,000 to $93,9991,740$94,000 to $95,9991,780$96,000 to $97,9991,820$98,000 to $99,9991,860$100,000 and over1,900
(b) Assembled automobiles â■■ $60
(c) Assembled motorcycles other than autocycles â■■ $25
(d) Cabin trailers, up to one thousand pounds â■■ $10

(e) Cabin trailers, one thousand pounds and over and less than two thousand pounds â■■ $25
(f) Cabin trailers, two thousand pounds and over â■■ $40
(g) Recreational vehicles, less than eight thousand pounds â■■ $160
(h) Recreational vehicles, eight thousand pounds and over and less than twelve thousand pounds â■■ $410
(i) Recreational vehicles, twelve thousand pounds and over â■■ $860
(j) Assembled recreational vehicles and buses shall follow the schedules for body type and registered weight
(k) Trucks â■■ Over seven tons and less than ten tons â■■ $360
(l) Trucks â■■ Ten tons and over and less than thirteen tons â■■ $560
(m) Trucks â■■ Thirteen tons and over and less than sixteen tons â■■ $760
(n) Trucks â■■ Sixteen tons and over and less than twenty-five tons â■■ $960
(o) Trucks â■■ Twenty-five tons and over â■■ $1,160
(p) Buses â■■ $360
(q) Trailers other than semitrailers â■■ $10
(r) Semitrailers â■■ $110
(s) Former military vehicles â■■ $50
(t) Minitrucks â■■ $50
(u) Low-speed vehicles â■■ $50
(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks except those trucks, trailers, or combinations thereof registered under section60-3,198, and the tax is based on the gross vehicle weight rating as reported by the manufacturer.
(5) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.
(6) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.
(7) Assembled cabin trailers, assembled recreational vehicles, and assembled buses shall be designated as sixth-year motor vehicles in their first year of registration for purposes of the schedules.
(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section60-174, the motor vehicle tax shall be reduced by twenty-five percent.

60-3,188.
Motor vehicle tax; valuation of vehicles; department; duties.
(1) The department shall determine motor vehicle manufacturers' suggested retail prices, gross vehicle weight ratings, and vehicle identification numbers using appropriate commercially available electronic information on a system designated by the department.
(2) For purposes of section60-3,187, the department shall determine the value when new of automobiles and determine the gross vehicle weight ratings of motor vehicles over seven tons. The department shall make a determination for such makes and models of automobiles and motor vehicles already manufactured or being manufactured and shall, as new makes and models of such automobiles and motor vehicles become available to Nebraska residents, continue to make such determinations. The value when new is the manufacturer's suggested retail price for such new automobile or motor vehicle of that year using the manufacturer's body type and model with standard equipment and not including transportation or delivery cost.
(3) Any person or taxing official may, within ten days after a determination has been certified by the department, file objections in writing with the department stating why the determination is incorrect.
(4) Any affected person may file an objection to the determination of the department not more than fifteen days before and not later than thirty days after the registration date. The objection must be filed in writing with the department and state why the determination is incorrect.
(5) Upon the filing of objections the department shall fix a time for a hearing. Any party may introduce evidence in reference to the objections, and the department shall act upon the objections and make a written order, mailed to the objector within seven days after the order. The final decision by the department may be appealed. The appeal shall be to the Tax Equalization and Review Commission in accordance with the Tax Equalization and Review Commission Act within thirty days after the written order. In an appeal, the department's determination of the manufacturer's suggested retail price shall be presumed to be correct and the party challenging the determination shall bear the burden of proving it incorrect.

60-3,189.
Tax exemption; procedure; appeal.
(1) A veteran of the United States Armed Forces who qualifies for an exemption from the motor vehicle tax under subdivision (2) of section60-3,185shall apply for the exemption to the county treasurer not more than fifteen days before and not later than thirty days after the registration date for the motor vehicle. A renewal application shall be made annually not sooner than the first day of the last month of the registration period or later than the last day of the registration period. The county treasurer shall

approve or deny the application and notify the applicant of his or her decision within twenty days after the filing of the application. An applicant may appeal the denial of an application to the county board of equalization within twenty days after the date the notice was mailed.
(2) An organization which qualifies for an exemption from the motor vehicle tax under subdivision (6) of section60-3,185shall apply for the exemption to the county treasurer not more than fifteen days before and not later than thirty days after the registration date for the motor vehicle. For a newly acquired motor vehicle, an application for exemption must be made within thirty days after the purchase date. A renewal application shall be made annually not sooner than the first day of the last month of the registration period or later than the last day of the registration period. The county treasurer shall examine the application and recommend either exempt or nonexempt status to the county board of equalization within twenty days after receipt of the application. The county board of equalization, after a hearing on ten days' notice to the applicant and after considering the recommendation of the county treasurer and any other information it may obtain, shall approve or deny the exemption on the basis of law and of rules and regulations adopted and promulgated by the Tax Commissioner within thirty days after the hearing. The county board of equalization shall mail or deliver its final decision to the applicant and the county treasurer within seven days after the date of decision.
The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission in accordance with the Tax Equalization and Review Commission Act within thirty days after the final decision.

60-3,190.
Motor vehicle fee; fee schedules; Motor Vehicle Fee Fund; created; use; investment.
(1) A motor vehicle fee is imposed on all motor vehicles registered for operation in this state. An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to section60-3,185shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.
(2) The department shall annually determine the motor vehicle fee on each motor vehicle registered pursuant to this section and shall cause a notice of the amount to be delivered to the registrant. The notice shall be combined with the notice of the motor vehicle tax required by section60-3,186.
(3) The motor vehicle fee schedules are set out in this subsection and subsection (4) of this section. Except for automobiles with a value when new of less than $20,000, and for assembled, reconstructed-designated, and replica-designated automobiles, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the automobile as shown in the following table:
YEARFRACTIONFirst through fifth1.00Sixth through tenth.70Eleventh and over.35
(4) The base fee shall be:
(a) Automobiles, with a value when new of less than $20,000, and assembled, reconstructed-designated, and replica-designated automobiles â■■ $5
(b) Automobiles, with a value when new of $20,000 through $39,999 â■■ $20
(c) Automobiles, with a value when new of $40,000 or more â■■ $30
(d) Motorcycles and autocycles â■■ $10
(e) Recreational vehicles and cabin trailers â■■ $10
(f) Trucks over seven tons and buses â■■ $30
(g) Trailers other than semitrailers â■■ $10
(h) Semitrailers â■■ $30
(i) Former military vehicles â■■ $10
(j) Minitrucks â■■ $10
(k) Low-speed vehicles â■■ $10.
(5) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer which are needed for refunds or credits authorized by law.
(6)(a) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (ii) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the

Highway Allocation Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(b) Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources.
(c) All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes.
(7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this section, automobiles or trucks includes all trucks and combinations of trucks or truck-tractors, except those trucks, trailers, or semitrailers registered under section60-3,198, and the fee is based on the gross vehicle weight rating as reported by the manufacturer.
(8) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.
(9) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle fee for six registration periods.
(10) Assembled vehicles other than assembled, reconstructed-designated, or replica-designated automobiles shall follow the schedules for the motor vehicle body type.

60-3,191.
Alternative fuel; fee.
In addition to any other fee required under the Motor Vehicle Registration Act, a fee for registration of each motor vehicle powered by an alternative fuel shall be charged. The fee shall be one hundred fifty dollars, except that for a motorcycle or plug-in hybrid electric vehicle, the fee shall be seventy-five dollars. The fee shall be collected by the county treasurer and remitted to the State Treasurer for credit to the Highway Trust Fund.

60-3,192.
International Registration Plan Act; act, how cited.
Sections60-3,192to60-3,206shall be known and may be cited as the International Registration Plan Act.

60-3,193.
International Registration Plan Act; purposes of act.
The purposes of the International Registration Plan Act are to:
(1) Promote and encourage the fullest possible use of the highway system by authorizing registration of fleets of apportionable vehicles and the recognition of apportionable vehicles apportioned in other jurisdictions, thus contributing to the economic and social development and growth of the jurisdictions;
(2) Implement the concept of one registration plate for one vehicle;
(3) Grant exemptions from payment of certain fees when such grants are reciprocal; and
(4) Grant reciprocity to fleets of apportionable vehicles and provide for the continuance of reciprocity granted to those vehicles that are not eligible for apportioned registration under the act.

60-3,193.01.
International Registration Plan; adopted.
For purposes of the Motor Vehicle Registration Act, the International Registration Plan is adopted and incorporated by reference as the plan existed on January 1, 2024.

60-3,194.
Director; powers and duties.
The director shall ratify and do all things necessary to effectuate the International Registration Plan Act with such exceptions as are deemed advisable and such changes as are necessary.

60-3,195.
Conflict with rules and regulations; effect.
If any provision of the International Registration Plan Act conflicts with rules and regulations adopted and promulgated by the department, the provisions of the act shall control.

60-3,196.
Apportionable vehicles; International Registration Plan; effect.
Apportionable vehicles registered as provided in section60-3,198and apportionable vehicles covered under the International Registration Plan shall be deemed fully registered in all jurisdictions where apportioned or granted reciprocity for any type of movement or operation. The registrant must have proper interjurisdiction or intrajurisdiction authority from the appropriate regulatory agency of each jurisdiction of this state if not exempt from regulation by the regulatory agency.

60-3,197.
Payment of apportioned fees; effect.
The payment to the base jurisdiction for all member and cooperating jurisdictions of apportioned fees due under the International Registration Plan Act discharges the responsibility of the registrant for payment of such apportioned fees to individual member and cooperating jurisdictions, except that the base jurisdiction shall cooperate with other declared jurisdictions in connection with applications and fees paid.

60-3,198.
Fleet of vehicles in interjurisdiction commerce; registration; exception; application; fees; temporary authority; evidence of registration; proportional registration; removal from fleet; effect; unladen-weight registration; trip permit; fee.
(1)(a) Any owner engaged in operating a fleet of apportionable vehicles in this state in interjurisdiction commerce may, in lieu of registration of such apportionable vehicles under the general provisions of the Motor Vehicle Registration Act, register and license such fleet for operation in this state by filing a statement and the application required by section60-3,203with the Division of Motor Carrier Services of the department. The statement shall be in such form and contain such information as the division requires, declaring the total mileage operated by such vehicles in all jurisdictions and in this state during the preceding year and describing and identifying each such apportionable vehicle to be operated in this state during the ensuing license period.
(b)(i) Before July 1, 2024, upon receipt of such statement and application, the division shall determine the total fee payment, which shall be equal to the amount of fees due pursuant to section60-3,203and the amount obtained by applying the formula provided in section60-3,204to a fee of thirty-five dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer or combination thereof with which it is to be operated in combination at any one time plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of payment required to be made. Mileage operated in noncontracting reciprocity jurisdictions by apportionable vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska injurisdiction fleet distance.
(ii) Beginning July 1, 2024, upon receipt of such statement and application, the division shall determine the total fee payment, which shall be equal to the amount of fees due pursuant to section60-3,203and the amount obtained by applying the formula provided in section60-3,204to a fee of thirty-three dollars and fifty cents per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer or combination thereof with which it is to be operated in combination at any one time plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of payment required to be made. Mileage operated in noncontracting reciprocity jurisdictions by apportionable vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska injurisdiction fleet distance.
(c) Temporary authority which permits the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the division if necessary to complete processing of the application.
(d) Upon completion of such processing and receipt of the appropriate fees, the division shall issue to the applicant a sufficient number of distinctive registration certificates which provide a list of the jurisdictions in which the apportionable vehicle has been apportioned, the weight for which registered, and such other evidence of registration for display on the apportionable vehicle as the division determines appropriate for each of the apportionable vehicles of his or her fleet, identifying it as a part of an interjurisdiction fleet proportionately registered. Such registration certificates may be displayed as a legible paper copy or electronically as authorized by the department. All fees received as provided in this section shall be remitted to the State Treasurer for credit to the Motor Carrier Services Division Distributive Fund.
(e) The apportionable vehicles so registered shall be exempt from all further registration and license fees under the Motor Vehicle Registration Act for movement or operation in the State of Nebraska except as provided in section60-3,203. The proportional registration and licensing provision of this section shall apply to apportionable vehicles added to such fleets and operated in this state during the license period except with regard to permanent license plates issued under section60-3,203.
(f) The right of applicants to proportional registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the division.
(g) When a nonresident fleet owner has registered his or her apportionable vehicles, his or her apportionable vehicles shall be considered as fully registered for both interjurisdiction and intrajurisdiction commerce when the jurisdiction of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each apportionable vehicle of a fleet registered by a resident of Nebraska shall be considered as fully registered for both interjurisdiction and intrajurisdiction commerce.
(2) Mileage proportions for interjurisdiction fleets not operated in this state during the preceding year shall be determined by the division upon the application of the applicant on forms to be supplied by the division which shall show the operations of the preceding year in other jurisdictions and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.
(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration period. Upon request of the division, the owner shall make such records available to the division at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the division if the office where the records are maintained is not within the State of Nebraska. The division may enter into agreements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be remitted by

the division to the State Treasurer for credit to the Motor Carrier Division Cash Fund. No deficiency shall be assessed and no claim for credit shall be allowed for any license registration period for which records on which the application was made are no longer required to be maintained.

(4) If the division claims that a greater amount of fee is due under this section than was paid, the division shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the division any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the division, the owner may petition for an appeal of the matter. The director shall appoint a hearing officer who shall hear the dispute and issue a written decision. Any appeal shall be in accordance with the Administrative Procedure Act. Upon expiration of the time for perfecting an appeal if no appeal is taken or upon final judicial determination if an appeal is taken, the division shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid.

(5) Every applicant who licenses any apportionable vehicles under this section and section60-3,203shall have his or her registration certificates issued only after all fees under such sections are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the director as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C. 4481 of the Internal Revenue Code as defined in section49-801.01.

(6)(a) In the event of the transfer of ownership of any registered apportionable vehicle, (b) in the case of loss of possession because of fire, natural disaster, theft, or wrecking, junking, or dismantling of any registered apportionable vehicle, (c) when a salvage branded certificate of title is issued for any registered apportionable vehicle, (d) whenever a type or class of registered apportioned vehicle is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees and taxes, (e) upon trade-in or surrender of a registered apportionable vehicle under a lease, or (f) in case of a change in the situs of a registered apportionable vehicle to a location outside of this state, its registration shall expire, except that if the registered owner or lessee applies to the division after such transfer or loss of possession and accompanies the application with a fee of one dollar and fifty cents, he or she may have any remaining credit of vehicle fees and taxes from the previously registered apportionable vehicle applied toward payment of any vehicle fees and taxes due and owing on another registered apportionable vehicle. If such registered apportionable vehicle has a greater gross vehicle weight than that of the previously registered apportionable vehicle, the registered owner or lessee of the registered apportionable vehicle shall additionally pay only the registration fee for the increased gross vehicle weight for the remaining months of the registration period based on the factors determined by the division in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the division to delete a registered apportionable vehicle from a fleet of registered apportionable vehicles (a) because of a transfer of ownership of the registered apportionable vehicle, (b) because of loss of possession due to fire, natural disaster, theft, or wrecking, junking, or dismantling of the registered apportionable vehicle, (c) because a salvage branded certificate of title is issued for the registered apportionable vehicle, (d) because a type or class of registered apportioned vehicle is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees and taxes, (e) because of a trade-in or surrender of the registered apportionable vehicle under a lease, or (f) because of a change in the situs of the registered apportionable vehicle to a location outside of this state, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the division or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the division of such transfer or loss, receive a refund of that portion of the unused registration fee based upon the number of unexpired months remaining in the registration period from the date of transfer or loss. No refund shall be allowed for any fees paid under section60-3,203. When such apportionable vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered apportionable vehicle owner. The Nebraska-based fleet owner shall make a claim for a refund under this subsection within the registration period or shall be deemed to have forfeited his or her right to the refund.

(8) In case of addition to the registered fleet during the registration period, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date the vehicle was placed into service or, if the vehicle was previously registered, the date the prior registration expired or the date Nebraska became the base jurisdiction for the fleet, whichever is first, for the remaining balance of the registration period. The fee for any permanent license plate issued for such addition pursuant to section60-3,203shall be the full fee required by such section, regardless of the number of months remaining in the license period.

(9) In lieu of registration under subsections (1) through (8) of this section, the title holder of record may apply to the division for special registration, to be known as an unladen-weight registration, for any commercial motor vehicle or combination of vehicles which have been registered to a Nebraska-based fleet owner within the current or previous registration period. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. The issuance of such permits shall be governed by section60-3,179.

(10) Any person may, in lieu of registration under subsections (1) through (8) of this section or for other jurisdictions as approved by the director, purchase a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination. A trip permit shall be issued before any person required to obtain a trip permit enters this state with such vehicle. The trip permit shall be issued by the director through Internet sales from the department's website. The trip permit shall be valid for a period of seventy-two hours. The fee for the trip permit shall be twenty-five dollars for each truck, truck-tractor, bus, or truck or truck-tractor combination. The

fee collected by the director shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

60-3,199.
Reciprocity agreement or existing arrangement; validity.
Nothing in sections60-3,179to60-3,182or60-3,198shall affect the validity or operation of any reciprocity agreement or arrangement presently existing and in effect between Nebraska and any other jurisdiction, and all such agreements or arrangements shall continue until specifically canceled by the director or replaced by a new agreement or arrangement in accordance with the provisions of such sections.

60-3,200.
Apportionable vehicle; refund of fees; when.
Whenever an apportionable vehicle is registered by the owner under section60-362and the motor vehicle tax and motor vehicle fee imposed in sections60-3,185and60-3,190have been paid on that apportionable vehicle for the registration period, and then the apportionable vehicle is registered under section60-3,198, the Division of Motor Carrier Services, upon application of the owner of the apportionable vehicle on forms prescribed by the division, shall certify that the apportionable vehicle is registered under section60-3,198and that the owner is entitled to receive the refunds of the unused fees for the balance of the registration period as prescribed in sections60-395to60-397.

60-3,201.
Motor Carrier Division Cash Fund; created; use; investment.
There is hereby created the Motor Carrier Division Cash Fund. Such fund shall be used by the Division of Motor Carrier Services of the department to carry out the operations of the division including the administration of titling and registering vehicles in interjurisdiction commerce and its duties pursuant to section66-1415. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

60-3,201.01.
Motor carrier services system; build and maintain; Motor Carrier Services System Replacement and Maintenance Fund; created; use; investment.
(1) The Department of Motor Vehicles shall build and maintain a new motor carrier services system for processing the issuance of vehicle registrations pursuant to section60-3,198and the assessment of the motor fuel tax under the International Fuel Tax Agreement Act. The Director of Motor Vehicles shall designate an implementation date for the new system which date is on or before July 1, 2025.
(2) The Motor Carrier Services System Replacement and Maintenance Fund is created. The fund shall consist of amounts credited under section60-3,202. The fund shall be used for the building, implementation, and maintenance of a new motor carrier services system for processing the issuance of vehicle registrations pursuant to section60-3,198and the assessment of the motor fuel tax under the International Fuel Tax Agreement Act.
(3) Any money in the Motor Carrier Services System Replacement and Maintenance Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any investment earnings from investment of money in the fund shall be credited to the General Fund.

60-3,202.
Registration fees; collection and distribution; procedure; Highway Tax Fund; created; use; investment.
(1)(a) Before July 1, 2024, registration fees credited to the Motor Carrier Services Division Distributive Fund pursuant to section60-3,198and remaining in such fund at the close of each calendar month shall be remitted to the State Treasurer for credit as follows: (i) Twenty-seven percent of such amount shall be credited to the Highway Tax Fund; (ii) sixty-four percent of such amount shall be credited to the Highway Trust Fund; and (iii) nine percent of such amount shall be credited to the Motor Carrier Services System Replacement and Maintenance Fund.
(b) Beginning July 1, 2024, registration fees credited to the Motor Carrier Services Division Distributive Fund pursuant to section60-3,198and remaining in such fund at the close of each calendar month shall be remitted to the State Treasurer for credit as follows: (i) Twenty-eight percent of such amount shall be credited to the Highway Tax Fund; (ii) sixty-seven percent of such amount shall be credited to the Highway Trust Fund; and (iii) five percent of such amount shall be credited to the Motor Carrier Services System Replacement and Maintenance Fund.
(2) On or before the last day of each quarter of the calendar year, the State Treasurer shall distribute all funds in the Highway Tax Fund to the county treasurer of each county in the same proportion as the number of original motor vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.
(3) Upon receipt of motor vehicle tax funds from the State Treasurer pursuant to subsection (2) of this section, the county treasurer shall distribute such funds to taxing agencies within the county in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county.
(4) In the event any taxing district has been annexed, merged, dissolved, or in any way absorbed into another taxing district, any

apportionment of motor vehicle tax funds under subsection (3) of this section to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.
(5) On or before March 1 of each year, the department shall furnish to the State Treasurer a tabulation showing the total number of original motor vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.
(6) The Highway Tax Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

60-3,203.
Permanent license plate; application; fee; delivery; fee; renewal fee; replacement permanent plate; registration certificate replacement; deletion from fleet registration; fee.
(1)(a) Upon application and payment of the fees required pursuant to this section and section60-3,198, the Division of Motor Carrier Services of the department shall issue to the owner of any fleet of apportionable commercial vehicles with a base registration in Nebraska a permanent license plate for each truck, truck-tractor, and trailer in the fleet. The application shall be accompanied by a fee of three dollars for each truck or truck-tractor and six dollars per trailer. The application shall be on a form developed by the division.
(b) The department may deliver the plates and registration certificate to the applicant by United States mail. The department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant.
(c) The department shall remit fees collected pursuant to this subsection to the State Treasurer for credit to the Motor Carrier Division Cash Fund.
(2) Fleets of apportionable vehicles license plates shall display a distinctive license plate provided by the department pursuant to this section.
(3) Any license plate issued pursuant to this section shall remain affixed to the front of the truck or truck-tractor or to the rear of the trailer or semitrailer as long as the apportionable vehicle is registered pursuant to section60-3,198by the owner making the original application pursuant to subsection (1) of this section. Upon transfer of ownership of the truck, truck-tractor, or trailer or transfer of ownership of the fleet or at any time the truck, truck-tractor, or trailer is no longer registered pursuant to section60-3,198, the license plate shall cease to be active and shall be processed according to the rules and regulations of the department.
(4) The renewal fee for each permanent plate shall be two dollars and shall be assessed and collected in each license period after the period in which the permanent license plates are initially issued at the time all other renewal fees are collected pursuant to section60-3,198unless a truck, truck-tractor, or trailer has been deleted from the fleet registration.
(5)(a) If a permanent license plate is lost or destroyed, the owner shall submit an affidavit to that effect to the division prior to any deletion of the truck, truck-tractor, or trailer from the fleet registration. If the truck, truck-tractor, or trailer is not deleted from the fleet registration, a replacement permanent license plate may be issued upon payment of a fee of three dollars for each truck or truck-tractor and six dollars per trailer.
(b) If the registration certificate for any fleet vehicle is lost or stolen, the division shall collect a fee of one dollar for replacement of such certificate.
(6) If a truck, truck-tractor, or trailer for which a permanent license plate has been issued pursuant to this section is deleted from the fleet registration due to loss of possession by the registrant, the plate shall be returned to the division.
(7) The registrant shall be liable for the full amount of the registration fee due for any truck, truck-tractor, or trailer not deleted from the fleet registration renewal.
(8) All fees collected pursuant to this section other than those collected pursuant to subdivisions (1)(b) and (c) of this section shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

60-3,204.
Registration fee; calculation.
The registration fee for apportionable vehicles shall be determined as follows:
(1) Divide the injurisdiction distance by the total fleet distance generated during the preceding year;
(2) Determine the total fees required under the laws of each jurisdiction for full registration of each apportionable vehicle at the regular annual or applicable fees or for the unexpired portion of the registration year; and
(3) Multiply the sum obtained under subdivision (2) of this section by the quotient obtained under subdivision (1) of this section.

60-3,205.
Registration certificate; disciplinary actions; director; powers; procedure.
(1)(a) The director may suspend, revoke, cancel, or refuse to issue or renew a registration certificate under the International Registration Plan Act:
(i) If the applicant or certificate holder has had his or her license issued under the International Fuel Tax Agreement Act revoked or the director refused to issue or refused to renew such license;
(ii) If the applicant or certificate holder is in violation of sections75-392to75-3,100; or

(iii) If the applicant or certificate holder committed any violation of the International Registration Plan Act or any rule or regulation adopted and promulgated under the act.
(b) Prior to taking action under this section, the director shall notify and advise the applicant or certificate holder of the proposed action and the reasons for such action in writing, by regular United States mail, to his or her last-known business address as shown on the application for the certificate or renewal. The notice shall also include an advisement of the procedures in subdivision (c) of this subsection.
(c) The applicant or certificate holder may, within thirty days after the date of the mailing of the notice, petition the director for a hearing to contest the proposed action. The hearing shall be commenced in accordance with the rules and regulations adopted and promulgated by the department. If a petition is filed, the director shall, within twenty days after receipt of the petition, set a hearing date at which the applicant or certificate holder may show cause why the proposed action should not be taken. The director shall give the applicant or certificate holder reasonable notice of the time and place of the hearing. If the director's decision is adverse to the applicant or certificate holder, the applicant or certificate holder may appeal the decision in accordance with the Administrative Procedure Act.
(d) Except as provided in subsections (2) and (3) of this section, the filing of the petition shall stay any action by the director until a hearing is held and a final decision and order is issued.
(e) Except as provided in subsections (2) and (3) of this section, if no petition is filed at the expiration of thirty days after the date on which the notification was mailed, the director may take the proposed action described in the notice.
(f) If, in the judgment of the director, the applicant or certificate holder has complied with or is no longer in violation of the provisions for which the director took action under this subsection, the director may reinstate the registration certificate without delay.
(2)(a) The director may suspend, revoke, cancel, or refuse to issue or renew a registration certificate under the International Registration Plan Act or a license under the International Fuel Tax Agreement Act if the applicant, licensee, or certificate holder has issued to the department a check or draft which has been returned because of insufficient funds, no funds, or a stop-payment order. The director may take such action no sooner than seven days after the written notice required in subdivision (1)(b) of this section has been provided. Any petition to contest such action filed pursuant to subdivision (1)(c) of this section shall not stay such action of the director.
(b) If the director takes an action pursuant to this subsection, the director shall reinstate the registration certificate or license without delay upon the payment of certified funds by the applicant, licensee, or certificate holder for any fees due and reasonable administrative costs, not to exceed twenty-five dollars, incurred in taking such action.
(c) The rules, regulations, and orders of the director and the department that pertain to hearings commenced in accordance with this section and that are in effect prior to March 17, 2006, shall remain in effect, unless changed or eliminated by the director or the department, except for those portions involving a stay upon the filing of a petition to contest any action taken pursuant to this subsection, in which case this subsection shall supersede those provisions.
(3) Any person who receives notice from the director of action taken pursuant to subsection (1) or (2) of this section shall, within three business days, return such registration certificate and license plates to the department as provided in this section. If any person fails to return the registration certificate and license plates to the department, the department shall notify the Nebraska State Patrol that any such person is in violation of this section.

60-3,206.
International Registration Plan Act; violations; penalty.
Any person, firm, association, partnership, limited liability company, or corporation which violates any provision of the International Registration Plan Act is guilty of a Class III misdemeanor.

60-3,207.
Snowmobiles; terms, defined.
For purposes of sections60-3,207to60-3,219:
(1) Dealer means any person engaged in the business of selling snowmobiles at wholesale or retail;
(2) Manufacturer means a person, partnership, limited liability company, or corporation engaged in the business of manufacturing snowmobiles; and
(3) Operate means to ride in or on and control the operation of a snowmobile.

60-3,208.
Snowmobiles; registration required.
Except as otherwise provided in sections60-3,207to60-3,219, no person shall operate any snowmobile within the State of Nebraska unless such snowmobile has been registered in accordance with sections60-3,209to60-3,213.

60-3,209.
Snowmobiles; registration; application.
Application for registration shall be made to the county treasurer in
such form as the director prescribes and shall state the name and address

of the applicant, state a description of the snowmobile, including color, manufacturer, and identification number, and be signed by at least one owner. Application forms shall be made available through the county treasurer's office of each county in this state. Upon receipt of the application and the appropriate fee as provided in section60-3,210, the snowmobile shall be registered by the county treasurer and a validation decal shall be provided which shall be affixed to the upper half of the snowmobile in such manner as the director prescribes. Snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be exempt from affixing validation decals to the snowmobile but are required to carry a valid validation decal with the snowmobile at all times. Application for registration shall be made within fifteen days after the date of purchase.

60-3,210.
Snowmobiles; registration; fee.
(1) The fee for registration of each snowmobile shall be:
(a) For each snowmobile owned by a person other than dealers or manufacturers, eight dollars per year and one dollar for a duplicate or transfer;
(b) For all snowmobiles owned by a dealer and operated for demonstration or testing purposes, twenty-five dollars per year; and
(c) For all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes, one hundred dollars per year.
(2) Snowmobile dealer and manufacturer registrations shall not be transferable.

60-3,211.
Snowmobiles; certificate of registration and validation decal; expiration; renewal; procedure.
(1) The certificate of registration and validation decal issued shall be valid for two years. The registration period for snowmobiles shall expire on the last day of September two years after the year of issuance, and renewal shall become delinquent on the first day of the following month.
(2) Such registration may be renewed every two years in the same manner as provided for the original registration.
(3) Every owner of a snowmobile shall renew his or her registration in the manner prescribed in section60-3,209upon payment of the registration fees provided in section60-3,210.

60-3,212.
Snowmobiles; refund of fees; when.
Upon transfer of ownership of any snowmobile or in case of loss of possession because of fire, natural disaster, theft, dismantlement, or junking, its registration shall expire, and the registered owner may, by returning the registration certificate and after making affidavit of such transfer or loss to the county official who issued the certificate, receive a refund of that part of the unused fees based on the number of unexpired months remaining in the registration period, except that when such snowmobile is transferred within the same calendar month in which acquired, no refund shall be allowed for such month.

60-3,213.
Snowmobiles; state or political subdivision; fee waived.
A registration number shall be issued without the payment of a fee for snowmobiles owned by the state or a political subdivision thereof upon application therefor.

60-3,214.
Snowmobiles; registration; exemptions.
No registration shall be required for snowmobiles:
(1) Owned and used by the United States, another state, or a political subdivision thereof;
(2) Registered in a country other than the United States and temporarily used within this state;
(3) Covered by a valid license of another state and which have not been within this state for more than thirty consecutive days; and
(4) Which are operated only on land owned or leased by the owner thereof.

60-3,215.
Snowmobiles; licensing or registration by political subdivision prohibited.
No political subdivision of this state shall require licensing or registration of snowmobiles covered by the provisions of sections60-3,207to60-3,219.

60-3,216.
Snowmobiles; reciprocity; when.

Snowmobiles properly registered in another state shall be allowed to operate in the State of Nebraska on a reciprocal basis.

60-3,217.
Snowmobiles; fees; disposition.
(1) The county treasurers shall act as agents for the department in the collection of snowmobile registration fees. Twenty-five cents from the funds collected for each such registration shall be retained by the county.
(2) The remaining amount of the fees from registration of snowmobiles shall be remitted to the State Treasurer who shall credit twenty-five percent to the General Fund and seventy-five percent to the Nebraska Snowmobile Trail Cash Fund.

60-3,218.
Nebraska Snowmobile Trail Cash Fund; created; use; investment; Game and Parks Commission; establish rules and regulations.
(1) There is hereby created the Nebraska Snowmobile Trail Cash Fund into which shall be deposited the portion of the fees collected from snowmobile registration as provided in section60-3,217.
(2) The Game and Parks Commission shall use the money in the Nebraska Snowmobile Trail Cash Fund for the operation, maintenance, enforcement, planning, establishment, and marking of snowmobile trails throughout the state and for the acquisition by purchase or lease of real property to carry out the provisions of this section.
(3) The commission shall establish rules and regulations pertaining to the use and maintenance of snowmobile trails.
(4) Transfers may be made from the Nebraska Snowmobile Trail Cash Fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Snowmobile Trail Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(5) The State Treasurer shall transfer the unobligated June 30, 2017, balance in the Nebraska Snowmobile Trail Cash Fund to the General Fund on or before July 31, 2017, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

60-3,219.
Snowmobiles; records.
The department shall keep a record of each snowmobile registered, employing such methods and practices as may be necessary to maintain an accurate record.

60-3,220.
Registration, rules, regulations, and orders under prior law; effect.
(1) The repeal of Chapter 60, article 3, as it existed on September 4, 2005, and the enactment of the Motor Vehicle Registration Act is not intended to affect the validity of the registration of any motor vehicle, trailer, or snowmobile or the validity of any license plate, permit, renewal tab, or tonnage sticker issued under Chapter 60, article 3, and in existence on such date. All such license plates, permits, renewal tabs, and tonnage stickers are valid under the Motor Vehicle Registration Act as if registration had taken place under such act.
(2) The rules, regulations, and orders of the Director of Motor Vehicles and the Department of Motor Vehicles issued under Chapter 60, article 3, shall remain in effect as if issued under the Motor Vehicle Registration Act unless changed or eliminated by the director or the department to the extent such power is statutorily granted to the director and department.

60-3,221.
Towing of trailers; restrictions; section; how construed.
(1) Except as otherwise provided in the Motor Vehicle Registration Act:
(a) A cabin trailer shall only be towed by a properly registered:
(i) Passenger car;
(ii) Commercial motor vehicle or apportionable vehicle;
(iii) Farm truck;
(iv) Local truck;
(v) Minitruck;
(vi) Recreational vehicle;
(vii) Bus; or
(viii) Former military vehicle;
(b) A utility trailer shall only be towed by:
(i) A properly registered passenger car;
(ii) A properly registered commercial motor vehicle or apportionable vehicle;
(iii) A properly registered farm truck;
(iv) A properly registered local truck;

(v) A properly registered minitruck;
(vi) A properly registered recreational vehicle;
(vii) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section60-3,149;
(viii) A properly registered well-boring apparatus;
(ix) A dealer-plated vehicle;
(x) A personal-use dealer-plated vehicle;
(xi) A properly registered bus;
(xii) A properly registered public power district motor vehicle or, beginning January 1, 2023, a properly registered metropolitan utilities district motor vehicle; or
(xiii) A properly registered former military vehicle;
(c) A farm trailer shall only be towed by a properly registered:
(i) Passenger car;
(ii) Commercial motor vehicle;
(iii) Farm truck;
(iv) Minitruck; or
(v) Former military vehicle;
(d) A commercial trailer shall only be towed by:
(i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section60-3,149;
(ii) A properly registered local truck;
(iii) A properly registered well-boring apparatus;
(iv) A properly registered commercial motor vehicle or apportionable vehicle;
(v) A dealer-plated vehicle;
(vi) A personal-use dealer-plated vehicle;
(vii) A properly registered bus;
(viii) A properly registered farm truck; or
(ix) A properly registered public power district motor vehicle or, beginning January 1, 2023, a properly registered metropolitan utilities district motor vehicle;
(e) A fertilizer trailer shall only be towed by a properly registered:
(i) Passenger car;
(ii) Commercial motor vehicle or apportionable vehicle;
(iii) Farm truck; or
(iv) Local truck;
(f) A pole and cable reel trailer shall only be towed by a properly registered:
(i) Commercial motor vehicle or apportionable vehicle;
(ii) Local truck; or
(iii) Public power district motor vehicle or, beginning January 1, 2023, metropolitan utilities district motor vehicle;
(g) A dealer-plated trailer shall only be towed by:
(i) A dealer-plated vehicle;
(ii) A properly registered passenger car;
(iii) A properly registered commercial motor vehicle or apportionable vehicle;
(iv) A properly registered farm truck;
(v) A properly registered minitruck;
(vi) A personal-use dealer-plated vehicle; or
(vii) A properly registered former military vehicle;
(h) Trailers registered pursuant to section60-3,198as part of an apportioned fleet shall only be towed by:
(i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section60-3,149;
(ii) A properly registered local truck;
(iii) A properly registered well-boring apparatus;
(iv) A properly registered commercial motor vehicle or apportionable vehicle;
(v) A dealer-plated vehicle;
(vi) A personal-use dealer-plated vehicle;
(vii) A properly registered bus; or
(viii) A properly registered farm truck; and
(i) A trailer registered as a historical vehicle pursuant to sections60-3,130to60-3,134shall only be towed by:
(i) A motor vehicle properly registered as a historical vehicle pursuant to sections60-3,130to60-3,134;
(ii) A properly registered passenger car;
(iii) A properly registered commercial motor vehicle or apportionable vehicle; or
(iv) A properly registered local truck.
(2) Nothing in this section shall be construed to waive compliance with the Nebraska Rules of the Road or Chapter 75.
(3) Nothing in this section shall be construed to prohibit any motor vehicle or trailer from displaying dealer license plates or In

Transit stickers authorized by section60-376.

60-3,222.
Payment of fee or tax; check, draft,
or financial transaction returned or not honored; county treasurer; powers;
notice; return of registration and license plates required; sheriff; powers.
(1) If a fee required
under the Motor Vehicle Registration Act or a tax required to be paid on any
motor vehicle or trailer has been paid by check, draft, or other financial
transaction, including an electronic financial transaction, and the check,
draft, or financial transaction has been returned or not honored because of
insufficient funds, no account, a stop-payment order, or any other reason,
a county treasurer may cancel or refuse to issue or renew registration under
the act.
(2) The county
treasurer may take the action described in subsection (1) of this section
no sooner than seven days after the notice required in subsection (3) of this
section has been mailed.
(3) Prior to taking action described in subsection
(1) of this section, the county treasurer shall notify the applicant or registrant
of the proposed action and the reasons for such action in writing, by first-class,
registered, or certified mail, mailed to the applicant's or registrant's last-known
address as shown on the application for registration or renewal.
(4) If the county
treasurer takes action pursuant to this section, the county treasurer shall
reinstate the registration without delay upon the payment of certified funds
by the applicant or registrant for any fees and taxes due and reasonable administrative
costs, not to exceed twenty-five dollars, incurred in taking such action.
(5) Any person
who is sent a notice from the county treasurer pursuant to subsection (1)
of this section shall, within ten business days after mailing of the notice,
return to the county treasurer the motor vehicle registration and license
plates of the vehicle or trailer regarding which the action has been taken.
If the person fails to return the registration and license plates to the county
treasurer, the county treasurer shall notify the sheriff of the county in
which the person resides that the person is in violation of this section.
The sheriff may recover the registration and license plates and return them
to the county treasurer.

60-3,223.
Nebraska 150 Sesquicentennial Plates; design.
(1) The department, in consultation with the Nebraska Sesquicentennial Commission and other interested persons, shall design license plates to be known as Nebraska 150 Sesquicentennial Plates to celebrate and commemorate the one-hundred-fiftieth year of statehood for Nebraska. The department shall ensure that the design reflects support for the sesquicentennial of the State of Nebraska.
(2) The design shall be selected on the basis of (a) enhancing the marketability of the plates to supporters of the sesquicentennial and (b) limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications available for this type of plate when it is designed.
(3) One type of plate under this section shall be alphanumeric plates. The department shall:
(a) Assign a designation up to seven characters; and
(b) Not use a county designation.
(4) One type of plate under this section shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118.

60-3,224.
Nebraska 150 Sesquicentennial Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) Beginning October 1, 2015, and ending December 31, 2022, a person may apply to the department for Nebraska 150 Sesquicentennial Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a plate under this section for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The

department shall make forms available for such applications through the county treasurers.
(2) Each application for initial issuance or renewal of Nebraska 150 Sesquicentennial Plates shall be accompanied by a fee of seventy dollars. Fees collected pursuant to this section shall be remitted to the State Treasurer. The State Treasurer shall credit fifteen percent of the fee for initial issuance and renewal of plates under subsection (3) of section60-3,223to the Department of Motor Vehicles Cash Fund and eighty-five percent of such fee to the Nebraska 150 Sesquicentennial Plate Proceeds Fund. The State Treasurer shall credit forty-three percent of the fee for initial issuance and renewal of plates under subsection (4) of section60-3,223to the Department of Motor Vehicles Cash Fund and fifty-seven percent of such fee to the Nebraska 150 Sesquicentennial Plate Proceeds Fund.
(3)(a) When the department receives an application for Nebraska 150 Sesquicentennial Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue plates under this section in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Nebraska 150 Sesquicentennial Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. The State Treasurer shall credit fees collected pursuant to this subsection to the Department of Motor Vehicles Cash Fund.
(5) Nebraska 150 Sesquicentennial Plates shall not be issued or renewed beginning on January 1, 2023.

60-3,225.
Nebraska 150 Sesquicentennial Plate Proceeds Fund; created; investment; use.
(1) The Nebraska 150 Sesquicentennial Plate Proceeds Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
(2) If the cost of manufacturing Nebraska 150 Sesquicentennial Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Nebraska 150 Sesquicentennial Plate Proceeds Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of such plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Nebraska 150 Sesquicentennial Plate Proceeds Fund as provided in section60-3,224.
(3) Until July 1, 2018, the Nebraska 150 Sesquicentennial Plate Proceeds Fund shall be used by the Nebraska Sesquicentennial Commission for purposes of carrying out section81-8,310. Beginning on July 1, 2018, the State Treasurer shall transfer any money in the fund at the end of each calendar quarter to the Historical Society Fund.

60-3,226.
Mountain Lion Conservation Plates; design.
(1) The department shall design license plates to be known as Mountain Lion Conservation Plates. The department shall create designs reflecting support for the conservation of the mountain lion population. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,227.
(2) One type of Mountain Lion Conservation Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Mountain Lion Conservation Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Mountain Lion Conservation Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,227.
Mountain Lion Conservation Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Mountain Lion Conservation Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Mountain Lion Conservation Plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Mountain Lion Conservation Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Game and Parks Commission Educational Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Mountain Lion Conservation Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Game and Parks Commission Educational Fund.
(3)(a) When the department receives an application for Mountain Lion Conservation Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Mountain Lion Conservation Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Mountain Lion Conservation Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Mountain Lion Conservation Plates may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Mountain Lion Conservation Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Game and Parks Commission Educational Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Mountain Lion Conservation Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Game and Parks Commission Educational Fund.

60-3,228.
Metropolitan utilities district license plates; public power district license plates; application; issuance.
(1)(a) This subsection applies until January 1, 2023.
(b) Upon application and payment of the fees required pursuant to this section and section60-3,229, each motor vehicle and trailer operated by a public power district shall be issued permanent public power district license plates. The public power district license plates shall be issued by the county in which the public power district is headquartered.
(c) Public power district vehicles shall display a distinctive license plate provided by the department pursuant to this section.
(d) Any license plate issued pursuant to this section shall remain affixed to the front and rear of the motor vehicle and to the rear of the trailer as long as the public power district vehicle is registered pursuant to this section by the owner or lessor making the original application pursuant to subdivision (1)(b) of this section.
(2)(a) This subsection applies beginning on January 1, 2023.
(b) Upon application and payment of the fees required pursuant to this section and section60-3,229, each motor vehicle and trailer operated by a metropolitan utilities district or a public power district shall be issued permanent metropolitan utilities district or

public power district license plates. The metropolitan utilities district or public power district license plates shall be issued by the county in which the metropolitan utilities district or public power district is headquartered.
(c) Metropolitan utilities district vehicles or public power district vehicles shall display a distinctive license plate provided by the department pursuant to this section.
(d) Any license plate issued pursuant to this section shall remain affixed to the front and rear of the motor vehicle and to the rear of the trailer as long as the metropolitan utilities district vehicle or public power district vehicle is registered pursuant to this section by the owner or lessor making the original application pursuant to subdivision (2)(b) of this section.

60-3,229.
Metropolitan utilities district license plates; public power district license plates; registration fee.
(1) This subsection applies until January 1, 2023. The registration fee for a public power district motor vehicle shall be the fee provided for commercial motor vehicles in section60-3,147. The registration fee for a public power district trailer shall be the fee provided for a trailer in section60-3,151.
(2) This subsection applies beginning January 1, 2023. The registration fee for a metropolitan utilities district motor vehicle or public power district motor vehicle shall be the fee provided for commercial motor vehicles in section60-3,147. The registration fee for a metropolitan utilities district trailer or public power district trailer shall be the fee provided for a trailer in section60-3,151.

60-3,230.
Breast Cancer Awareness Plates; design.
(1) The department shall design license plates to be known as Breast Cancer Awareness Plates. The design shall include a pink ribbon and the words - early detection saves lives - along the bottom of the plate.
(2) The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications available for this type of plate when it is designed.
(3) One type of plate under this section shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(4) One type of plate under this section shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(5) The department shall cease to issue Breast Cancer Awareness Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,231.
Breast Cancer Awareness Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Breast Cancer Awareness Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a plate under this section for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Breast Cancer Awareness Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the University of Nebraska Medical Center for the breast cancer navigator program.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Breast Cancer Awareness Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit seventy-five percent of the fee to the University of Nebraska Medical Center for the breast cancer navigator program and twenty-five percent of the fee to the Department of Motor Vehicles Cash Fund.
(3)(a) When the department receives an application for Breast Cancer Awareness Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue plates under this section in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Breast Cancer Awareness Plates

are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Breast Cancer Awareness Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-3,232.
Choose Life License Plates; design.
(1) The department shall design license plates to be known as Choose Life License Plates. The department shall create designs reflecting support for the protection of Nebraska's children. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,233.
(2) One type of Choose Life License Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Choose Life License Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Choose Life License Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,233.
Choose Life License Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Choose Life License Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle or trailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a Choose Life License Plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Choose Life License Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Health and Human Services Cash Fund to supplement federal funds available to the Department of Health and Human Services for the Temporary Assistance for Needy Families program, 42 U.S.C. 601, et seq.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Choose Life License Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Health and Human Services Cash Fund to supplement federal funds available to the Department of Health and Human Services for the Temporary Assistance for Needy Families program.
(3)(a) When the department receives an application for Choose Life License Plates, the department shall deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. The department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer shall issue Choose Life License Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle or trailer. If Choose Life License Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for

the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Choose Life License Plates may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Choose Life License Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Health and Human Services Cash Fund to supplement federal funds available to the Department of Health and Human Services for the Temporary Assistance for Needy Families program shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Choose Life License Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Health and Human Services Cash Fund to supplement federal funds available to the Department of Health and Human Services for the Temporary Assistance for Needy Families program.

60-3,234.
Native American Cultural Awareness and History Plates; design requirements.
(1) The department, in consultation with the Commission on Indian Affairs, shall design license plates to be known as Native American Cultural Awareness and History Plates. The design shall reflect the unique culture and history of Native American tribes historically and currently located in Nebraska. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,235.
(2) One type of Native American Cultural Awareness and History Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Native American Cultural Awareness and History Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Native American Cultural Awareness and History Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,235.
Native American Cultural Awareness and History Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Native American Cultural Awareness and History Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle or trailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a Native American Cultural Awareness and History Plate for a farm truck with a gross weight of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Native American Cultural Awareness and History Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Native American Scholarship and Leadership Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Native American Cultural Awareness and History Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit them to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Native American Scholarship and Leadership Fund.
(3)(a) When the department receives an application for Native American Cultural Awareness and History Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle or trailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Native American Cultural Awareness and History Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor

vehicle or trailer. If Native American Cultural Awareness and History Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle or trailer bearing Native American Cultural Awareness and History Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Native American Cultural Awareness and History Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Native American Scholarship and Leadership Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Native American Cultural Awareness and History Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Native American Scholarship and Leadership Fund.

60-3,236.
Former military vehicle; plates; fee.
For the registration of every former military vehicle, the fee shall be fifteen dollars. Former military vehicle license plates shall display, in addition to the registration number, the designation former military vehicle.

60-3,237.
Wildlife Conservation Plates; design.
(1) The department shall design license plates to be known as Wildlife Conservation Plates. The department shall create no more than three designs reflecting support for the conservation of Nebraska wildlife, including sandhill cranes, bighorn sheep, and ornate box turtles. Each design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,238.
(2) One type of Wildlife Conservation Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Wildlife Conservation Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Wildlife Conservation Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,238.
Wildlife Conservation Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Wildlife Conservation Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Wildlife Conservation Plate for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Wildlife Conservation Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Wildlife Conservation Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Wildlife Conservation Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Wildlife Conservation Fund.
(3)(a) When the department receives an application for Wildlife Conservation Plates, the department may deliver the plates and

registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Wildlife Conservation Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Wildlife Conservation Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.

(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.

(4) The owner of a motor vehicle, trailer, or semitrailer bearing Wildlife Conservation Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5) If the cost of manufacturing Wildlife Conservation Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Wildlife Conservation Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Wildlife Conservation Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Wildlife Conservation Fund.

60-3,239.

Prostate Cancer Awareness Plates; design.

(1) The department shall design license plates to be known as Prostate Cancer Awareness Plates. The design shall include a light blue ribbon and the words "early detection saves lives" along the bottom of the plate.

(2) The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications available for this type of plate when it is designed.

(3) One type of plate under this section shall be alphanumeric plates. The department shall:

(a) Assign a designation up to five characters; and

(b) Not use a county designation.

(4) One type of plate under this section shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.

(5) The department shall cease to issue Prostate Cancer Awareness Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,240.

Prostate Cancer Awareness Plates; application; form; fee; delivery; fee; transfer; procedure; fee.

(1) A person may apply to the department for Prostate Cancer Awareness Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle or trailer registered under section60-3,198. An applicant receiving a plate under this section for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Prostate Cancer Awareness Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program.

(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Prostate Cancer Awareness Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall

credit seventy-five percent of the fee to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program and twenty-five percent of the fee to the Department of Motor Vehicles Cash Fund.
(3)(a) When the department receives an application for Prostate Cancer Awareness Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue plates under this section in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Prostate Cancer Awareness Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Prostate Cancer Awareness Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Prostate Cancer Awareness Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Prostate Cancer Awareness Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the University of Nebraska Medical Center for the Nebraska Prostate Cancer Research Program.

60-3,241.
Sammy's Superheroes license plates; design.
(1) The department shall design license plates to be known as Sammy's Superheroes license plates for childhood cancer awareness. The design shall include a blue handprint over a yellow ribbon and the words "childhood cancer awareness". The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,242.
(2) One type of Sammy's Superheroes license plates for childhood cancer awareness shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Sammy's Superheroes license plates for childhood cancer awareness shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Sammy's Superheroes license plates for childhood cancer awareness beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,242.
Sammy's Superheroes license plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Sammy's Superheroes license plates for childhood cancer awareness in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Sammy's Superheroes license plate for childhood cancer awareness for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial

issuance of alphanumeric Sammy's Superheroes license plates for childhood cancer awareness shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the University of Nebraska Medical Center for pediatric cancer research.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Sammy's Superheroes license plates for childhood cancer awareness shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the University of Nebraska Medical Center for pediatric cancer research.
(3)(a) When the department receives an application for Sammy's Superheroes license plates for childhood cancer awareness, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered, and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Sammy's Superheroes license plates for childhood cancer awareness in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Sammy's Superheroes license plates for childhood cancer awareness are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Sammy's Superheroes license plates for childhood cancer awareness may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Sammy's Superheroes license plates for childhood cancer awareness at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the University of Nebraska Medical Center for pediatric cancer research shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Sammy's Superheroes license plates for childhood cancer awareness and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the University of Nebraska Medical Center for pediatric cancer research.

60-3,243.
Support Our Troops Plates; design.
(1) The department shall design license plates to be known as Support Our Troops Plates. The department shall create a design reflecting support for troops from all branches of the armed forces. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,244.
(2) One type of Support Our Troops Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Support Our Troops Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Support Our Troops Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,244.
Support Our Troops Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Support Our Troops Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Support Our Troops Plate for a farm truck with a gross weight

of over sixteen tons shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance of alphanumeric Support Our Troops Plates shall be accompanied by a fee of five dollars. An application for renewal of such plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Veterans Employment Program Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Support Our Troops Plates shall be accompanied by a fee of seventy dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Veterans Employment Program Fund.
(3) When the department receives an application for Support Our Troops Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Support Our Troops Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Support Our Troops Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Support Our Troops Plates may apply to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased if such vehicle is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other vehicle which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Support Our Troops Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Veterans Employment Program Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Support Our Troops Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Veterans Employment Program Fund.

60-3,245.
Donate Life Plates; design.
(1) The department shall design license plates to be known as Donate Life Plates. The design shall support organ and tissue donation, registration as a donor on the Donor Registry of Nebraska, and the federally designated organ procurement organization for Nebraska. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,246.
(2) One type of Donate Life Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Donate Life Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Donate Life Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,246.
Donate Life Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Donate Life Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Donate Life Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Donate Life Plates shall be accompanied by a fee of five dollars. County treasurers collecting

fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Organ and Tissue Donor Awareness and Education Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Donate Life Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Organ and Tissue Donor Awareness and Education Fund.
(3) When the department receives an application for Donate Life Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Donate Life Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Donate Life Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing Donate Life Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing Donate Life Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Organ and Tissue Donor Awareness and Education Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Donate Life Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Organ and Tissue Donor Awareness and Education Fund.

60-3,247.
Down Syndrome Awareness Plates; design.
(1) The department shall design license plates to be known as Down Syndrome Awareness Plates. The design shall include the words "Down syndrome awareness" inside a heart-shaped yellow and blue ribbon. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,248.
(2) One type of Down Syndrome Awareness Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Down Syndrome Awareness Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Down Syndrome Awareness Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,248.
Down Syndrome Awareness Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Down Syndrome Awareness Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a license plate under this section for a farm truck with a gross weight of over sixteen tons or a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the license plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial

issuance or renewal of alphanumeric Down Syndrome Awareness Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the University of Nebraska Medical Center for the Down Syndrome Clinic.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Down Syndrome Awareness Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the University of Nebraska Medical Center for the Down Syndrome Clinic.
(3) When the department receives an application for Down Syndrome Awareness Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Down Syndrome Awareness Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Down Syndrome Awareness Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing Down Syndrome Awareness Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer that will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing Down Syndrome Awareness Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the University of Nebraska Medical Center for the Down Syndrome Clinic shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Down Syndrome Awareness Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the University of Nebraska Medical Center for the Down Syndrome Clinic.

60-3,249.
Pets for Vets Plates; design.
(1) The department shall design license plates to be known as Pets for Vets Plates. The design shall support veterans and companion or therapy pet animals. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,250.
(2) One type of Pets for Vets Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Pets for Vets Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Pets for Vets Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,250.
Pets for Vets Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Pets for Vets Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Pets for Vets Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Pets for Vets Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Pets for Vets Cash Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Pets for Vets Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Pets for Vets Cash Fund.
(3) When the department receives an application for Pets for Vets Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Pets for Vets Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Pets for Vets Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing Pets for Vets Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer that will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing Pets for Vets Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Pets for Vets Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Pets for Vets Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Pets for Vets Cash Fund.

60-3,251.
Support the Arts Plates; design.
(1) The department shall design license plates to be known as Support the Arts Plates. The design shall be selected in consultation with the Nebraska Arts Council and shall support the arts in Nebraska. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,252.
(2) One type of Support the Arts Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Support the Arts Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Support the Arts Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,252.
Support the Arts Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Support the Arts Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Support the Arts Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Support the Arts Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Support the Arts Cash Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Support the Arts Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Support the Arts Cash Fund.
(3) When the department receives an application for Support the Arts Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Support the Arts Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Support the Arts Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing Support the Arts Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing Support the Arts Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Support the Arts Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Support the Arts Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Support the Arts Cash Fund.

60-3,253.
The Good Life Is Outside Plates; design.
(1) The department shall design license plates to be known as The Good Life Is Outside Plates. The design shall reflect the importance of safe walking and biking in Nebraska and the value of our recreational trails. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,254.
(2) One type of The Good Life Is Outside Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of The Good Life Is Outside Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue The Good Life Is Outside Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,254.
The Good Life Is Outside Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for The Good Life Is Outside Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a The Good Life Is Outside Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.

(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric The Good Life Is Outside Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Game and Parks State Park Improvement and Maintenance Fund for the purpose of trail improvement and maintenance.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message The Good Life Is Outside Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Game and Parks State Park Improvement and Maintenance Fund for the purpose of trail improvement and maintenance.
(3) When the department receives an application for The Good Life Is Outside Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2022, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue The Good Life Is Outside Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If The Good Life Is Outside Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing The Good Life Is Outside Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing The Good Life Is Outside Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Game and Parks State Park Improvement and Maintenance Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of The Good Life Is Outside Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Game and Parks State Park Improvement and Maintenance Fund for the purpose of trail improvement and maintenance.

60-3,255.
Nebraska History Plates; design.
(1) The department shall design license plates to be known as Nebraska History Plates. The design shall be selected in consultation with the Nebraska State Historical Society and shall reflect the importance of historical preservation in Nebraska and the value of our shared Nebraska history. Each design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications available for this type of plate by January 1, 2023. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,256.
(2) One type of Nebraska History Plates shall be alphanumeric plates. The department shall: (a) Assign a designation up to five characters; and (b) not use a county designation.
(3) One type of Nebraska History Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Nebraska History Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,256.
Nebraska History Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) Beginning January 1, 2023, a person may apply to the department for Nebraska History Plates in lieu of regular license plates on

an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving Nebraska History Plates for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Nebraska History Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Support Nebraska History Cash Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Nebraska History Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Support Nebraska History Cash Fund.
(3)(a) When the department receives an application for Nebraska History Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2023, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Nebraska History Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Nebraska History Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Nebraska History Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Nebraska History Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Support Nebraska History Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Nebraska History Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Support Nebraska History Cash Fund.

60-3,257.
Josh the Otter-Be Safe Around Water Plates; design.
(1) The department shall design license plates to be known as Josh the Otter-Be Safe Around Water Plates. The design shall include a blue background with the head of an otter surfacing above water surrounded by the words "Josh the Otter-Be Safe Around Water". The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102. The department shall make applications available for this type of plate beginning January 1, 2022. The department may adopt and promulgate rules and regulations to carry out this section and section60-3,258.
(2) One type of Josh the Otter-Be Safe Around Water Plates shall be alphanumeric plates. The department shall:
(a) Assign a designation up to five characters; and
(b) Not use a county designation.
(3) One type of Josh the Otter-Be Safe Around Water Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall cease to issue Josh the Otter-Be Safe Around Water Plates beginning with the next license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such plates is less than five hundred per year within any prior consecutive two-year period.

60-3,258.

Josh the Otter-Be Safe Around Water Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) Beginning January 1, 2022, a person may apply to the department for Josh the Otter-Be Safe Around Water Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving a Josh the Otter-Be Safe Around Water Plate for a farm truck with a gross weight of over sixteen tons or for a commercial motor vehicle registered for a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers. The license plates shall be issued upon payment of the license fee described in subsection (2) of this section.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Josh the Otter-Be Safe Around Water Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Josh the Otter-Be Safe Around Water Cash Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Josh the Otter-Be Safe Around Water Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit twenty-five percent of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund and seventy-five percent of the fee to the Josh the Otter-Be Safe Around Water Cash Fund.
(3) When the department receives an application for Josh the Otter-Be Safe Around Water Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered and the delivery of the plates and registration certificate shall be made through a secure process and system. Beginning on an implementation date designated by the director on or before January 1, 2023, if delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Josh the Otter-Be Safe Around Water Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Josh the Otter-Be Safe Around Water Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(4) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subsection. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(5) The owner of a motor vehicle, trailer, or semitrailer bearing Josh the Otter-Be Safe Around Water Plates may apply to the county treasurer to have such plates transferred to a motor vehicle, trailer, or semitrailer other than the motor vehicle, trailer, or semitrailer for which such plates were originally purchased if such motor vehicle, trailer, or semitrailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle, trailer, or semitrailer that will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) If the cost of manufacturing Josh the Otter-Be Safe Around Water Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Josh the Otter-Be Safe Around Water Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Josh the Otter-Be Safe Around Water Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Josh the Otter-Be Safe Around Water Cash Fund.

60-3,259.
Czech Heritage Plates; design.
(1) The department shall design license plates to be known as Czech Heritage Plates. The design shall be selected in consultation with the Czech Honorary Consul of Nebraska and shall reflect Czech heritage in Nebraska. The design shall be selected on the basis of limiting the manufacturing cost of each plate to an amount less than or equal to the amount charged for license plates pursuant to section60-3,102.
(2) One type of Czech Heritage Plates shall be alphanumeric plates. The department shall: (a) Assign a designation up to five characters; and (b) not use a county designation.
(3) One type of Czech Heritage Plates shall be personalized message plates. Such plates shall be issued subject to the same conditions specified for personalized message license plates in section60-3,118, except that a maximum of five characters may be used.
(4) The department shall make applications available for Czech Heritage Plates once such plates are designed.
(5) The department shall cease to issue Czech Heritage Plates beginning with the next license plate issuance cycle after the license plate issuance cycle that begins in 2023 pursuant to section60-3,101if the total number of registered vehicles that obtained such

plates is less than five hundred per year within any prior consecutive two-year period.
(6) The department may adopt and promulgate rules and regulations to carry out this section and section60-3,260.

60-3,260.
Czech Heritage Plates; application; form; fee; delivery; fee; transfer; procedure; fee.
(1) A person may apply to the department for Czech Heritage Plates in lieu of regular license plates on an application prescribed and provided by the department for any motor vehicle, trailer, or semitrailer, except for a motor vehicle, trailer, or semitrailer registered under section60-3,198. An applicant receiving Czech Heritage Plates for a farm truck with a gross weight of over sixteen tons or a commercial truck or truck-tractor with a gross weight of five tons or over shall affix the appropriate tonnage decal to the plate. The department shall make forms available for such applications through the county treasurers.
(2)(a) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of alphanumeric Czech Heritage Plates shall be accompanied by a fee of five dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit five dollars of the fee to the Department of Motor Vehicles Cash Fund.
(b) In addition to all other fees required for registration under the Motor Vehicle Registration Act, each application for initial issuance or renewal of personalized message Czech Heritage Plates shall be accompanied by a fee of forty dollars. County treasurers collecting fees pursuant to this subdivision shall remit such fees to the State Treasurer. The State Treasurer shall credit forty dollars of the fee for initial issuance and renewal of such plates to the Department of Motor Vehicles Cash Fund.
(3)(a) When the department receives an application for Czech Heritage Plates, the department may deliver the plates and registration certificate to the applicant by United States mail or to the county treasurer of the county in which the motor vehicle, trailer, or semitrailer is registered. Delivery of the plates and registration certificate shall be made through a secure process and system. If delivery of the plates and registration certificate is made by the department to the applicant, the department may charge a postage and handling fee in an amount not more than necessary to recover the cost of postage and handling for the specific items mailed to the registrant. The department shall remit the fee to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. The county treasurer or the department shall issue Czech Heritage Plates in lieu of regular license plates when the applicant complies with the other provisions of the Motor Vehicle Registration Act for registration of the motor vehicle, trailer, or semitrailer. If Czech Heritage Plates are lost, stolen, or mutilated, the licensee shall be issued replacement license plates upon request pursuant to section60-3,157.
(b) The county treasurer or the department may issue temporary license stickers to the applicant under this section for the applicant to lawfully operate the vehicle pending receipt of the license plates. No charge in addition to the registration fee shall be made for the issuance of a temporary license sticker under this subdivision. The department shall furnish temporary license stickers for issuance by the county treasurer at no cost to the counties. The department may adopt and promulgate rules and regulations regarding the design and issuance of temporary license stickers.
(4) The owner of a motor vehicle, trailer, or semitrailer bearing Czech Heritage Plates may apply to the county treasurer to have such plates transferred to a motor vehicle or trailer other than the motor vehicle or trailer for which such plates were originally purchased if such motor vehicle or trailer is owned by the owner of the plates. The owner may have the unused portion of the fee for the plates credited to the other motor vehicle or trailer which will bear the plates at the rate of eight and one-third percent per month for each full month left in the registration period. Application for such transfer shall be accompanied by a fee of three dollars. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5) If the cost of manufacturing Czech Heritage Plates at any time exceeds the amount charged for license plates pursuant to section60-3,102, any money to be credited to the Department of Motor Vehicles Cash Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of Czech Heritage Plates and the amount charged pursuant to section60-3,102with respect to such plates and the remainder shall be credited to the Department of Motor Vehicles Cash Fund.

60-462.
Act, how cited.
Sections60-462to60-4,189shall be known and may be cited as the Motor Vehicle Operator's License Act.

60-462.01.
Federal regulations; adopted.
For purposes of the Motor Vehicle Operator's License Act, the following federal regulations are adopted as Nebraska law as they existed on January 1, 2024:
The parts, subparts, and sections of Title 49 of the Code of Federal Regulations, as referenced in the Motor Vehicle Operator's License Act.

60-462.02.
Legislative intent; director; department;
powers and duties.

It is the intent of the Legislature that
the department develop, implement, and maintain processes for the issuance
of operators' licenses and state identification cards designed to protect
the identity of applicants for and holders of such licenses and cards and
reduce identity theft, fraud, forgery, and counterfeiting to the maximum extent
possible with respect to such licenses and cards. The
department shall adopt security and technology practices to enhance the enrollment,
production, data storage, and credentialing system of such licenses and cards
in order to maximize the integrity of the process.

60-463.
Definitions, where found.
For purposes of the Motor Vehicle Operator's License Act, the definitions found in sections60-463.01to60-478shall be used.

60-463.01.
Cancellation of operator's license, defined.
Cancellation of operator's license shall mean the annulment or termination by formal action of the Department of Motor Vehicles of a person's license because of some error or defect in such license or because the licensee is no longer entitled to such license, and without prejudice to application for a new license which may be made at any time after such cancellation.

60-463.02.
Autocycle, defined.
Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

60-464.
Commercial driver's license, defined.
Commercial driver's license means an
operator's license issued in accordance with the requirements of the Motor
Vehicle Operator's License Act to an individual which authorizes such individual
to operate a class of commercial
motor vehicle.

60-465.
Commercial motor
vehicle, defined.
(1) Commercial motor vehicle
means a motor vehicle or combination of motor vehicles used in commerce to
transport passengers or property if the motor vehicle:
(a) Has a gross combination weight rating or gross combination weight of eleven thousand
seven hundred ninety-four kilograms or more (twenty-six thousand one pounds
or more) inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of
more than four thousand five hundred thirty-six kilograms (ten thousand pounds);
(b) Has a gross vehicle weight rating or gross vehicle weight of eleven thousand seven
hundred ninety-four or more kilograms (twenty-six thousand one pounds or more);
(c) Is designed to transport sixteen or more passengers, including
the driver; or
(d) Is of any size and is used in the transportation of materials
found to be hazardous for the purposes of the federal Hazardous Materials
Transportation Act and which require the motor vehicle to be placarded under
49 C.F.R. part 172, subpart F.
(2) Commercial motor vehicle does not include:
(a) A covered farm vehicle;
(b) Any recreational vehicle as defined in section60-347or motor vehicle towing a cabin trailer as defined in
sections60-314and60-339;
(c) Any emergency vehicle necessary to the preservation of life or property or the

execution of emergency governmental functions which is equipped with audible and visual signals and operated by a public or volunteer fire department; or
(d) Any motor vehicle owned or operated by the United States Department of Defense or Nebraska National Guard when such motor vehicle is driven by persons identified in section60-4,131.01.

60-465.01.
Department, defined.
Department means the Department of Motor Vehicles.

60-465.02.
Covered farm vehicle, defined.
(1) Covered farm vehicle means a motor vehicle, including an articulated motor vehicle:
(a) That:
(i) Is traveling in the state in which the vehicle is registered or another state;
(ii) Is operated by:
(A) A farm owner or operator;
(B) A ranch owner or operator; or
(C) An employee or family member of an individual specified in subdivision (1)(a)(ii)(A) or (1)(a)(ii)(B) of this section;
(iii) Is transporting to or from a farm or ranch:
(A) Agricultural commodities;
(B) Livestock; or
(C) Machinery or supplies;
(iv) Except as provided in subsection (2) of this section, is not used in the operations of a for-hire motor carrier; and
(v) Is equipped with a special license plate or other designation by the state in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and
(b) That has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is:
(i) Less than twenty-six thousand one pounds; or
(ii) Twenty-six thousand one pounds or more and is traveling within the state or within one hundred fifty air miles of the farm or ranch with respect to which the vehicle is being operated.
(2) Covered farm vehicle includes a motor vehicle that meets the requirements of subsection (1) of this section, except for subdivision (1)(a)(iv) of this section, and:
(a) Is operated pursuant to a crop share farm lease agreement;
(b) Is owned by a tenant with respect to that agreement; and
(c) Is transporting the landlord's portion of the crops under that agreement.
(3) Covered farm vehicle does not include:
(a) A combination of truck-tractor and semitrailer which is operated by a person under eighteen years of age; or
(b) A combination of truck-tractor and semitrailer which is used in the transportation of materials found to be hazardous for the purposes

of the federal Hazardous Materials Transportation Act and which require the combination to be placarded under 49 C.F.R. part 172, subpart F.

60-466.
Director, defined.
Director shall mean the Director of Motor Vehicles.

60-468.
Drive, defined.
Drive shall mean to operate or be in the actual physical control of a motor vehicle.

60-468.01.
Full legal name, defined.
Full legal name means an individual's first name, middle name, and last or surname without use of initials or nicknames.

60-469.
Gross vehicle weight rating (GVWR), defined.
Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

60-469.01.
Gross combination weight rating, defined.
Gross combination weight rating means the greater of (1) a value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard certification label required by the National Highway Traffic Safety Administration, or (2) the sum of the gross vehicle weight ratings or the gross vehicle weights of the power unit and the towed unit or units, or any combination thereof, that produces the highest value. Gross combination weight rating does not apply to a commercial motor vehicle if the power unit is not towing another vehicle.

60-470.
Highway, defined.
Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of motor vehicle travel.

60-470.01.
Impoundment of operator's license, defined.
Impoundment of operator's license shall mean the seizure and holding of a person's operator's license by the court pursuant to a court order requiring such person not to operate a motor vehicle for a specified period of time when the court has not ordered a revocation of the operator's license.

60-470.02.
Interactive wireless communication device, defined.
Interactive wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages, or a laptop computer.

60-470.03.
Mobile operator's or driver's license, defined.
Mobile operator's or driver's license means an operator's or driver's license electronically stored on or accessed via an electronic device.

60-471.
Motor vehicle, defined.
Motor vehicle means all vehicles propelled by any power other than muscular power. Motor vehicle does not include (1) bicycles as defined in section60-611, (2) self-propelled chairs used by persons who are disabled, (3) farm tractors, (4) farm tractors used occasionally outside general farm usage, (5) road rollers, (6) vehicles which run only on rails or tracks, (7) electric personal assistive mobility devices as defined in section60-618.02, and (8) off-road designed vehicles not authorized by law for use on a highway, including, but not limited to, go-carts, riding lawn mowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in section60-6,355, minibikes as defined in section60-636, and snowmobiles as defined in section60-663.

60-472.
Nonresident, defined.
Nonresident shall mean every person who is not a resident of this state.

60-473.
Operator or driver, defined.
Operator or driver shall mean any person who drives a motor vehicle.

60-474.
Operator's or driver's license, defined.
Operator's or driver's license shall mean any license or permit to operate a motor vehicle issued under the laws of this state, including:
(1) Any replacement license or instruction permit;
(2) The privilege of any person to drive a motor vehicle whether such person holds a valid license;
(3) Any nonresident's operating privilege which shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation of a motor vehicle in this state by such person or the use in this state of a vehicle owned by such person;
(4) An employment driving permit issued as provided by sections60-4,129and60-4,130; and
(5) A medical hardship driving permit issued as provided by sections60-4,130.01and60-4,130.02.

60-475.
Owner, defined.
Owner shall mean a person who holds legal title to a motor vehicle, a mortgagor entitled to the possession of a motor vehicle, or the conditional vendee or lessee of a motor vehicle which is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

60-475.01.
Principal residence, defined.
Principal residence means the location in Nebraska where a person resides at the time of application even if such residence is temporary.

60-476.
Person, defined.
Person shall mean every natural person, firm, partnership, limited liability company, association, or corporation.

60-476.01.
Revocation of operator's license, defined.
Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the Department of Motor Vehicles of a person's operator's license, which termination shall not be subject to renewal or restoration. Application for reinstatement of eligibility for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation.

60-476.02.
Suspension of operator's license, defined.
Suspension of operator's license shall mean the temporary withdrawal by formal action of the Department of Motor Vehicles of a person's operator's license for a period specifically designated by the department, if any, and until compliance with all conditions for reinstatement.

60-476.03.
Restricted commercial driver's license, defined.
Restricted commercial driver's license shall mean a class of commercial driver's license issued in accordance with the requirements of the Motor Vehicle Operator's License Act.

60-478.

Vehicle, defined.
Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

60-479.
Sections; applicability.
Sections60-479.01to60-4,111.01,60-4,113,60-4,114,60-4,115to60-4,118, and60-4,182to60-4,189shall apply to any operator's license subject to the Motor Vehicle Operator's License Act.

60-479.01.
Fraudulent document recognition training; criminal history record information check; lawful status check; cost.
(1) All persons handling source documents or engaged in the issuance of new, renewed, or reissued operators' licenses or state identification cards shall have periodic fraudulent document recognition training.
(2) All persons and agents of the department involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or who have the ability to affect information on such licenses or cards shall be subject to a criminal history record information check, including a check of prior employment references, and a lawful status check as required by 6 C.F.R. part 37, as such part existed on January 1, 2024. Such persons and agents shall provide fingerprints which shall be submitted to the Federal Bureau of Investigation. The bureau shall use its records for the criminal history record information check.
(3) Upon receipt of a request pursuant to subsection (2) of this section, the Nebraska State Patrol shall undertake a search for criminal history record information relating to such applicant, including transmittal of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states, if authorized by federal law. The Nebraska State Patrol shall issue a report to the employing public agency that shall include the criminal history record information concerning the applicant. The cost of any background check shall be borne by the employer of the person or agent.
(4) Any person convicted of any disqualifying offense as provided in 6 C.F.R. part 37, as such part existed on January 1, 2024, shall not be involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or involved in any capacity in which such person would have the ability to affect information on such licenses or cards. Any employee or prospective employee of the department shall be provided notice that he or she will undergo such criminal history record information check prior to employment or prior to any involvement with the issuance of operators' licenses or state identification cards.

60-480.
Operators' licenses; classification.
(1) Operators' licenses issued by the department pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:
(a) Class O license. The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle;
(b) Class M license. The operator's license or endorsement on a Class O license, provisional operator's permit, learner's permit, school permit, or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;
(c) CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicle or any motor vehicle, except a motorcycle, on highways;
(d) CLP-commercial learner's permit. A permit which when carried with a Class O license authorizes an individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a CLP-commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid;
(e) RCDL-restricted commercial driver's license. The class of commercial driver's license which authorizes a commercial motor vehicle operator described in section60-4,146.01to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of a farm-related or ranch-related service industry as defined in such section within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;
(f) POP-provisional operator's permit. A motor vehicle operating permit with restrictions issued pursuant to section60-4,120.01to a person who is at least sixteen years of age but less than eighteen years of age which authorizes the person to operate any motor vehicle except a commercial motor vehicle or motorcycle;
(g) SCP-school permit. A permit issued to a student between fourteen years and two months of age and sixteen years of age for the purpose of driving in accordance with the requirements of section60-4,124;
(h) FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section60-4,126;
(i) LPD-learner's permit. A permit issued in accordance with the requirements of section60-4,123to a person at least fifteen years of

age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a licensed operator who is at least twenty-one years of age and who possesses a valid operator's license issued by this state or another state;
(j) LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit;
(k) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections60-4,129and60-4,130;
(l) IIP-ignition interlock permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, which is equipped with an ignition interlock device;
(m) MHP-medical hardship driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections60-4,130.01and60-4,130.02; and
(n) SPP-24/7 sobriety program permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the 24/7 Sobriety Program Act.
(2) For purposes of this section, motorcycle does not include an autocycle.

60-480.01.
Undercover drivers' licenses; issuance;
confidential; unlawful disclosure; penalty.
(1)(a) Undercover
drivers' licenses may be issued to federal, state,
county, city, or village law enforcement agencies and shall be used only for
legitimate criminal investigatory purposes. Undercover drivers' licenses may
also be issued to the Nebraska State Patrol, the Game and Parks Commission,
deputy state sheriffs employed by the Nebraska Brand Committee and State Fire
Marshal for state law enforcement purposes, persons employed by the Tax Commissioner
for state revenue enforcement purposes, the Department of Health and Human
Services for the purposes of communicable disease control, the prevention
and control of those communicable diseases which endanger the public health,
the enforcement of drug control laws, or other investigation purposes, the Department of Agriculture
for special investigative purposes,
and the Insurance Fraud Prevention Division of the Department of Insurance
for investigative purposes. Undercover drivers' licenses are not
for personal use.
(b) The director shall prescribe a form for agencies to apply for undercover
drivers' licenses. The form shall include a space for the name and signature
of the contact person for the requesting agency, a statement that the undercover
drivers' licenses are to be used only for legitimate criminal investigatory
purposes, and a statement that undercover drivers' licenses are not for personal
use.
(2) The agency shall include the name and signature of the contact person
for the agency on the form and pay the fees prescribed in section60-4,115.
If the undercover drivers' licenses will be used for the investigation of
a specific event rather than for ongoing investigations, the agency shall
designate on the form an estimate of the length of time the undercover drivers'
licenses will be needed. The contact person in the agency shall sign the form
and verify the information contained in the form.
(3) Upon receipt of a completed form, the director shall determine whether
the undercover drivers' licenses will be used by an approved agency for a
legitimate purpose pursuant to subsection (1) of this section. If the director
determines that the undercover drivers' licenses will be used for such a purpose,
he or she may issue the undercover drivers' licenses in the form and under
the conditions he or she determines to be necessary. The decision of the director
regarding issuance of undercover drivers' licenses is final.
(4) The Department of Motor Vehicles shall keep records pertaining to
undercover drivers' licenses confidential, and such records shall not be subject
to public disclosure. Any person who receives information pertaining to undercover
drivers' licenses in the course of his or her employment and who discloses
any such information to any unauthorized individual shall be guilty of a Class
III misdemeanor.
(5) The contact person shall return the undercover drivers' licenses

to the Department of Motor Vehicles if:
(a) The undercover drivers' licenses expire and are not renewed;
(b) The purpose for which the undercover drivers' licenses were issued has been completed or terminated;
(c) The persons for whom the undercover drivers' licenses were issued cease to be employees of the agency; or
(d) The director requests their return.

60-481.
Driving rules; publication; copy; available upon request.
(1) The director shall publish on the website of the department a summary of the statutory driving rules of this state. Such summary shall contain cautionary and advisory comments as determined by the director, including a description of how to legally operate a motor vehicle in order to avoid arrest.
(2) The director may provide a copy of the summary described in subsection (1) of this section without charge upon request by a member of the public.

60-482.
Rules and regulations.
The director may adopt and promulgate such rules and regulations as may be necessary to carry out the Motor Vehicle Operator's License Act.

60-483.
Operator's license; numbering; records; abstracts of operating records; fees; information to United States Selective Service System; when; reciprocity agreement with foreign country.
(1) The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection by any person requesting inspection of such record who qualifies under section60-2906or60-2907. Any person requesting such driver record information shall furnish to the Department of Motor Vehicles (a) verification of identity and purpose that the requester is entitled under section60-2906or60-2907to disclosure of the personal information in the record, (b) the name of the person whose record is being requested, and (c) when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The department shall, upon request of any requester, furnish a certified abstract of the operating record of any person, in either hard copy or electronically, and shall charge the requester a fee of three dollars per abstract.
(2) The department shall remit any revenue generated under subsections (1) through (5) of this section to the State Treasurer, and the State Treasurer shall credit forty-one and two-thirds percent to the Department of Motor Vehicles Cash Fund, twenty-five percent to the General Fund, and thirty-three and one-third percent to the Records Management Cash Fund.
(3) The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing the information but shall not be required to pay any other fee required by law for information. No driver record information shall be furnished to the United States Selective Service System regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. The information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person.
(4) The director shall keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.
(5) The director may establish a monitoring service which provides information on operating records that have changed due to any adjudicated traffic citation or administrative action. The director shall charge a fee of six cents per operating record searched pursuant to this section and the fee provided in subsection (1) of this section for each abstract returned as a result of the search.
(6) Driver record header information, including name, license number, date of birth, address, and physical description, from every driver record maintained by the department may be made available so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. Monthly updates, including all new records, may also be made available. There shall be a fee of eighteen dollars per thousand records. All fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(7) The department may enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and reciprocal exchange of a valid operator's license issued by this state or the foreign country if the department determines that the licensing standards of the foreign country are comparable to those of this state. Any such agreement entered into by the department shall not include the mutual recognition and reciprocal exchange of a commercial driver's license.
(8) Beginning July 1, 2021, for any record provided pursuant to subsection (1) of this section, the requester shall be required to pay, in addition to the fee prescribed in such subsection, a fee of four dollars and fifty cents per record. Fifty cents shall be credited to the Department of Motor Vehicles Cash Fund and four dollars shall be credited to the Operator's License Services System Replacement

and Maintenance Fund.

60-483.01.
National Driver Register; employer check; fee.
An employer may apply to the Department of Motor Vehicles for a file check from the National Driver Register on a current or prospective employee. The employer shall pay a fee of two dollars for each check. Upon receipt of the application and fee, the department shall furnish the check to the employer and remit the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-484.
Operator's license required, when; state identification card; application.
(1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.
(2) Application for an operator's license or a state identification card shall be made in a manner prescribed by the department.
(3) The applicant shall provide his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subsection (6) of this section, and a brief physical description of himself or herself. The applicant (a) may also complete the voter registration portion pursuant to section32-308, (b) shall be provided the advisement language required by subsection (5) of section60-6,197, (c) shall answer the following:
(i) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):
(A) lost voluntary control or consciousness ... yes ... no
(B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no
(C) experienced disorientation ... yes ... no
(D) experienced seizures ... yes ... no
(E) experienced impairment of memory, memory loss ... yes ... no
Please explain: .....
(ii) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no
Please explain: .....
(iii) Since the issuance of your last driver's license/permit, has your health or medical condition changed or worsened? ... yes ... no
Please explain, including how the above affects your ability to drive: ....., and (d) may answer the following:
(i) Do you wish to register to vote as part of this application process?
(ii) Do you wish to have a veteran designation displayed on the front of your operator's license or state identification card to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)
(iii) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?
(iv) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?
(v) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?
(4) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.
(5) The social security number shall not be printed on the operator's license or state identification card and shall be used only (a) to furnish information to the United States Selective Service System under section60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, (c) for purposes of child support enforcement pursuant to section42-358.08or43-512.06, (d) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (e) to furnish information to the Department of Revenue under section77-362.02, or (f) to furnish information to the Secretary of State for purposes of the Election Act.
(6)(a) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include his or her full legal name and date of birth. Such documents shall be those provided in subsection (1) of section60-484.04.
(b) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate or, if such individual is unable to provide a certified copy of his or her birth certificate, other reliable proof of his or her identity and age, as required in subdivision (6)(a) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.
(c) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted

shall be recorded according to a written exceptions process established by the director.
(7) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have a veteran designation displayed on the front of such license or card shall comply with section60-4,189.
(8) No person shall be a holder of an operator's license and a state identification card at the same time. A person who has a digital image and digital signature on file with the department may apply electronically to change his or her Class O operator's license to a state identification card.

60-484.01.
Digital system authorized.
It is the intent of the Legislature to authorize the Department of Motor Vehicles to begin issuing operators' licenses and state identification cards using digital images and digital signatures and to allow for electronic renewal of certain operators' licenses and state identification cards. The department shall implement such a digital system.

60-484.02.
Digital images and signatures; use; confidentiality; prohibited acts; violation; penalty.
(1) Each applicant for an operator's license or state identification card shall have his or her digital image captured. Digital images shall be preserved for use as prescribed in sections60-4,119,60-4,151, and60-4,180. The images shall be used for issuing operators' licenses and state identification cards. The images may be retrieved only by the Department of Motor Vehicles for issuing renewal and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.
(2) Upon application for an operator's license or state identification card, each applicant shall provide his or her signature in a form prescribed by the department. Digital signatures shall be preserved for use on original, renewal, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (4) of this section.
(3) No officer, employee, agent, or contractor of the department or law enforcement officer shall release a digital image except (a) to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release or (b) to the office of the Secretary of State for the purpose of voter registration and voter identification as prescribed in the Election Act upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. No employee or official in the office of the Secretary of State shall release a digital image except to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. Any officer, employee, agent, or contractor of the department, law enforcement officer, or employee or official in the office of the Secretary of State that knowingly discloses or knowingly permits disclosure of a digital image in violation of this section shall be guilty of a Class I misdemeanor.
(4) No officer, employee, agent, or contractor of the department or law enforcement officer shall release a digital signature except (a) to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release or (b) to the office of the Secretary of State for the purpose of voter registration and voter identification as prescribed in the Election Act upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. No employee or official in the office of the Secretary of State shall release a digital signature except to a federal, state, or local law enforcement agency, a certified law enforcement officer employed in an investigative position by a federal, state, or local agency, or a driver licensing agency of another state for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. Any officer, employee, agent, or contractor of the department, law enforcement officer, or employee or official in the office of the Secretary of State that knowingly discloses or knowingly permits disclosure of a digital signature in violation of this section shall be guilty of a Class I misdemeanor.
(5) The department shall develop a process for the release of digital images to the Secretary of State for the purpose of voter identification as prescribed by the Election Act. The process shall include proper measures for access, security, storage, and retention of the digital image and verification of the release of the digital image to any officer, agent, or contractor of the Secretary of State. The Secretary of State and the department shall enter into an agreement for the release, use, protection, storage, and retention of digital images as prescribed under this section and the Uniform Motor Vehicle Records Disclosure Act. The department may adopt and promulgate rules and regulations to carry out this subsection.

60-484.03.

Operators' licenses; state identification
cards; department; retain copies of source documents.
The
department shall retain copies of source documents presented by all individuals
applying for or holding operators' licenses or state identification cards.
Copies retained by the department shall be held in secured storage and managed
to meet the requirements of the Uniform Motor Vehicle Records Disclosure Act
and sections60-484,60-484.02, and60-4,144.

60-484.04.
Operators' licenses; state identification cards; applicant present evidence of lawful status.
(1) The Legislature finds and declares that section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13, enumerated categories of individuals who may demonstrate lawful status for the purpose of eligibility for a federally secure motor vehicle operator's license or state identification card. The Legislature further finds and declares that it was the intent of the Legislature in 2011 to adopt the enumerated categories by the passage of Laws 2011, LB215. The Legislature declares that the passage of Laws 2015, LB623, is for the limited purpose of reaffirming the original legislative intent of Laws 2011, LB215. Except as provided in section60-4,144with respect to operators of commercial motor vehicles, before being issued any other type of operator's license or a state identification card under the Motor Vehicle Operator's License Act, the department shall require an applicant to present valid documentary evidence that he or she has lawful status in the United States as enumerated in section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13. Lawful status may be shown by:
(a) A valid, unexpired United States passport;
(b) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
(c) A Consular Report of Birth Abroad (CRBA) issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;
(d) A valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;
(e) An unexpired employment authorization document (EAD) issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;
(f) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;
(g) A Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;
(h) A Certificate of Citizenship, Form N-560 or Form N-561, issued by the United States Department of Homeland Security;
(i) A driver's license or identification card issued in compliance with the standards established by the REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or
(j) Such other documents as the director may approve.
(2)(a) If an applicant presents one of the documents listed under subdivision (1)(a), (b), (c), (d), (g), or (h) of this section, the verification of the applicant's identity in the manner prescribed in section60-484will also provide satisfactory evidence of lawful status.
(b) If the applicant presents one of the identity documents listed under subdivision (1)(e), (f), or (i) of this section, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subsection (1) of this section or documentation issued by the United States Department of Homeland Security, the United States Citizenship and Immigration Services, or other federal agencies, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that the applicant has lawful status as enumerated in section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13.
(3) An applicant may present other documents as designated by the director as proof of lawful status as enumerated in section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13. Any documents accepted shall be recorded according to a written exceptions process established by the director.

60-484.05.
Operators' licenses; state identification cards; temporary; when issued; period valid; special notation; renewal; return of license or card, when.
(1) The department shall only issue an operator's license or a state identification card that is temporary to any applicant who presents documentation under sections60-484,60-484.04, and60-484.07that shows his or her authorized stay in the United States is temporary. An operator's license or a state identification card that is temporary shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.
(2) An operator's license or state identification card that is temporary shall clearly indicate that it is temporary with a special notation on the front of the license or card and shall state the date on which it expires. An operator's license or state identification card issued pursuant to section60-484.07shall clearly indicate that it is not acceptable for official federal purposes.
(3) An operator's license or state identification card that is temporary may be renewed only upon presentation of valid documentary

evidence that the status by which the applicant qualified for the operator's license or state identification card that is temporary has been extended by the United States Department of Homeland Security.
(4) If an individual has an operator's license or a state identification card issued under section60-484.07or based on approved lawful status granted under section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for the approved lawful status is terminated, the individual shall return the operator's license or state identification card to the Department of Motor Vehicles.

60-484.06.
Operators' licenses; state identification cards; department; power to verify documents.
Before issuing any operator's license or state identification card under the Motor Vehicle Operator's License Act, the department may verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by a person pursuant to sections60-484,60-484.04,60-484.07, and60-4,144.

60-484.07.
Operators' licenses; state identification cards; parolee immigration status; effect on application and issuance.
(1) On a date determined by the director but not later than November 1, 2023, any person assigned a parolee immigration status by the United States Department of Homeland Security may apply for and be issued an operator's license or a state identification card that is not in compliance with the federal REAL ID Act of 2005, Public Law 109-13, if the person:
(a) Possessed an unexpired foreign passport issued to such person at the time of such person's entry into the United States of America; and
(b) Fulfills the requirements of subsection (3) of section60-484and such requirements are verified pursuant to section60-484.06.
(2) Any operator's license or state identification card issued under this section is otherwise subject to all laws relating to operators' licenses and state identification cards.

60-486.
Operator's license;
license suspended or revoked; effect; appeal.
(1)
No person shall be licensed to operate a motor vehicle by the State of Nebraska
if such person has an operator's license currently under suspension or revocation
in this state or any other state or jurisdiction in the United States.
(2) If a license is issued to a person while his or her operator's
license was suspended or revoked in this state or any other state or jurisdiction,
the Department of Motor Vehicles may cancel the license upon forty-five days'
written notice by regular
United States mail to the licensee's last-known address. The cancellation
may be appealed as provided in section60-4,105.
(3) When such a person presents to the department an official
notice from the state or jurisdiction that suspended or revoked his or her
motor vehicle operator's license that such suspension or revocation has been
terminated, he or she may then be licensed to operate a motor vehicle by the
State of Nebraska.

60-487.
Cancellation of certain licenses or permits; when.
(1) If any magistrate or judge finds in his or her judgment of conviction that the application or issuance certificate pursuant to which the director has issued an operator's license under the Motor Vehicle Operator's License Act contains any false or fraudulent statement deliberately and knowingly made to any officer as to any matter material to the issuance of such license or does not contain required or correct information or that the person to whom the license was issued was not eligible to receive such license, then the license shall be absolutely void from the date of issue and such motor vehicle operator shall be deemed to be not licensed to operate a motor vehicle. Such license shall be at once canceled of record in his or her office by the director upon receipt of a copy of such judgment of conviction. The director may, upon his or her own motion, summarily cancel any license for any of the reasons set forth in this section if such reason or reasons affirmatively appear on his or her official records.
(2) If the director determines, in a check of an applicant's license status and record prior to issuing a CLP-commercial learner's permit or commercial driver's license, or at any time after the CLP-commercial learner's permit or commercial driver's license is issued, that the applicant falsified information contained in the application or in the medical examiner's certificate, the director may summarily cancel the person's CLP-commercial learner's permit or commercial driver's license or his or her pending application as provided in subsection (1) of this section and disqualify the person from operating a commercial motor vehicle for sixty days.

60-488.

Nonresidents; license requirements; immunity.
(1) A nonresident shall not be prevented from operating a motor vehicle upon the highways of this state during the period within which he or she may lawfully operate such motor vehicle in the state under the general motor vehicle laws of this state, but in no event shall such immunity extend beyond a period of thirty days continuous residence in the State of Nebraska.
(2) Subsection (1) of this section shall be subject to the following limitations:
(a) Such nonresident shall be duly licensed under the motor vehicle laws of the state of his or her residence or have complied with the laws of the state of his or her residence relating to the registration or licensing of motor vehicles and conformed to the laws of such state of residence in relation to the operators of motor vehicles;
(b) A nonresident who is serving in this state on active duty as a member of the United States Armed Forces, or the spouse of any such person or a dependent of such member of the armed forces, shall be exempt from the licensing requirements of this state if he or she is duly licensed under the laws of the state of his or her residence;
(c) A nonresident who is considered to be a full-time student in any institution of postsecondary education in this state shall be exempt from the licensing requirements of this state if such person is duly licensed under the laws of the state of his or her residence; and
(d) A nonresident certified by the Department of Labor as engaged in temporary agricultural employment in Nebraska for a period of not to exceed sixty days may be granted an additional thirty days' immunity if a similar immunity is granted by the state of his or her permanent residence to residents of Nebraska while temporarily employed in agricultural employment in such state.

60-489.
Operator's license; duty to carry and exhibit; exception; officers; power to demand presentation.
Except for a farm permit issued under section60-4,126, the operator's license shall at all times be carried by the licensee when operating a motor vehicle on the highways of this state and shall be presented by the licensee for examination, or he or she shall present proof of ownership of the same, upon demand by any officer, employee, or agent of the Nebraska State Patrol or police or peace officer recognized as such by the laws of this state. Such officer, employee, or agent shall, in every case of making demand on the motor vehicle operator to show an operator's license, first display proper evidence of his or her lawful authority to act as an officer of the law. Except as provided in section29-215, no officer, except an officer, agent, or employee of the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, the county sheriff, or their authorized deputies or subordinates, shall exercise the authority to demand presentation of an operator's license outside the boundaries of any incorporated cities and villages. A farm permit issued under section60-4,126need not be carried on the person but shall be produced for examination within twenty-four hours after a lawful demand therefor has been made under this section.

60-490.
Operators' licenses; state identification cards; expiration; renewal.
(1) Operators' licenses issued to persons required to use bioptic or telescopic lenses as provided in section60-4,118shall expire on the licensee's birthday in the second year after issuance unless specifically restricted to a shorter renewal period as determined under section60-4,118.
(2) Except for state identification cards issued to persons less than twenty-one years of age, all state identification cards expire on the cardholder's birthday in the fifth year after issuance. A state identification card issued to a person who is less than twenty-one years of age expires on his or her twenty-first birthday or on his or her birthday in the fifth year after issuance, whichever comes first.
(3) Except as otherwise provided in subsection (1) of this section and section60-4,147.05and except for operators' licenses issued to persons less than twenty-one years of age, operators' licenses issued pursuant to the Motor Vehicle Operator's License Act expire on the licensee's birthday in the fifth year after issuance. An operator's license issued to a person less than twenty-one years of age expires on his or her twenty-first birthday. Except as otherwise provided in section60-4,147.05, the Department of Motor Vehicles shall mail out a renewal notice for each operator's license at least thirty days before the expiration of the operator's license.
(4)(a) The expiration date shall be stated on each operator's license or state identification card.
(b) Except as otherwise provided in section60-4,147.05, licenses and state identification cards issued to persons who are twenty-one years of age or older which expire under this section may be renewed within a ninety-day period before the expiration date. Any person who is twenty-one years of age or older and who is the holder of a valid operator's license or state identification card may renew his or her license or card prior to the ninety-day period before the expiration date on such license or card if such applicant furnishes proof that he or she will be absent from the state during the ninety-day period prior to such expiration date.
(c) A person who is twenty years of age may apply for an operator's license or a state identification card within sixty days prior to his or her twenty-first birthday. The operator's license or state identification card may be issued within thirty days prior to such birthday.
(d) A person who is under twenty years of age and who holds a state identification card may apply for renewal within a ninety-day period prior to the expiration date.

60-491.
Prohibited acts.
It shall be unlawful for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any canceled, revoked, suspended, impounded, fictitious, or fraudulently altered operator's license or state identification card issued by the State of Nebraska or any other state;
(2) To lend his or her operator's license or state identification card to any person or knowingly permit the use thereof by another;
(3) To display or represent as one's own any operator's license or state identification card not issued to him or her by the State of Nebraska or any other state;
(4) To fail or refuse to surrender to the director upon his or her lawful demand any operator's license or state identification card which has been suspended, revoked, or canceled;
(5) To use a false or fictitious name in applying for an operator's license or state identification card or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in applying for an operator's license or state identification card;
(6) To permit any unlawful use of an operator's license or state identification card issued to him or her by the State of Nebraska or any other state;
(7) To do any act forbidden or fail to perform any act required by the Motor Vehicle Operator's License Act;
(8) To make any false affidavit or knowingly to swear or affirm falsely to any matter or thing required by the terms of the act to be sworn to or affirmed. Such person shall be guilty of perjury and, upon conviction thereof, shall be punished as other persons committing perjury are punishable;
(9) To cause or knowingly permit his or her child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized under the act or is in violation of any of the provisions of the act;
(10) To authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under the act or is in violation of any of the provisions of the act; or
(11) To manufacture any fraudulent state identification card whether of the State of Nebraska or any other state.

60-492.
Impersonating officer; penalty.
Any unauthorized person impersonating an officer under color of the Motor Vehicle Operator's License Act shall be guilty of a Class IV felony.

60-493.
Organ and tissue donation; county treasurer or licensing staff; distribute brochure; additional information; department; duty.
(1) When a person applies for an operator's license or state identification card, the county treasurer or licensing staff of the Department of Motor Vehicles shall distribute a brochure provided by an organ and tissue procurement organization and approved by the Department of Health and Human Services containing a description and explanation of the Revised Uniform Anatomical Gift Act to each person applying for a new or renewal license or card.
(2) If an individual desires to receive additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska as indicated on an application and retained by the department under section60-484,60-4,144, or60-4,181, the department shall notify a representative of the federally designated organ procurement organization for Nebraska within five working days of the name and address of such individual.

60-494.
Operator's license; state identification card; organ and tissue donation information; department; duty.
(1) Each operator's license and state identification card shall include a special notation on the front of the license or card if the licensee or cardholder is at least sixteen years of age and indicates on the application or issuance certificate under section60-484or60-4,144his or her wish to be an organ and tissue donor.
(2) The status as an organ and tissue donor shall continue until amended or revoked by the licensee or cardholder as provided in subsection (4) of this section or section71-4829. The status as an organ and tissue donor is not changed by the expiration, suspension, cancellation, revocation, or impoundment of the license or card.
(3) Any person whose operator's license or state identification card indicates his or her status as an organ and tissue donor may obtain a replacement license or card without a notation of such status. The fee for such replacement license or card shall be the fee provided in section60-4,115.
(4) A licensee or cardholder may change his or her status as a donor by indicating the desire that his or her name not be included in the Donor Registry of Nebraska on an application for an operator's license, a state identification card, or a replacement license or card under subsection (3) of this section. A licensee or cardholder may also change or limit the extent of his or her status as a donor by (a) Internet access to the Donor Registry of Nebraska, (b) telephone request to the registry, or (c) other methods approved by the federally designated organ procurement organization for Nebraska.
(5) The department shall electronically transfer to the federally designated organ procurement organization for Nebraska all information which appears on the face of an original or replacement operator's license or state identification card except the image and signature of each person whose license or card includes the notation described in subsection (1) of this section.

60-495.
Organ and tissue donation; rules and regulations; director; duties; Organ and Tissue Donor Awareness and Education Fund; created;

use; investment.
(1) The director may adopt and promulgate such rules and regulations necessary to carry out sections60-493to60-495and the duties of the department under the Revised Uniform Anatomical Gift Act. The director shall prepare and furnish all forms and information necessary under the act.
(2) The Organ and Tissue Donor Awareness and Education Fund is created. Department personnel and the county treasurer shall remit all funds contributed under sections60-484,60-4,144, and60-4,181to the State Treasurer for credit to the fund. The fund shall also include any money credited to the fund pursuant to section60-3,246. The Department of Health and Human Services shall administer the Organ and Tissue Donor Awareness and Education Fund for the promotion of organ and tissue donation. The department shall use the fund to assist organizations such as the federally designated organ procurement organization for Nebraska and the State Anatomical Board in carrying out activities which promote organ and tissue donation through the creation and dissemination of educational information. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

60-496.
Violation of law; revocation of operator's license; duties of director and Nebraska State Patrol.
Upon conviction of any person in any court within this state of any violation of (1) any law of this state pertaining to the operation of motor vehicles or (2) any city or village ordinance pertaining to the operation of a motor vehicle in such a manner as to endanger life, limb, or property, except for operating a motor vehicle while under the influence of alcoholic liquor or any drug, the judge of such court may, in his or her discretion, order the revocation of the operator's license of such convicted person to operate a motor vehicle for any purpose for a period of time not less than ten days nor more than one year, unless a greater period of revocation is made mandatory by other provisions of law, or may impound the license for a period of not more than ninety days and order that such person not operate a motor vehicle during the period such license is impounded. Such judge shall immediately notify in detail the director of the action and findings of the court as provided for in sections60-497.01to60-497.04. If the judgment of conviction provides for the revocation of the person's operator's license, the director shall immediately revoke the license and make available to the Superintendent of Law Enforcement and Public Safety an updated record of such revocation. It shall then be the duty of the Nebraska State Patrol to enforce the conditions of such revocation recited in any judgment of conviction.

60-497.
Conviction of offense authorizing revocation of operator's license; surrender of license; when required; duty of director to revoke.
Whenever any person is convicted of any offense for which the Motor Vehicle Operator's License Act or the Nebraska Rules of the Road authorizes the revocation of the operator's license, the court in which such conviction is had shall, if revocation is adjudged, require the surrender to it of all operators' licenses then held by the person so convicted. The court shall thereupon forward the operators' licenses together with the action and findings of the court, as provided for in sections60-497.01to60-497.04, to the director. Every court having jurisdiction over offenses committed under the act or any other law of this state regulating the operation of motor vehicles on highways or streets shall forward, in the manner and form provided for in such sections, the action and findings of the court to the director upon the conviction of any person in such court for a violation of any of such laws.
The director shall, upon receipt of such abstract of the judgment of conviction, immediately revoke the operator's license of the person so convicted, as provided in the abstract of the judgment of conviction.
For purposes of the act and the rules, conviction shall mean a final conviction, and forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

60-497.01.
Conviction and probation records; abstract of court record; transmission to director; duties.
(1) An abstract of the court record of every case in which a person is convicted of violating any provision of the Motor Vehicle Operator's License Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, or section28-524, as from time to time amended by the Legislature, or any traffic regulations in city or village ordinances shall be transmitted within thirty days of sentencing or other disposition by the court to the director. Any abstract received by the director more than thirty days after the date of sentencing or other disposition shall be reported by the director to the State Court Administrator.
(2) Any person violating section28-306,28-394,28-1254,60-696,60-697,60-6,196,60-6,197,60-6,213, or60-6,214who is placed on probation shall be assessed the same points under section60-4,182as if such person were not placed on probation unless a court has ordered that such person shall obtain an ignition interlock permit in order to operate a motor vehicle with an ignition interlock device pursuant to section60-6,211.05and sufficient evidence is presented to the department that such a device is installed. For any other violation, the director shall not assess such person with any points under section60-4,182for such violation when the person is placed on probation until the director is advised by the court that such person previously placed on probation has violated the terms of his or her probation and such probation has been revoked. Upon receiving notice of revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. All such points shall be assessed as of the date of the violation. When a person fails to successfully complete probation, the court shall notify the director immediately.

60-497.02.

Convictions; order of probation; abstract; transmittal required; open for inspection by public.
An abstract of the judgment of conviction or order of probation shall be transmitted to the Director of Motor Vehicles and the National Crime Information Center upon conviction of any person of or placing such person on probation for manslaughter or other felony in the commission of which a vehicle was used. The director and the National Crime Information Center shall keep such conviction reports in their offices, and the reports shall be open to the inspection of any person during reasonable business hours.

60-497.03.
Conviction reports; form of transmittal; revocation or suspension of license; director; duties.
To enable the director punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of suspended operators' licenses and operators' licenses ordered revoked by courts of the state, the director shall authorize electronic transmission of abstract-of-conviction reports. The director shall prescribe the standard format of abstract-of-conviction reports.
In the administration of any section of the Motor Vehicle Operator's License Act, the powers and duties conferred upon the director or his or her subordinates or successors with respect to the revocation or suspension of any operator's license are ministerial in character. The director shall revoke operators' licenses only when positively directed to do so by the terms of the abstract of the judgment of conviction transmitted by the trial court except as otherwise provided in the Motor Vehicle Operator's License Act, the Motor Vehicle Safety Responsibility Act, or the Nebraska Rules of the Road.

60-497.04.
Noncompliance; penalty.
Failure, refusal, or neglect by any officer to comply with any of the provisions of sections60-497.01to60-497.03shall constitute misconduct in office and shall be grounds for his or her removal therefrom.

60-498.
Revocation; when mandatory.
The director shall immediately revoke the operator's license of any person upon receiving a copy of judgment of such person's conviction of any of the following offenses when such conviction becomes final:
(1) Manslaughter resulting from the operation of a motor vehicle;
(2) Driving a motor vehicle while under the influence of alcoholic liquor or any drug as provided in city or village ordinances or in section60-6,196. The period of revocation shall, in each case except for revocations pursuant to sections60-498.01to60-498.04and offenses specified in section60-4,168, correspond with the period that is determined by the court;
(3) Any felony in the commission of which a motor vehicle is used;
(4) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
(5) Perjury or making of a false affidavit or statement under oath to the director, examining officer, or other officer under the Motor Vehicle Operator's License Act or under any law relating to the ownership or operation of motor vehicles;
(6) Conviction or forfeiture of bail, not vacated, upon three charges of reckless driving committed within a period of twelve months; or
(7) Willful reckless driving as provided in city or village ordinances or as described in section60-6,214.

60-498.01.
Driving under influence of alcohol; operator's license; confiscation and revocation; application for ignition interlock permit or 24/7 sobriety program permit; procedures; appeal; restrictions relating to ignition interlock permit or 24/7 sobriety program permit; prohibited acts relating to ignition interlock devices or 24/7 sobriety program permits; additional revocation period.
(1) Because persons who drive while under the influence of alcohol present a hazard to the health and safety of all persons using the highways, a procedure is needed for the swift and certain revocation of the operator's license of any person who has shown himself or herself to be a health and safety hazard (a) by driving with an excessive concentration of alcohol in his or her body or (b) by driving while under the influence of alcohol.
(2) If a person arrested as described in subsection (2) of section60-6,197refuses to submit to the chemical test of blood, breath, or urine required by section60-6,197, the test shall not be given except as provided in section60-6,210for the purpose of medical treatment and the arresting peace officer, as agent for the director, shall verbally serve notice to the arrested person of the intention to immediately confiscate and revoke the operator's license of such person and that the revocation will be automatic fifteen days after the date of arrest. The arresting peace officer shall within ten days forward to the director a sworn report stating (a) that the person was arrested as described in subsection (2) of section60-6,197and the reasons for such arrest, (b) that the person was requested to submit to the required test, and (c) that the person refused to submit to the required test. The director may accept a sworn report submitted electronically.
(3) If a person arrested as described in subsection (2) of section60-6,197submits to the chemical test of blood or breath required by section60-6,197, the test discloses the presence of alcohol in any of the concentrations specified in section60-6,196, and the test results are available to the arresting peace officer while the arrested person is still in custody, the arresting peace officer, as agent for the director, shall verbally serve notice to the arrested person of the intention to immediately confiscate and revoke the operator's

license of such person and that the revocation will be automatic fifteen days after the date of arrest. The arresting peace officer shall within ten days forward to the director a sworn report stating (a) that the person was arrested as described in subsection (2) of section60-6,197and the reasons for such arrest, (b) that the person was requested to submit to the required test, and (c) that the person submitted to a test, the type of test to which he or she submitted, and that such test revealed the presence of alcohol in a concentration specified in section60-6,196. The director may accept a sworn report submitted electronically.
(4) On behalf of the director, the arresting peace officer submitting a sworn report under subsection (2) or (3) of this section shall serve notice of the revocation on the arrested person, and the revocation shall be effective fifteen days after the date of arrest. The notice of revocation shall contain a statement explaining the operation of the administrative license revocation procedure. The peace officer shall also provide to the arrested person information prepared and approved by the director describing how to request an administrative license revocation hearing or apply for an ignition interlock permit or a 24/7 sobriety program permit. A petition for an administrative license revocation hearing must be completed and delivered to the department or postmarked within ten days after the person's arrest or the person's right to an administrative license revocation hearing to contest the revocation will be foreclosed. The director shall prepare and approve the information form, the application for an ignition interlock permit, and the notice of revocation and shall provide them to law enforcement agencies.
If the person has an operator's license, the arresting peace officer shall take possession of the license and issue a temporary operator's license valid for fifteen days. The arresting peace officer shall forward the operator's license to the department along with the sworn report made under subsection (2) or (3) of this section.
(5)(a) If the results of a chemical test indicate the presence of alcohol in a concentration specified in section60-6,196, the results are not available to the arresting peace officer while the arrested person is in custody, and the notice of revocation has not been served as required by subsection (4) of this section, the peace officer shall forward to the director a sworn report containing the information prescribed by subsection (3) of this section within ten days after receipt of the results of the chemical test. If the sworn report is not received within ten days, the revocation shall not take effect. The director may accept a sworn report submitted electronically.
(b) Upon receipt of the report, the director shall serve the notice of revocation on the arrested person by mail to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses. The notice of revocation shall contain a statement explaining the operation of the administrative license revocation procedure. The director shall also provide to the arrested person information prepared and approved by the director describing how to request an administrative license revocation hearing and an application for an ignition interlock permit. A petition for an administrative license revocation hearing must be completed and delivered to the department or postmarked within ten days after the mailing of the notice of revocation or the person's right to an administrative license revocation hearing to contest the revocation will be foreclosed. The director shall prepare and approve the ignition interlock permit application and the notice of revocation. The revocation shall be effective fifteen days after the date of mailing.
(c) If the records of the director indicate that the arrested person possesses an operator's license, the director shall include with the notice of revocation a temporary operator's license which expires fifteen days after the date of mailing. Any arrested person who desires an administrative license revocation hearing and has been served a notice of revocation pursuant to this subsection shall return his or her operator's license with the petition requesting the hearing. If the operator's license is not included with the petition requesting the hearing, the director shall deny the petition.
(6)(a) An arrested person's operator's license confiscated pursuant to subsection (4) of this section shall be automatically revoked upon the expiration of fifteen days after the date of arrest, and the petition requesting the hearing shall be completed and delivered to the department or postmarked within ten days after the person's arrest. An arrested person's operator's license confiscated pursuant to subsection (5) of this section shall be automatically revoked upon the expiration of fifteen days after the date of mailing of the notice of revocation by the director, and the arrested person shall postmark or return to the director a petition within ten days after the mailing of the notice of revocation if the arrested person desires an administrative license revocation hearing. The petition shall be in writing and shall state the grounds on which the person is relying to prevent the revocation from becoming effective. The hearing and any prehearing conference may be conducted in person or by telephone, television, or other electronic means at the discretion of the director, and all parties may participate by such means at the discretion of the director.
(b) The director shall conduct the hearing within twenty days after a petition is received by the director. Upon receipt of a petition, the director shall notify the petitioner of the date and location for the hearing by mail postmarked at least seven days prior to the hearing date. The filing of the petition shall not prevent the automatic revocation of the petitioner's operator's license at the expiration of the fifteen-day period. A continuance of the hearing to a date beyond the expiration of the temporary operator's license shall stay the expiration of the temporary license when the request for continuance is made by the director.
(c) At hearing the issues under dispute shall be limited to:
(i) In the case of a refusal to submit to a chemical test of blood, breath, or urine:
(A) Did the peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section60-6,196or a city or village ordinance enacted in conformance with such section; and
(B) Did the person refuse to submit to or fail to complete a chemical test after being requested to do so by the peace officer; or
(ii) If the chemical test discloses the presence of alcohol in a concentration specified in section60-6,196:
(A) Did the peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section60-6,196or a city or village ordinance enacted in conformance with such section; and
(B) Was the person operating or in the actual physical control of a motor vehicle while having an alcohol concentration in violation of subsection (1) of section60-6,196.

(7)(a) Any arrested person who submits an application for an ignition interlock permit in lieu of a petition for an administrative license revocation hearing regarding the revocation of his or her operator's license pursuant to this section shall complete the application for an ignition interlock permit in which such person acknowledges that he or she understands that he or she will have his or her license administratively revoked pursuant to this section, that he or she waives his or her right to a hearing to contest the revocation, and that he or she understands that he or she is required to have an ignition interlock permit in order to operate a motor vehicle for the period of the revocation and shall include sufficient evidence that an ignition interlock device is installed on one or more vehicles that will be operated by the arrested person. Upon the arrested person's completion of the ignition interlock permit application process, the department shall issue the person an ignition interlock permit, subject to any applicable requirements and any applicable no-drive period if the person is otherwise eligible.
(b) An arrested person who is issued an ignition interlock permit pursuant to this section or a 24/7 sobriety program permit under the 24/7 Sobriety Program Act as a condition of bail shall receive day-for-day credit for the period he or she has a valid ignition interlock permit or valid 24/7 sobriety program permit against the license revocation period imposed by the court arising from the same incident.
(c) If a person files a completed application for an ignition interlock permit, the person waives his or her right to contest the revocation of his or her operator's license.
(d) A person subject to administrative license revocation under sections60-498.01to60-498.04shall be eligible for a 24/7 sobriety program permit.
(8) Any person who has not petitioned for an administrative license revocation hearing and is subject to an administrative license revocation may immediately apply for an ignition interlock permit or a 24/7 sobriety program permit under the 24/7 Sobriety Program Act to use during the applicable period of revocation set forth in section60-498.02, subject to the following additional restrictions:
(a) If such person submitted to a chemical test which disclosed the presence of a concentration of alcohol in violation of section60-6,196and has no prior administrative license revocations on which final orders have been issued during the immediately preceding fifteen-year period at the time the order of revocation is issued:
(i) The ignition interlock permit will be immediately available fifteen days after the date of arrest or the date notice of revocation was provided to the arrested person, as long as he or she is otherwise eligible for an ignition interlock permit, upon completion of an application process for an ignition interlock permit; or
(ii) If such person is enrolled in a 24/7 sobriety program under the 24/7 Sobriety Program Act and has not violated any program conditions for drugs or alcohol after thirty consecutive days of testing, such person may apply for a 24/7 sobriety program permit as a condition of bail under the 24/7 Sobriety Program Act. Such permit shall expire at the same time as the later of any administrative license revocation being served as determined by section60-498.02;
(b) If such person submitted to a chemical test which disclosed the presence of a concentration of alcohol in violation of section60-6,196and has one or more prior administrative license revocations on which final orders have been issued during the immediately preceding fifteen-year period at the time the order of revocation is issued:
(i) The ignition interlock permit will be available beginning fifteen days after the date of arrest or the date notice of revocation was provided to the arrested person plus forty-five additional days of no driving, as long as he or she is otherwise eligible for an ignition interlock permit, upon completion of an application process for an ignition interlock permit; or
(ii) If such person is enrolled in the 24/7 sobriety program under the 24/7 Sobriety Program Act and has not violated any program conditions for drugs or alcohol after thirty consecutive days of testing, such person may apply for a 24/7 sobriety program permit as a condition of bail under the 24/7 Sobriety Program Act any time after the expiration of the forty-five day no driving period referred to in subdivision (8)(b)(i) of this section;
(c) If such person refused to submit to a chemical test of blood, breath, or urine as required by section60-6,197:
(i) The ignition interlock permit will be available beginning fifteen days after the date of arrest plus ninety additional days of no driving, as long as he or she is otherwise eligible for an ignition interlock permit, upon completion of an application process for an ignition interlock permit; or
(ii) If such person is enrolled in the 24/7 sobriety program under the 24/7 Sobriety Program Act and has not violated any program conditions for drugs or alcohol after thirty consecutive days of testing, the person may apply for a 24/7 sobriety program permit as a condition of bond under the 24/7 Sobriety Program Act any time after the expiration of the ninety-day no driving period referred to in subdivision (8)(c)(i) of this section. Such permit shall expire at the same time as the later of any administrative license revocation being served as determined by section60-498.02; and
(d) Any person who petitions for an administrative license revocation hearing shall not be eligible for an ignition interlock permit or a 24/7 sobriety program permit unless ordered by the court at the time of sentencing for the related criminal proceeding.
(9) The director shall adopt and promulgate rules and regulations to govern the conduct of the administrative license revocation hearing and insure that the hearing will proceed in an orderly manner. The director may appoint a hearing officer to preside at the hearing, administer oaths, examine witnesses, take testimony, and report to the director. Any motion for discovery filed by the petitioner shall entitle the prosecutor to receive full statutory discovery from the petitioner upon a prosecutor's request to the relevant court pursuant to section29-1912in any criminal proceeding arising from the same arrest. A copy of the motion for discovery shall be filed with the department and a copy provided to the prosecutor in the jurisdiction in which the petitioner was arrested. Incomplete discovery shall not stay the hearing unless the petitioner requests a continuance. All proceedings before the hearing officer shall be recorded. Upon receipt of the arresting peace officer's sworn report, the director's order of revocation has prima facie

validity and it becomes the petitioner's burden to establish by a preponderance of the evidence grounds upon which the operator's license revocation should not take effect. The director shall make a determination of the issue within seven days after the conclusion of the hearing. A person whose operator's license is revoked following a hearing requested pursuant to this section may appeal the order of revocation as provided in section60-498.04.

(10) Any person who tampers with or circumvents an ignition interlock device installed pursuant to sections60-498.01to60-498.04or who operates a motor vehicle not equipped with a functioning ignition interlock device required pursuant to such sections or otherwise is in violation of the purposes for operation indicated on the ignition interlock permit under such sections shall, in addition to any possible criminal charges, have his or her revocation period and ignition interlock permit extended for six months beyond the end of the original revocation period.

(11) A person under the age of eighteen years who holds any license or permit issued under the Motor Vehicle Operator's License Act and has violated subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198shall not be eligible for an ignition interlock permit or a 24/7 sobriety program permit.

60-498.02.

Driving under influence of alcohol; revocation of operator's license; reinstatement; procedure; ignition interlock permit; restriction on operation of motor vehicle.

(1) At the expiration of fifteen days after the date of arrest as described in subsection (2) of section60-6,197or if after a hearing pursuant to section60-498.01the director finds that the operator's license should be revoked, the director shall (a) revoke the operator's license of a person arrested for refusal to submit to a chemical test of blood, breath, or urine as required by section60-6,197for a period of one year and (b) revoke the operator's license of a person who submits to a chemical test pursuant to such section which discloses the presence of a concentration of alcohol specified in section60-6,196for a period of one hundred eighty days unless the person's driving record abstract maintained in the department's computerized records shows one or more prior administrative license revocations on which final orders have been issued during the immediately preceding fifteen-year period at the time the order of revocation is issued, in which case the period of revocation shall be one year. Except as otherwise provided in section60-6,211.05, a new operator's license shall not be issued to such person until the period of revocation has elapsed. If the person subject to the revocation is a nonresident of this state, the director shall revoke only the nonresident's operating privilege as defined in section60-474of such person and shall immediately forward the operator's license and a statement of the order of revocation to the person's state of residence.

(2) A person operating a motor vehicle under an ignition interlock permit issued pursuant to sections60-498.01to60-498.04shall only operate a motor vehicle equipped with an ignition interlock device. All permits issued pursuant to such sections shall indicate that the permit is not valid for the operation of any commercial motor vehicle.

(3) A person may have his or her eligibility for a license reinstated upon payment of a reinstatement fee as required by section60-694.01.

(4)(a) A person whose operator's license is subject to revocation pursuant to subsection (3) of section60-498.01shall have all proceedings dismissed or his or her operator's license immediately reinstated without payment of the reinstatement fee upon receipt of suitable evidence by the director that:

(i) The prosecuting attorney responsible for the matter declined to file a complaint alleging a violation of section60-6,196or a city or village ordinance enacted in conformance with such section or dismissed a filed complaint alleging a violation of section60-6,196or a city or village ordinance enacted in conformance with such section prior to trial;

(ii) The defendant, after trial, was found not guilty of violating section60-6,196or a city or village ordinance enacted in conformance with such section; or

(iii) In the criminal action on the charge of a violation of section60-6,196or a city or village ordinance enacted in conformance with such section arising from the same incident, the court held one of the following:

(A) The peace officer did not have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section60-6,196or a city or village ordinance enacted in conformance with such section; or

(B) The person was not operating or in the actual physical control of a motor vehicle while having an alcohol concentration in violation of section60-6,196or a city or village ordinance enacted in conformance with such section.

(b) The director shall adopt and promulgate rules and regulations establishing standards for the presentation of suitable evidence of compliance with subdivision (a) of this subsection.

(c) If a criminal charge is filed or refiled for a violation of section60-6,196or a city or village ordinance enacted in conformance with such section pursuant to an arrest for which all administrative license revocation proceedings were dismissed under this subsection, the director, upon notification or discovery, may reinstate an administrative license revocation under this section as of the date that the director receives notification of the filing or refiling of the charge, except that a revocation shall not be reinstated if it was dismissed pursuant to section60-498.01.

60-498.03.

Operator's
license revocation decision; notice; contents.

(1)

The director shall reduce the
decision revoking an operator's license under sections60-498.01to60-498.04to writing, and the director shall notify the person in writing of the revocation.
The notice shall set forth the period of revocation and be served by mailing
it to such person to the address provided to the director at
the administrative license
revocation hearing or, if the person does not appear at the hearing,
to the address appearing on the records of the director. If the address on
the director's records differs from the address on the arresting peace officer's
report, the notice shall be sent to both addresses.
(2) If the director does not revoke the operator's license,
the director shall immediately notify the person in writing of the decision.
The notice shall set forth the time and place the person may obtain his or
her license. The notice shall be mailed as provided in subsection (1) of
this section. No reinstatement fee shall be charged for return of the confiscated
operator's license pursuant to this subsection.

60-498.04.
License revocation;
appeal; notice of judgment.
Any person who feels
himself or herself aggrieved because of the revocation of his or her operator's
license under sections60-498.01to60-498.04may appeal therefrom to the
district court of the county where the alleged events occurred for which he
or she was arrested, and the
appeal shall be in accordance with section84-917. The district
court shall allow any party to an appeal to appear by telephone at any proceeding
before the court for purposes of the appeal. Such appeal shall not suspend the order of revocation. The court shall provide notice of the final judgment
to the department.

60-499.
Revocation; when authorized.
The director may revoke the operator's license of a person upon receipt of a copy of a judgment of conviction from the trial magistrate or judge which states that the licensee:
(1) Has committed an offense for which mandatory revocation is required upon conviction as set forth in section60-498;
(2) Has been involved as a driver in an accident resulting in the death or personal injury of another or in serious property damage;
(3) Is a habitually reckless or negligent driver of a motor vehicle;
(4) Is a habitual violator of the traffic laws;
(5) Is incompetent to drive a motor vehicle;
(6) Has permitted an unlawful or fraudulent use of such license;
(7) Was not entitled to the issuance of the license;
(8) Failed to give the required or correct information in his or her application;
(9) Committed fraud in his or her application process; or
(10) Has, as a nonresident, suffered revocation or suspension of his or her operator's license or of his or her driving privilege by the trial court and the director and has, during the period of revocation or suspension, violated the terms of that revocation or suspension by exercising the driving privilege under a new operator's license fraudulently obtained or otherwise.

60-499.01.
Revocation; reinstatement fee.
Whenever an operator's license is revoked under the Motor Vehicle Operator's License Act, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles to reinstate his or her eligibility for a license in addition to complying with the other provisions of the act. The reinstatement fee shall be one hundred twenty-five dollars. The department shall remit the fees to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

60-4,100.
Suspension; when authorized; citation; lack of financial ability to pay; hearing; determination; court or magistrate; powers; order; operate as release.
(1) Any resident of this state who has violated a promise to comply with the terms of a traffic citation issued by a law enforcement

officer for a moving violation in any jurisdiction outside this state pursuant to the Nonresident Violator Compact of 1977 or in any jurisdiction inside this state shall be subject to having his or her operator's license suspended pursuant to this section.
(2) The court having jurisdiction over the offense for which the citation has been issued shall notify the director of a resident's violation of a promise to comply with the terms of the citation after thirty working days have elapsed from the date of the failure to comply, unless within such thirty working days the resident appears before the clerk of the county court having jurisdiction over the offense to request a hearing pursuant to subsection (3) of this section to establish that such resident lacks the financial ability to pay the citation.
(3) A hearing requested under subsection (2) of this section shall be set before the court or magistrate on the first regularly scheduled court date following the request. At the hearing, the resident shall have the opportunity to present information as to his or her income, assets, debts, or other matters affecting his or her financial ability to pay the citation. Following the hearing, the court or magistrate shall determine the resident's financial ability to pay the citation, including his or her financial ability to pay in installments.
(4)(a) Except as provided in subdivision (4)(c) of this section, if the court or magistrate determines under subsection (3) of this section that the resident is financially able to pay the citation and the resident refuses to pay, the court or magistrate shall either:
(i) Notify the director of the resident's violation of a promise to comply with the terms of the citation; or
(ii) Postpone the hearing for a period of no more than one month during which period the court or magistrate may order the resident to complete such hours of community service as the court or magistrate deems appropriate, subject to a total limit of twenty hours. At the end of such period, if the resident has completed such community service to the satisfaction of the court or magistrate, the court or magistrate shall enter an order pursuant to subsection (5) of this section discharging the resident of the obligation to pay such citation and shall notify the director. If the resident has not completed such community service to the satisfaction of the court or magistrate, the court or magistrate shall notify the director of the resident's violation of a promise to comply with the terms of the citation. A hearing may only be postponed once under this subdivision.
(b) If the court or magistrate determines under subsection (3) of this section that the resident is financially unable to pay the citation, the court or magistrate shall either:
(i) Enter an order pursuant to subsection (5) of this section discharging the resident of the obligation to pay such citation;
(ii) Postpone the hearing for a period of no more than one month during which period the court or magistrate may order the resident to complete such hours of community service as the court or magistrate deems appropriate, subject to a total limit of twenty hours. At the end of such period, if the resident has completed such community service to the satisfaction of the court or magistrate, the court or magistrate shall enter an order pursuant to subsection (5) of this section discharging the resident of the obligation to pay such citation and shall notify the director. If the resident has not completed such community service to the satisfaction of the court or magistrate, the court or magistrate shall notify the director of the resident's violation of a promise to comply with the terms of the citation. A hearing may only be postponed once under this subdivision.
(c) If the court or magistrate determines under subsection (3) of this section that the resident is financially able to pay in installments and the resident agrees to make such payments, the court or magistrate shall make arrangements suitable to the court or magistrate and to the resident by which the resident may pay in installments. The court or magistrate shall enter an order specifying the terms of such arrangements and the dates on which payments are to be made. If the resident fails to pay an installment, the court or magistrate shall notify the director of the resident's violation of a promise to comply with the terms of the citation unless the resident requests a hearing from the clerk of the county court on or before ten working days after such installment was due. At the hearing, the resident shall show good cause for such failure, including financial inability to pay. If, following such hearing, the court or magistrate finds:
(i) That the resident has not demonstrated good cause for such failure, the court or magistrate shall either notify the director of the resident's violation of a promise to comply with the terms of the citation or postpone the hearing and order community service pursuant to subdivision (4)(a)(ii) of this section;
(ii) That the resident remains financially able to pay but has demonstrated good cause for such missed installment, the court or magistrate shall make any necessary modifications to the order specifying the terms of the installment payments; or
(iii) That the resident has become financially unable to pay, the court or magistrate shall enter an order pursuant to subsection (5) of this section discharging the resident of the obligation to pay such citation and shall notify the director.
(5) An order discharging the resident of the obligation to pay a traffic citation shall be set forth in or accompanied by a judgment entry. Such order shall operate as a complete release of such payment obligation.
(6) Upon notice to the director that a resident has violated a promise to comply with the terms of a traffic citation as provided in this section, the director shall send written notice to such resident by regular United States mail to the resident's last-known mailing address or, if such address is unknown, to the last-known residence address of such resident as shown by the records of the department. Such notice shall state that such resident has twenty working days after the date of the notice to show the director that the resident has complied with the terms of such traffic citation. If the resident fails to show the director that he or she has complied with the terms of such traffic citation on or before twenty working days after the date of the notice, the director shall summarily suspend the operator's license and issue an order. The order shall be sent by regular United States mail to the resident's last-known mailing address as shown by the records of the department. The suspension shall continue until the resident has furnished the director with satisfactory evidence of compliance with the terms of the citation.
(7) The reinstatement fee required under section60-4,100.01shall be waived if five years have passed since issuance of the license suspension order under this section.

(8) The performance or completion of an order to complete community service under this section may be supervised or confirmed by a community correctional facility or program or another similar entity as ordered by the court or magistrate.
(9) For purposes of this section:
(a) Agency means any public or governmental unit, institution, division, or agency or any private nonprofit organization which provides services intended to enhance the social welfare or general well-being of the community, which agrees to accept community service from residents under this section and to supervise and report the progress of such community service to the court or magistrate;
(b) Community correctional facility or program has the same meaning as in section47-621; and
(c) Community service means uncompensated labor for an agency to be performed by a resident when the resident is not working or attending school.

60-4,100.01.
Suspension; reinstatement fee.
Whenever an operator's license is suspended under the Motor Vehicle Operator's License Act, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles as a prerequisite to reinstatement of such license in addition to complying with the other provisions of the act. Upon expiration of the applicable period of suspension and payment of the reinstatement fee, the operator's license shall be returned unless it is no longer valid. The reinstatement fee shall be fifty dollars. The department shall remit the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-4,102.
Nonresident; driving privilege; revocation, suspension, or impoundment.
The privilege of driving a motor vehicle on the highways of this state given to a nonresident shall be subject to suspension or revocation by the director or revocation or impoundment by the trial magistrate or judge in like manner and for like cause as an operator's license may be suspended, revoked, or impounded. The director may, upon receiving a copy of a judgment of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, transmit a certified copy of such judgment of conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident.

60-4,103.
Nonresident; violating terms of order; effect.
Any nonresident who violates the terms of the court or administrative order by which his or her operator's license or driving privilege was revoked, suspended, or impounded shall be subject to section60-4,108.

60-4,104.
Revocation or suspension; order of director; prima facie evidence.
A copy of the order of the director suspending or revoking any operator's license or the privilege of operating a motor vehicle, duly certified by the director and bearing the seal of the Department of Motor Vehicles, shall be admissible in evidence without further proof and shall be prima facie evidence of the facts therein stated in any proceeding, civil or criminal, in which such suspension or revocation is an issuable fact.

60-4,105.
Appeal; procedure.
(1) Unless otherwise provided by statute, any person aggrieved by a final decision or order of the director or the Department of Motor Vehicles to cancel, suspend, revoke, or refuse to issue or renew any operator's license, any decision of the director, or suspension of an operator's license under the License Suspension Act may appeal to either the district court of the county in which the person originally applied for the license or the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County within thirty days after the date of the final decision or order.
(2) Summons shall be served on the department within thirty days after the filing of the petition in the manner provided for service of a summons in section25-510.02. Within thirty days after service of the petition and summons, the department shall prepare and transmit to the petitioner a certified copy of the official record of the proceedings before the department. The department shall require payment of a five-dollar fee prior to the transmittal of the official record. The petitioner shall file the transcript with the court within fourteen days after receiving the transcript from the department.
(3) The district court shall hear the appeal as in equity without a jury and determine anew all questions raised before the director. Either party may appeal from the decision of the district court to the Court of Appeals.
(4) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

60-4,106.
Appeal; effect.
Appeal from the sentence of conviction shall constitute an appeal from the revocation of the operator's license of the person so convicted.

60-4,107.
Suspension or revocation; operation of vehicle prohibited; employment driving permit or medical hardship driving permit excepted.
Any resident or nonresident whose operator's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in the Motor Vehicle Operator's License Act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and if permitted under the act. Such persons shall be eligible to operate a motor vehicle, except a commercial motor vehicle, under an employment driving permit as provided by section60-4,129or a medical hardship driving permit as provided in section60-4,130.01.

60-4,108.
Operating motor vehicle during period of suspension, revocation, or impoundment; penalties; juvenile; violation; handled in juvenile court.
(1) It shall be unlawful for any person to operate a motor vehicle during any period that he or she is subject to a court order not to operate any motor vehicle for any purpose or during any period that his or her operator's license has been revoked or impounded pursuant to conviction or convictions for violation of any law or laws of this state, by an order of any court, or by an administrative order of the director. Except as otherwise provided by subsection (3) of this section or by other law, any person so offending shall (a) for a first such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court and also order the operator's license of such person to be revoked for a like period, unless the person was placed on probation, then revocation may be ordered at the court's discretion, (b) for a second or third such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the operator's license of such person to be revoked for a like period, and (c) for a fourth or subsequent such offense, be guilty of a Class I misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(2) It shall be unlawful for any person to operate a motor vehicle (a) during any period that his or her operator's license has been suspended, (b) after a period of revocation but before issuance of a new license, or (c) after a period of impoundment but before the return of the license. Except as provided in subsection (3) of this section, any person so offending shall be guilty of a Class III misdemeanor, and the court may, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, except that if the person at the time of sentencing shows proof of reinstatement of his or her suspended operator's license, proof of issuance of a new license, or proof of return of the impounded license, the person shall only be fined in an amount not to exceed one hundred dollars. If the court orders the person not to operate a motor vehicle for a period of one year from the date ordered by the court, the court shall also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(3) If a juvenile whose operator's license or permit has been impounded by a juvenile court operates a motor vehicle during any period that he or she is subject to the court order not to operate any motor vehicle or after a period of impoundment but before return of the license or permit, such violation shall be handled in the juvenile court and not as a violation of this section.

60-4,109.
Operating motor vehicle during period of suspension, revocation, or impoundment; city or village ordinance; penalties.
(1) Upon conviction of any person in any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person during any period that he or she is subject to a court order not to operate any motor vehicle for any purpose or during any period that his or her operator's license has been revoked or impounded pursuant to any law of this state, such person shall (a) for a first such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court and also order the operator's license of such person to be revoked for a like period, unless the person was placed on probation, then revocation may be ordered at the court's discretion, and (b) for each subsequent such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(2) Upon conviction of any person in any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person (a) during any period that his or her operator's license has been suspended pursuant to any law of this state, (b) after a period of revocation but before issuance of a new license, or (c) after a period of impoundment but before the return of the license, such person shall be guilty of a Class III misdemeanor, and the court may, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date ordered by the court, except that if the person at the time of sentencing shows proof of reinstatement of his or her suspended operator's license,

proof of issuance of a new license, or proof of return of the impounded license, the person shall only be fined in an amount not to exceed one hundred dollars. If the court orders the person not to operate a motor vehicle for a period of one year after the date ordered by the court, the court shall also order the operator's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

60-4,110.
Operating motor vehicle during period of suspension, revocation, or impoundment; impounding of motor vehicle; release, when authorized; restitution authorized.
(1) Every motor vehicle, regardless of the registered owner of the motor vehicle, being operated by a person whose operator's license has been suspended, revoked, or impounded pursuant to a conviction or convictions for violation of section60-6,196,60-6,197,60-6,211.01, or60-6,211.02or by an order of any court or an administrative order of the director is hereby declared a public nuisance. The motor vehicle may be seized upon the arrest of the operator of the motor vehicle and impounded at the expense of the owner of the motor vehicle. If such operator's license is suspended, revoked, or impounded pursuant to subdivision (1)(c) of section60-4,108or section60-498.01,60-498.02,60-6,196,60-6,197,60-6,211.01, or60-6,211.02, the motor vehicle shall be impounded for not less than ten days nor more than thirty days. No motor vehicle impounded under this section shall be impounded for a period of time exceeding thirty days except as provided in subsection (3) of this section.
(2) Any motor vehicle impounded shall be released:
(a) To the holder of a bona fide lien on the motor vehicle executed prior to such impoundment when possession of the motor vehicle is requested as provided by law by such lienholder for purposes of foreclosing and satisfying his or her lien on the motor vehicle;
(b) To the titled owner of the motor vehicle when the titled owner is a lessor. Upon learning the address or telephone number of the rental or leasing company which owns the motor vehicle, the impounding law enforcement agency shall immediately contact the company and inform it that the motor vehicle is available for the company to take possession; or
(c) To the registered owner, a registered co-owner, or a spouse of the owner upon good cause shown by an affidavit or otherwise to the court before which the complaint is pending against the operator that the impounded motor vehicle is essential to the livelihood of the owner, co-owner, or spouse or the dependents of such owner, co-owner, or spouse.
(3) Any person who, at the direction of a peace officer, tows and stores a motor vehicle pursuant to this section shall have a lien upon such motor vehicle while in his or her possession for reasonable towing and storage charges and shall have a right to retain such motor vehicle until such charges are paid.
(4) If the registered owner of a motor vehicle was not the operator of the motor vehicle whose actions caused the motor vehicle to be impounded, the registered owner of the motor vehicle may recover civilly from the operator of the motor vehicle all expenses incurred by reason of the impoundment. In the case of a criminal action, the court may order such operator of the motor vehicle to pay restitution to the registered owner in an amount equal to any expenses incurred with respect to impoundment.

60-4,111.
Violation; general penalty provisions.
Whoever violates any provision of the Motor Vehicle Operator's License Act for which no specific penalty is provided shall be guilty of a Class III misdemeanor.

60-4,111.01.
Storage or compilation of information; retailer; seller; authorized acts; sign posted; use of stored information; approval of negotiable instrument or certain payments; authorized acts; violations; penalty.

(1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or a state identification card for their statutorily authorized purposes.
(2) Except as otherwise provided in subsection (3) or (4) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, sell, or share such information. Any person who trades, sells, or shares such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (3) or (4) of this section shall be guilty of a Class IV felony.
(3)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The retailer may store only the following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity.
(b) For purposes of compliance with the provisions of sections28-458to28-462, a seller who sells methamphetamine precursors pursuant to such sections may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The seller may store only the following information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification. The seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The stored information may only be used by law enforcement agencies, regulatory agencies, and the exchange for purposes of enforcement of the restrictions on the sale or purchase of methamphetamine precursors pursuant to sections28-458to28-462and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section28-458.
(c) The retailer or seller shall utilize software that stores only the information allowed by this subsection. A programmer for computer software designed to store such information shall certify to the retailer that the software stores only the information allowed by this subsection. Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number or wrongfully certifying the software shall be a Class IV felony.
(d) A retailer or seller who knowingly stores more information than authorized under this subsection from the operator's license or state identification card shall be guilty of a Class IV felony.
(e) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.
(4) In order to approve a negotiable instrument, an electronic funds transfer, or a similar method of payment, a person having use of or access to machine-readable information encoded on an operator's license or a state identification card may:
(a) Scan, compile, store, or preserve such information in order to provide the information to a check services company subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., as such act existed on January 1, 2024, for the purpose of effecting, administering, or enforcing a transaction requested by the holder of the license or card or preventing fraud or other criminal activity; or
(b) Scan and store such information only as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to resolve a dispute or inquiry by the holder of the license or card.
(5) Except as provided in subdivision (4)(a) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to or shared with a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

60-4,112.
Sections; applicability.
Sections60-4,114.01and60-4,118.01to60-4,130.05shall apply to the operation of any motor vehicle except a commercial motor vehicle.

60-4,113.
Examining personnel; appointment; duties; examinations; issuance of certificate or receipt; license; state identification card; county treasurer; duties; delivery of license or card.
(1) The director shall appoint as his or her agents one or more department personnel who shall examine all applicants for a state identification card or an operator's license as provided in section60-4,114, except as otherwise provided in subsection (8) of section60-4,122. The same department personnel may be assigned to one or more counties by the director. In counties in which the county treasurer collects the fees and issues receipts, the county shall furnish office space for the administration of the operator's license examination. Department personnel shall conduct the examination of applicants and deliver to each successful applicant an issuance certificate or receipt. The certificate may be presented to the county treasurer within ninety days after issuance, and the county treasurer shall collect the fee and surcharge as provided in section60-4,115and issue a receipt which is valid for up to thirty

days. If an operator's license is being issued, the receipt shall also authorize driving privileges for such thirty-day period. If department personnel refuse to issue an issuance certificate or receipt, the department personnel shall state such cause in writing and deliver such written cause to the applicant.
(2) The department may provide for the central production and issuance of operators' licenses and state identification cards. Production shall take place at a secure production facility designated by the director. The licenses and cards shall be of such a design and produced in such a way as to discourage, to the maximum extent possible, fraud in applicant enrollment, identity theft, and the forgery and counterfeiting of such licenses and cards. Delivery of an operator's license or state identification card shall be to the mailing address provided by the applicant at the time of application and may be provided by secure electronic delivery to specified contact information at the request of the applicant.

60-4,114.
County treasurer; personnel; examination of applicant; denial or refusal of certificate; appeal; medical opinion.
(1) The county treasurer may employ such additional clerical help as may be necessary to assist him or her in the performance of the ministerial duties required of him or her under the Motor Vehicle Operator's License Act and, for such additional expense, shall be reimbursed as set out in section60-4,115.
(2) The director may, in his or her discretion, appoint department personnel to examine any applicant who applies for an initial license or whose license has been revoked or canceled to ascertain such person's ability to operate a motor vehicle properly and safely. Beginning on an implementation date designated by the director on or before January 1, 2022, the director may, in addition to appointing department personnel, appoint driver safety course instructors to examine any applicant who applies for an initial Class O operator's license or whose Class O operator's license has been revoked or canceled to ascertain such person's ability to operate a motor vehicle properly and safely.
(3) Except as otherwise provided in section60-4,122, the application process, in addition to the other requisites of the act, shall include the following:
(a) An inquiry into the medical condition and visual ability of the applicant to operate a motor vehicle;
(b) An inquiry into the applicant's ability to drive and maneuver a motor vehicle, except that no driving skills test shall be conducted using an autocycle; and
(c) An inquiry touching upon the applicant's knowledge of the motor vehicle laws of this state, which shall include sufficient questions to indicate familiarity with the provisions thereof. Such knowledge inquiry may be performed remotely if proctored by an agent approved by the director.
(4) If an applicant is denied or refused a certificate for license or a license is canceled, such applicant or licensee shall have the right to an immediate appeal to the director from the decision. It shall be the duty of the director to review the appeal and issue a final order, to be made not later than ten days after the receipt of the appeal by the director. The director shall issue a final order not later than ten days following receipt of the medical opinion if the applicant or licensee submits reports from a physician of his or her choice for the director's consideration as provided in section60-4,118.03. The applicant or licensee who files an appeal pursuant to this section shall notify the director in writing if he or she intends to submit records or reports for consideration. Such notice must be received by the director not later than ten days after an appeal is filed pursuant to this section to stay the director's decision until after the consideration of such records or reports as provided in section60-4,118.03. After consideration of evidence in the records of the applicant or licensee, including any records submitted by the applicant or licensee, the director shall make a determination of the physical or mental ability of the applicant or licensee to operate a motor vehicle and shall issue a final order. The order shall be in writing, shall be accompanied by findings of fact and conclusions of law, and shall be sent by regular United States mail to the last-known address of the applicant or licensee. The order may be appealed as provided in section60-4,105.

60-4,114.01.
Applicant for Class O or Class
M license; issuance of LPD-learner's permit; restriction on reapplication
for license.
An
applicant for a Class O or Class M license that fails three successive tests
of his or her ability to drive and maneuver a motor vehicle safely as provided
in subdivision (3)(b) of section60-4,114may be issued an LPD-learner's permit.
The applicant shall not be eligible to reapply for the Class O or Class M
license and retake such test until he or she presents proof of successful
completion of a department-approved driver training school or until he or
she has held an LPD-learner's permit for at least ninety days.

60-4,115.
Fees; allocation; identity security surcharge; state identification card; no fee, when.
(1) Fees for operators' licenses and state identification cards shall be collected by department personnel or the county treasurer and distributed according to the table in subsection (2) of this section, except for the ignition interlock permit and associated fees as outlined in subsection (4) of this section and the 24/7 sobriety program permit and associated fees as outlined in subsection (5) of

this section. County officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund.
(2) Except as otherwise provided in subsection (7) of this section, the fees provided in this subsection in the following dollar amounts apply for operators' licenses and state identification cards.
DepartmentCountyof MotorDocumentTotalGeneralVehiclesFeeFundCash Fund
State identification card:Valid for 1 year or less5.002.752.25Valid for more than 1 yearbut not more than 2 years10.002.757.25Valid for more than 2 yearsbut not more than 3 years14.002.7511.25Valid for more than 3 yearsbut not more than 4 years19.002.7516.25Valid for more than 4 yearsfor a person under 2124.002.7521.25Valid for 5 years24.003.5020.50Replacement11.002.758.25Class O or M operator's license:Valid for 1 year or less5.002.752.25Valid for more than 1 yearbut not more than 2 years10.002.757.25Valid for more than 2 yearsbut not more than 3 years14.002.7511.25Valid for more than 3 yearsbut not more than 4 years19.002.7516.25Valid for 5 years24.003.5020.50Bioptic or telescopic lens restriction:Valid for 1 year or less5.0005.00Valid for more than 1 yearbut not more than 2 years10.002.757.25Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction5.0005.00Provisional operator's permit:Original15.002.7512.25Bioptic or telescopic lens restriction:Valid for 1 year or less5.0005.00Valid for more than 1 yearbut not more than 2 years15.002.7512.25Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction5.0005.00LPD-learner's permit:Original8.00.257.75Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction5.0005.00LPE-learner's permit:Original8.00.257.75Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction5.0005.00School permit:Original8.00.257.75Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction5.0005.00Farm permit:Original or renewal5.00.254.75Replacement5.00.254.75Add, change, or remove class,endorsement, or restriction5.0005.00Driving permits:Employment45.00045.00Medical hardship45.00045.00Replacement10.00.259.75Add, change, or remove class,endorsement, or restriction5.0005.00Commercial driver's license:Valid for 1 year or less11.001.759.25Valid for more than 1 yearbut not more than 2 years22.001.7520.25Valid for more than 2 yearsbut not more than 3 years33.001.7531.25Valid for more than 3 yearsbut not more than 4 years44.001.7542.25Valid for 5 years55.001.7553.25Bioptic or telescopic lens restriction:Valid for one year or less11.001.759.25Valid for more than 1 yearbut not more than 2 years22.001.7520.25Replacement11.002.758.25Add, change, or remove class,endorsement, or restriction10.001.758.25CLP-commercial learner's permit:Original10.00.259.75Replacement10.00.259.75Add, change, or remove class,endorsement, or restriction10.00.259.75
(3) If the department issues an operator's license or a state identification card and collects the fees, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(4)(a) The fee for an ignition interlock permit shall be forty-five dollars. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Ignition Interlock Fund.
(b) The fee for a replacement ignition interlock permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Eight dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(c) The fee for adding, changing, or removing a class, endorsement, or restriction on an ignition interlock permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(5)(a) The fee for a 24/7 sobriety program permit shall be forty-five dollars. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Five dollars of the fee shall be remitted to the county treasurer for credit to the county general fund.
(b) The fee for a replacement 24/7 sobriety program permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Eight dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(c) The fee for adding, changing, or removing a class, endorsement, or restriction on a 24/7 sobriety program permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(6) The department and its agents may collect an identity security surcharge to cover the cost of security and technology practices used to protect the identity of applicants for and holders of operators' licenses and state identification cards and to reduce identity theft, fraud, and forgery and counterfeiting of such licenses and cards to the maximum extent possible. The surcharge shall be in addition to all other required fees for operators' licenses and state identification cards. The amount of the surcharge shall be determined by the department. The surcharge shall not exceed eight dollars. The surcharge shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(7) No fee shall be charged for issuance of an original, renewal, or replacement state identification card to a resident of Nebraska who is also a United States citizen and who does not have a valid Nebraska driver's license.

60-4,115.01.
Fee payment returned or not honored; department powers; notice to applicant; contents; payment; department; duties.
(1) If a fee required under the Motor Vehicle Operator's License Act for issuance of any operator's license or state identification card has been paid by check, draft, or other financial transaction, including an electronic financial transaction, and the check, draft, or financial transaction has been returned or not honored because of insufficient funds, no account, a stop-payment order, or any other reason, the department may cancel or refuse to issue or renew the operator's license or state identification card. Such license shall

remain canceled or shall not be issued until the applicant has made full payment as required by subsection (4) of this section.
(2) Prior to taking action described in subsection (1) of this section, the department shall notify the applicant of the proposed action and the reasons for such action in writing, by first-class mail, mailed to the applicant's last-known mailing address provided by the applicant at the time of application.
(3) The department may take the action described in subsection (1) of this section no sooner than seven days after the notice required in subsection (2) of this section has been made.
(4) If an operator's license or state identification card is canceled or refused by the department pursuant to this section, the department shall issue or reinstate the operator's license or state identification card without delay upon the full payment of the fees owed by the applicant and payment of costs as authorized by section84-620.

60-4,116.
Applicant; department;
duties.
Prior to the issuance of any original or renewal
operator's license, the issuance of a replacement operator's license, or the reissuance
of any such license with a change of any classification, endorsement, or restriction,
the department shall:
(1) Check the driving record of the applicant as maintained by the department
or by any other state which has issued an operator's license to the applicant;
(2) Contact the Commercial Driver License Information System to determine
whether the applicant possesses any valid commercial
learner's permit or commercial driver's license issued by any
other state, whether such license or the applicant's privilege to operate
a commercial motor vehicle has been suspended, revoked, or canceled, or whether
the applicant has been disqualified from operating a commercial motor vehicle;
and
(3) Contact the National Driver Register to determine if the applicant
(a) has been disqualified from operating any motor vehicle, (b) has had an
operator's license suspended, revoked, or canceled, (c) is not eligible, or
(d) is deceased.

60-4,117.
Operator's license or state identification card; form; department personnel or county treasurer; duties.
(1) An applicant shall present an issuance certificate to the county treasurer for an operator's license or state identification card. Department personnel or the county treasurer shall collect the applicable fee and surcharge as prescribed in section60-4,115and issue a receipt which is valid for up to thirty days. If there is cause for an operator's license to be issued, the receipt shall also authorize driving privileges for such thirty-day period. The license or card shall be delivered as provided in section60-4,113.
(2) The operator's license and state identification card shall be in a form prescribed by the department. The license and card may include security features prescribed by the department. The license and card shall be conspicuously marked Nebraska Operator's License or Nebraska Identification Card, shall be, to the maximum extent practicable, tamper and forgery proof, and shall include the following information:
(a) The full legal name and principal residence address of the holder;
(b) The holder's full facial digital image;
(c) A physical description of the holder, including gender, height, weight, and eye and hair colors;
(d) The holder's date of birth;
(e) The holder's signature;
(f) The class of motor vehicle which the holder is authorized to operate and any applicable endorsements or restrictions;
(g) The issuance and expiration date of the license or card;
(h) The organ and tissue donation information specified in section60-494;
(i) A veteran designation as provided in section60-4,189; and
(j) Such other marks and information as the director may determine.
(3) Each operator's license and state identification card shall contain the following encoded, machine-readable information: The holder's full legal name; date of birth; gender; race or ethnicity; document issue date; document expiration date; principal residence address; unique identification number; revision date; inventory control number; and state of issuance.

60-4,118.
Vision requirements; persons with physical impairments; physical or mental incompetence; prohibited act; penalty.
(1)(a) No operator's license shall be granted to any applicant until such applicant satisfies the examiner that he or she possesses sufficient powers of eyesight to enable him or her to obtain a Class O license and to operate a motor vehicle on the highways of this state with a reasonable degree of safety, including:

(i) A minimum acuity level of vision. Such level may be obtained through the use of standard eyeglasses, contact lenses, or bioptic or telescopic lenses which are specially constructed vision correction devices which include a lens system attached to or used in conjunction with a carrier lens; and
(ii) A minimum field of vision. Such field of vision may be obtained through standard eyeglasses, contact lenses, or the carrier lens of the bioptic or telescopic lenses.
(b) The department may adopt and promulgate rules and regulations specifying such requirements.
(2) If a vision aid is used by the applicant to meet the vision requirements of this section, the operator's license of the applicant shall be restricted to the use of such vision aid when operating the motor vehicle. If the applicant fails to meet the vision requirements, the examiner shall require the applicant to present an optometrist's or ophthalmologist's statement certifying the vision reading obtained when testing the applicant within ninety days of the applicant's license examination. If the vision reading meets the vision requirements prescribed by the department, the vision requirements of this section shall have been met. If the vision reading demonstrates that the applicant is required to use bioptic or telescopic lenses to operate a motor vehicle, the statement from the optometrist or ophthalmologist shall also indicate when the applicant needs to be reexamined for purposes of meeting the vision requirements for an operator's license as prescribed by the department. If such time period is two years or more after the date of the application, the license shall be valid for two years. If such time period is less than two years, the license shall be valid for such time period.
(3) If the applicant for an operator's license discloses that he or she has any other physical impairment which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require the applicant to show cause why such license should be granted and, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the highways. If the examiner is then satisfied that such applicant has the ability to safely operate a motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate.
(4)(a) The director may, when requested by a law enforcement officer, when the director has reason to believe that a person may be physically or mentally incompetent to operate a motor vehicle, or when a person's driving record appears to the department to justify an examination, give notice to the person to appear before an examiner or a designee of the director for examination concerning the person's ability to operate a motor vehicle safely. Any such request by a law enforcement officer shall be accompanied by written justification for such request and shall be approved by a supervisory law enforcement officer, police chief, or county sheriff.
(b) A refusal to appear before an examiner or a designee of the director for an examination after notice to do so shall be unlawful and shall result in the immediate cancellation of the person's operator's license by the director.
(c) If the person cannot qualify at the examination by an examiner, his or her operator's license shall be immediately surrendered to the examiner and forwarded to the director who shall cancel the person's operator's license.
(d) If the director determines that the person lacks the physical or mental ability to operate a motor vehicle, the director shall notify the person in writing of the decision. Upon receipt of the notice, the person shall immediately surrender his or her operator's license to the director who shall cancel the person's operator's license.
(e) Refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her operator's license as required by this subsection shall be guilty of a Class III misdemeanor.

60-4,118.01.
Medical review of applicant or licensee; legislative intent.
The Legislature finds and declares that:
(1) The operation of a motor vehicle on the highways of the state is a privilege and that no person should operate a motor vehicle on the highways of this state if not physically or mentally capable of safely doing so;
(2) The approval or denial of an application for an operator's license or the revocation of an operator's license may provide or prevent an opportunity for the applicant or licensee to obtain or maintain gainful employment; and
(3) Under certain circumstances, careful medical review and evaluation of an applicant for an operator's license or of a licensee is necessary to protect the interest of the applicant or licensee and the health, safety, and welfare of the public.

60-4,118.03.
Mental, medical, or vision problems; records and reports; examinations; reports; appeal; immunity.
Whenever the director reviews the denial or cancellation of an operator's license because of mental, medical, or vision problems that may affect the person's ability to safely operate a motor vehicle as provided in sections60-4,114and60-4,118, the director may consider records and reports from a qualified physician. The applicant or licensee may cause a written report to be forwarded to the director by a physician of his or her choice pursuant to an immediate appeal to the director under section60-4,114. The director shall grant reasonable time for the applicant or licensee to submit such records. The director shall give due consideration to any such report.
Reports received by the director for the purpose of assisting the director in determining whether a person is qualified to be licensed shall be for the confidential use of the director and any designees of the director and may not be divulged to any person other than the applicant or licensee or used in evidence in any legal proceeding, except that a report may be admitted in an appeal of an order of the director based on the report. Any person aggrieved by a decision of the director made pursuant to this section may appeal the decision as provided in section60-4,105.

No person examining any applicant or licensee shall be liable in tort or otherwise for any opinion, recommendation, or report presented to the director if such action was taken in good faith and without malice.

60-4,118.05.
Age requirements; license issued; when.
(1) No operator's license referred to in section60-4,118shall, under any circumstances, be issued to any person who has not attained the age of seventeen years.
(2) No operator's license shall be issued to a person under eighteen years of age applying for an operator's license under section60-4,118unless such person:
(a) Has possessed a valid provisional operator's permit for at least a twelve-month period beginning on the date of issuance of such person's provisional operator's permit; and
(b) Has not accumulated three or more points pursuant to section60-4,182during the twelve-month period immediately preceding the date of the application for the operator's license.
(3) The department may waive the written examination and the driving test required under section60-4,118for any person seventeen to twenty-one years of age applying for his or her initial operator's license if he or she has been issued a provisional operator's permit. The department shall not waive the written examination and the driving test required under this section if the person is applying for a CLP-commercial learner's permit or commercial driver's license or if the operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the provisional operator's permit.

60-4,118.06.
Ignition interlock permit; issued; when; operation restriction; revocation of permit by director; when.
(1) Upon receipt by the director of (a) a certified copy of a court order issued pursuant to section60-6,211.05, a certified copy of an order for installation of an ignition interlock device and issuance of an ignition interlock permit pursuant to section60-6,197.03, or a copy of an order from the Board of Pardons pursuant to section83-1,127.02, (b) sufficient evidence that the person has surrendered his or her operator's license to the department and installed an approved ignition interlock device in accordance with such order, and (c) payment of the fee provided in section60-4,115, such person may apply for an ignition interlock permit. A person subject to administrative license revocation under sections60-498.01to60-498.04shall be eligible for an ignition interlock permit as provided in such sections. The director shall issue an ignition interlock permit only for the operation of a motor vehicle equipped with an ignition interlock device. All permits issued pursuant to this subsection shall indicate that the permit is not valid for the operation of any commercial motor vehicle.
(2) Upon expiration of the revocation period or upon expiration of an order issued by the Board of Pardons pursuant to section83-1,127.02, a person may apply to the department in writing for issuance of an operator's license. Regardless of whether the license surrendered by such person under subsection (1) of this section has expired, the person shall apply for a new operator's license pursuant to the Motor Vehicle Operator's License Act.
(3)(a) An ignition interlock permit shall not be issued under this section or sections60-498.01to60-498.04to any person except in cases of a violation of subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198.
(b) An ignition interlock permit shall only be available to a holder of a Class M or O operator's license.
(4) The director shall revoke a person's ignition interlock permit issued under this section or sections60-498.01to60-498.04upon receipt of an (a) abstract of conviction indicating that the person had his or her operating privileges revoked or canceled or (b) administrative order revoking or canceling the person's operating privileges, if such conviction or order resulted from an incident other than the incident which resulted in the application for the ignition interlock permit.

60-4,119.
Operators' licenses; state identification cards; digital image and digital signature; issuance; procedure.
(1) All state identification cards and operators' licenses, except farm permits, shall include a digital image and a digital signature of the cardholder or licensee as provided in section60-484.02. Receipts for state identification cards and operators' licenses shall include a digital image of the cardholder or licensee and shall be issued by the county treasurer or the Department of Motor Vehicles. The director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the issuance of the licenses and cards. All costs incurred by the Department of Motor Vehicles under this section shall be paid by the state out of appropriations made to the department. All costs of capturing the digital images and digital signatures shall be paid by the issuer from the fees provided to the issuer pursuant to section60-4,115.

(2) A person who is out of the state at the time of renewal of his or her operator's license may apply for a license upon payment of a fee as provided in section60-4,115. The license may be issued at any time within one year after the expiration of the original license. Such application shall be made to the department, and the department shall issue the license.
(3) Any operator's license and any state identification card issued to a minor as defined in section53-103.23, as such definition may be amended from time to time by the Legislature, shall be of a distinct designation, of a type prescribed by the director, from the operator's license or state identification card of a person who is not a minor.

60-4,120.
Operator's license; state identification card; replacement.
(1) Any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card may make application to the department for a replacement license or card.
(2) If any person changes his or her name because of marriage or divorce or by court order or a common-law name change, he or she shall apply to the department for a replacement operator's license or state identification card and furnish proof of identification in accordance with section60-484. If any person changes his or her address, the person shall apply to the department for a replacement operator's license or state identification card and furnish satisfactory evidence of such change. The application shall be made within sixty days after the change of name or address.
(3) In the event a mutilated or unreadable operator's license is held by any person duly licensed under the act or a mutilated or unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card. Upon report of the mutilated or unreadable license or card and application for a replacement license or card, a replacement license or card may be issued if the department is satisfied that the original license or card is mutilated or unreadable.
(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may make application to the department for a replacement operator's license or card by applying to the department and reporting such loss. Upon receipt of a correctly completed application, the department shall cause to be issued a replacement operator's license or card.
(5) Any person who holds a valid operator's license or state identification card without a digital image shall surrender such license or card to the department within thirty days after resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid and no license or card shall be issued until the individual has made application for replacement or renewal.
(6) Application for a replacement operator's license or state identification card shall include the information required under sections60-484,60-484.04, and60-484.07.
(7) An applicant may obtain a replacement operator's license or state identification card pursuant to subsection (1) or (3) of this section by electronic means in a manner prescribed by the department. No replacement license or card shall be issued unless the applicant has a digital image and digital signature preserved in the digital system.
(8) Each replacement operator's license or state identification card shall be issued with the same expiration date as the license or card for which the replacement is issued. The replacement license or card shall also state the new issuance date. Upon issuance of any replacement license or card, the license or card for which the replacement is issued shall be void.
(9) A replacement operator's license or state identification card issued under this section shall be delivered to the applicant as provided in section60-4,113after the county treasurer or department collects the fee and surcharge prescribed in section60-4,115and issues the applicant a receipt with driving privileges which is valid for up to thirty days. The receipt shall contain the digital image of the applicant.

60-4,120.01.
Provisional operator's permit; application; issuance; operation restrictions.
(1)(a) Any person who is at least sixteen years of age but less than eighteen years of age may be issued a provisional operator's permit by the Department of Motor Vehicles. The provisional operator's permit shall expire on the applicant's eighteenth birthday.
(b) No provisional operator's permit shall be issued to any person unless such person:
(i) Has possessed a valid LPD-learner's permit, LPE-learner's permit, or SCP-school permit for at least a six-month period beginning on the date of issuance of such person's LPD-learner's permit, LPE-learner's permit, or SCP-school permit; and
(ii) Has not accumulated three or more points pursuant to section60-4,182during the six-month period immediately preceding the date of the application for the provisional operator's permit.
(c) The requirements for the provisional operator's permit prescribed in subdivisions (2)(a) and (b) of this section may be completed prior to the applicant's sixteenth birthday. A person may apply for a provisional operator's permit and take the driving test and the written examination, if required, at any time within sixty days prior to his or her sixteenth birthday upon proof of age in the manner provided in section60-484.
(2) In order to obtain a provisional operator's permit, the applicant shall present (a)(i) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (A) the effects of the consumption of alcohol on a person operating a motor vehicle, (B) occupant protection systems, (C) risk assessment, and (D) railroad crossing safety and (ii) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (b) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation including at least ten hours of motor vehicle operation between sunset and sunrise, under conditions that reflect department-approved driver

safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. If the applicant presents such a certificate, the applicant shall be required to successfully complete a driving test administered by the department. The written examination shall be waived if the applicant has been issued a Nebraska LPD-learner's permit or has been issued a Nebraska LPE-learner's permit and such permit is valid or has been expired for no more than one year. However, the department shall not waive the written examination if the provisional operator's permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPD-learner's or LPE-learner's permit. Upon presentation by the applicant of a form prescribed by the department showing successful completion of the driver safety course, the written examination and driving test may be waived. Upon presentation of the certificate, the written examination but not the driving test may be waived. Licensing staff shall waive the written examination and the driving test if the applicant has been issued a school permit and such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the provisional operator's permit being applied for contains a class or endorsement which is different from the class or endorsement of the school permit.
(3)(a) The holder of a provisional operator's permit shall only operate a motor vehicle on the highways of this state during the period beginning at 6 a.m. and ending at 12 midnight except when he or she is en route to or from his or her residence to his or her place of employment or a school activity. The holder of a provisional operator's permit may operate a motor vehicle on the highways of this state at any hour of the day or night if accompanied by a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state.
(b) The holder of a provisional operator's permit shall only operate a motor vehicle on the highways of this state during the first six months of holding the permit with no more than one passenger who is not an immediate family member and who is under nineteen years of age.
(c) The holder of a provisional operator's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state.
(d) Enforcement of subdivisions (a), (b), and (c) of this subsection shall be accomplished only as a secondary action when the holder of the provisional operator's permit has been cited or charged with a violation of some other law.
(4) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section60-4,115for the issuance of each provisional operator's permit.

60-4,120.02.
Provisional operator's permit; violations; revocation; not eligible for ignition interlock permit.
(1) Any person convicted of violating a provisional operator's permit issued pursuant to section60-4,120.01by operating a motor vehicle in violation of subsection (3) of such section shall be guilty of an infraction and may have his or her provisional operator's permit revoked by the court pursuant to section60-496for a time period specified by the court. Before such person applies for another provisional operator's permit, he or she shall pay a reinstatement fee as provided in section60-499.01after the period of revocation has expired.
(2) A copy of an abstract of the court's conviction, including an adjudication, shall be transmitted to the director pursuant to sections60-497.01to60-497.04.
(3) Any person who holds a provisional operator's permit and has violated subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198shall not be eligible for an ignition interlock permit.
(4) For purposes of this section, conviction includes any adjudication of a juvenile.

60-4,121.
Military service; renewal of operator's
license; period valid.
(1) The operator's license of any person serving on active duty, other
than members of the National Guard or reserves activated for training purposes
only, outside the State of Nebraska as a member of the United States Armed
Forces, or the spouse of any such person or a dependent of such member of
the armed forces, shall be valid during such person's period of active duty
and for not more than sixty days immediately following such person's date
of separation from service.
(2) Each individual who is
applying for renewal of his or her operator's license shall submit his or
her previous license to the department personnel or, when
the previous license is unavailable, furnish proof of identification in accordance
with section60-484.

60-4,122.
Operator's license; state identification card; renewal procedure; law examination; exceptions; department; powers and duties.
(1) Except as otherwise provided in subsections (2), (3), and (8) of this section, no original or renewal operator's license shall be

issued to any person until such person has demonstrated his or her ability to operate a motor vehicle safely as provided in section60-4,114.
(2) Except as otherwise provided in this section and section60-4,127, any person who renews his or her Class O or Class M license shall demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (3)(b) of section60-4,114only at the discretion of department personnel, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.
(3) Any person who renews his or her Class O or Class M license prior to or within one year after its expiration may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3)(c) of section60-4,114if his or her driving record abstract maintained in the computerized records of the department shows that such person's license is not impounded, suspended, revoked, or canceled.
(4) Except for operators' licenses issued to persons required to use bioptic or telescopic lenses, any person who renews his or her operator's license which has been valid for fifteen months or less shall not be required to take any examination required under section60-4,114.
(5) Any person who renews a state identification card shall appear before department personnel and present his or her current state identification card or shall follow the procedure for electronic renewal in subsection (9) of this section. Proof of identification shall be required as prescribed in sections60-484and60-4,181and the information and documentation required by sections60-484.04and60-484.07.
(6)(a) If a nonresident who applies for an initial operator's license in this state presents a physical or mobile valid operator's license from the individual's state of residence, the department may choose not to require such individual to demonstrate knowledge of the motor vehicle laws of this state.
(b) A physical operator's license described in subdivision (a) of this subsection shall be surrendered to the department.
(c) Upon issuing an initial operator's license described in subdivision (a) of this subsection, the department shall notify the state that issued the valid operator's license described in subdivision (a) of this subsection to invalidate such license.
(7) An applicant for an original operator's license may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she has been issued a Nebraska LPD-learner's permit that is valid or has been expired for no more than one year. The written examination shall not be waived if the original operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the Nebraska LPD-learner's permit.
(8)(a) A qualified licensee as determined by the department who is twenty-one years of age or older, whose license expires prior to his or her seventy-second birthday, and who has a digital image and digital signature preserved in the digital system may renew his or her Class O or Class M license twice by electronic means in a manner prescribed by the department using the preserved digital image and digital signature without taking any examination required under section60-4,114if such renewal is prior to or within one year after the expiration of the license, if his or her driving record abstract maintained in the records of the department shows that such person's license is not impounded, suspended, revoked, or canceled, and if his or her driving record indicates that he or she is otherwise eligible. Every licensee, including a licensee who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.
(b) In order to allow for an orderly progression through the various types of operators' licenses issued to persons under twenty-one years of age, a qualified holder of an operator's license who is under twenty-one years of age and who has a digital image and digital signature preserved in the digital system may apply for an operator's license by electronic means in a manner prescribed by the department using the preserved digital image and digital signature if the applicant has passed any required examinations prior to application, if his or her driving record abstract maintained in the records of the department shows that such person's operator's license is not impounded, suspended, revoked, or canceled, and if his or her driving record indicates that he or she is otherwise eligible.
(9) Any person who is twenty-one years of age or older and who has been issued a state identification card with a digital image and digital signature may electronically renew his or her state identification card by electronic means in a manner prescribed by the department using the preserved digital image and digital signature. Every person renewing a state identification card under this subsection, including a person who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.
(10) In addition to services available at driver license offices, the department may develop requirements for using electronic means for online issuance of operators' licenses and state identification cards to qualified holders as determined by the department.

60-4,123.
LPD-learner's permit; application; issuance; operation restrictions.
(1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the department. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to his or her fifteenth birthday but shall not be issued a permit until he or she is fifteen years of age. The written examination may be waived for any person who has been issued an LPE-learner's permit, LPD-learner's permit, or SCP-school permit that has been expired for no more than one year.
(2) Upon successful completion of the written examination and the payment of a fee and surcharge as prescribed in section60-4,115, the applicant shall be issued an LPD-learner's permit as provided in section60-4,113. The permit shall be valid for twelve months.

(3)(a) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, he or she is actually occupying the seat beside the licensed operator, (ii) in the case of an autocycle, he or she is actually occupying the seat beside or in front of the licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.
(b) The holder of an LPD-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPD-learner's permit has been cited or charged with a violation of some other law.
(4) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section60-4,115for the issuance of each LPD-learner's permit.

60-4,123.01.
Fourteen-year-old person; operation permitted.
For purposes of driver training, any person who has attained or will attain the age of fourteen years on or before October 15 of the current year may operate a motor vehicle, other than an autocycle, upon the highways of this state if he or she is accompanied or, in the case of a motorcycle, other than an autocycle, or a moped, supervised at all times by a licensed operator who is a driver training instructor certified by the Commissioner of Education.

60-4,124.
School permit; LPE-learner's permit; issuance; operation restrictions; violations; penalty; not eligible for ignition interlock permit.
(1) A person who is younger than sixteen years and three months of age but is older than fourteen years and two months of age may be issued a school permit if such person either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class and if such person has held an LPE-learner's permit for two months. A school permit shall not be issued until such person has demonstrated that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an issuance certificate authorizing the county treasurer to issue a school permit. In order to obtain an issuance certificate, the applicant shall present (a) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (i) the effects of the consumption of alcohol on a person operating a motor vehicle, (ii) occupant protection systems, (iii) risk assessment, and (iv) railroad crossing safety and (b)(i) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (ii) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. The department may waive the written examination if the applicant has been issued an LPE-learner's permit or LPD-learner's permit and if such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPE-learner's permit.
(2) A person holding a school permit may operate a motor vehicle, moped, or motorcycle or an autocycle:
(a) To and from where he or she attends school, or property used by the school he or she attends for purposes of school events or functions, over the most direct and accessible route by the nearest highway from his or her place of residence to transport such person or any family member who resides with such person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school he or she attends or on property used by the school he or she attends; or
(b) Under the personal supervision of a licensed operator. Such licensed operator shall be at least twenty-one years of age and licensed by this state or another state and shall (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, actually occupy the seat beside the permitholder, (ii) in the case of an autocycle, actually occupy the seat beside or behind the permitholder, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, if the permitholder is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.
(3) The holder of a school permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subsection shall be accomplished only as a secondary action when the holder of the school permit has been cited or charged with a violation of some other law.
(4) A person who is younger than sixteen years of age but is over fourteen years of age may be issued an LPE-learner's permit, which permit shall be valid for a period of six months. An LPE-learner's permit shall not be issued until such person successfully completes a written examination prescribed by the department and demonstrates that he or she has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle or an autocycle.
(5)(a) While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, he or she has seated next to him or her a person who is a licensed operator, (ii) in the case of an autocycle, he or she has seated next to or behind him or her a person who is a licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, he or she is within visual contact of and is under the supervision of

a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall be at least twenty-one years of age and licensed by this state or another state.
(b) The holder of an LPE-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPE-learner's permit has been cited or charged with a violation of some other law.
(6) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section60-4,115from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to impoundment or revocation under the terms of section60-496. Any person who violates the terms of a school permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.
(7) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198shall not be eligible for an ignition interlock permit.

60-4,125.
LPD-learner's permit; LPE-learner's permit; violations; impoundment or revocation of permit; effect on eligibility for operator's license; not eligible for ignition interlock permit.
(1) For any minor convicted or adjudicated of violating the terms of an LPD-learner's permit issued pursuant to section60-4,123or an LPE-learner's permit issued pursuant to section60-4,124, the court shall, in addition to any other penalty or disposition, order the impoundment or revocation of such learner's permit and order that such minor shall not be eligible for another operator's license or school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.
(2) Any person who holds an LPD-learner's permit issued pursuant to section60-4,123and has violated subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198shall not be eligible for an ignition interlock permit.
(3) A copy of the court's abstract or adjudication shall be transmitted to the director who shall place in an impound status or revoke the LPD-learner's or LPE-learner's permit of such minor in accordance with the order of the court and not again issue another operator's license or school, farm, LPD-learner's, or LPE-learner's permit to such minor until such minor has attained the age of sixteen years.

60-4,126.
Farm permit; issuance; violations; penalty; not eligible for ignition interlock permit.
(1) Any person who is younger than sixteen years of age but is over thirteen years of age and resides upon a farm in this state or is fourteen years of age or older and is employed for compensation upon a farm in this state may obtain a farm permit authorizing the operation of farm tractors, minitrucks, and other motorized implements of farm husbandry upon the highways of this state if the applicant for such farm permit furnishes satisfactory proof of age and satisfactorily demonstrates that he or she has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways of this state. The fee for an original, renewal, or replacement farm permit shall be the fee and surcharge prescribed in section60-4,115. All farm permits shall be subject to revocation under the terms of section60-496. Any person who violates the terms of a farm permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.
(2) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197,60-6,197.06, or60-6,198shall not be eligible for an ignition interlock permit.

60-4,127.
Motorcycle operation; Class M license required; issuance; examination.
(1) No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has (a) met the vision and physical requirements established under section60-4,118for operation of a motor vehicle and (b) successfully completed an examination, including the actual operation of a motorcycle, prescribed by the director, except that the required examination may be waived, including the actual operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding twenty-four months.
(2) Department personnel shall conduct the examination of the applicants and deliver to each successful applicant an issuance certificate or a receipt. If department personnel issue a receipt, department personnel shall collect the fee and surcharge as provided in section60-4,115and issue a receipt with driving privileges which is valid for up to thirty days. In counties where the county treasurer collects fees and issues receipts, the certificate may be presented to the county treasurer within ninety days after issuance. Upon presentation of an issuance certificate, the county treasurer shall collect the fee and surcharge for a Class M license as prescribed by section60-4,115and issue a receipt with driving privileges which is valid for up to thirty days. If department personnel refuse to issue an issuance certificate or receipt, the department personnel shall state such cause in writing and deliver such written cause to the applicant. The license shall be delivered as provided in section60-4,113. If the applicant is the holder of an operator's

license, the county treasurer or department personnel shall have endorsed on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be as provided by section60-4,115.
(3) For purposes of this section, motorcycle does not include an autocycle.

60-4,128.
Motorcycle operation without Class M license; penalty.
(1) Any person violating the provisions of section60-4,127shall be guilty of a traffic infraction and shall upon conviction thereof be fined not less than ten dollars nor more than one hundred dollars. In addition, a person operating a motorcycle without a Class M license may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.
(2) For purposes of this section, motorcycle does not include an autocycle.

60-4,129.
Employment
driving permit; issuance; conditions; violations; penalty; revocation.
(1) Any person whose operator's license
is revoked under section60-4,183or60-4,186or suspended
under section43-3318shall be eligible to operate any motor vehicle, except
a commercial motor vehicle, in this state under an employment driving permit.
An employment driving permit issued due to a revocation under section60-4,183or60-4,186is valid for
the period of revocation. An employment driving permit issued due to a suspension
of an operator's license under section43-3318is valid for no more than three
months and cannot be renewed.
(2) Any person whose operator's license has been suspended
or revoked pursuant to any law of this state, except section43-3318,60-4,183, or60-4,186,
shall not be eligible to receive an employment driving permit during the period
of such suspension or revocation.
(3) A person who is issued an
employment driving permit may operate any motor vehicle, except a commercial
motor vehicle, (a) from his or her residence to his or her place of employment
and return and (b) during the normal course of employment if the use of a
motor vehicle is necessary in the course of such employment. Such permit shall
indicate for which purposes the permit may be used. All permits issued pursuant
to this section shall indicate that the permit is not valid for the operation
of any commercial motor vehicle.
(4) The operation of a motor vehicle by the holder of an
employment driving permit, except as provided in this section, shall be unlawful.
Any person who violates this section shall be guilty of a Class IV misdemeanor.
(5) The director shall revoke a
person's employment driving permit upon receipt of an abstract
of conviction, other than a conviction which is based upon actions which resulted
in the application for such employment driving permit, indicating that the person committed an offense for which points
are assessed pursuant to section60-4,182. If the permit is revoked in this
manner, the person shall not be eligible
to receive an employment driving permit for the remainder of the period of
suspension or revocation of his or her operator's license.

60-4,130.
Employment driving permit; application; contents; driver improvement course; violations; penalty; loss of eligibility; appeal.
(1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section60-4,129. If the department has a digital image and digital signature of the applicant preserved in the digital system implemented under section60-484.01, the employment driving permit, if issued, may contain such image and signature. The application form shall also include a voter registration portion pursuant to section32-308and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:
(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;
(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;
(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the

applicant; and
(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.
(2) Except as otherwise provided in this subsection, upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section60-4,183. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. An applicant whose operator's license has been suspended pursuant to section43-3318is not required to fulfill such driver improvement or education and training course requirements. All applicants shall file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.
(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.
(4) The fee prescribed in section60-4,115shall be submitted to the department along with the application for an employment driving permit.
(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation. This subsection does not apply to a holder of an employment driving permit if the reason for his or her license revocation or suspension only involved a suspension under section43-3318and not a revocation under any other section.
(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal in the manner set forth in section60-4,105.

60-4,130.01.
Medical hardship driving permit; issuance; conditions; violations; penalty; revocation.
(1) Any person whose license or privilege to operate a motor vehicle in this state is revoked under sections60-4,183and60-4,186shall be eligible to operate any motor vehicle, except a commercial motor vehicle, in this state under a medical hardship driving permit, valid for a period of ninety days. Upon expiration of the permit, a person may reapply for a medical hardship driving permit in the same manner as the original application.
(2) Any person whose license or privilege to operate a motor vehicle in this state has been suspended or revoked pursuant to any law of this state, except sections60-4,183and60-4,186, shall not be eligible to receive a medical hardship driving permit during the period of such suspension or revocation.
(3) An individual who is issued a medical hardship driving permit may operate any motor vehicle, except a commercial motor vehicle, from his or her residence or place of employment to a hospital, clinic, doctor's office, or similar location and return. Such permit shall indicate for which purposes the permit may be used. All permits issued pursuant to this section shall indicate that the permit is not valid for the operation of any commercial motor vehicle.
(4) The operation of a motor vehicle by the holder of a medical hardship driving permit, except as provided in this section, shall be unlawful. Any person who violates this section shall be guilty of a Class IV misdemeanor.
(5) The director shall revoke the medical hardship driving permit for an individual upon receipt of an abstract of conviction, other than a conviction which is based upon actions which resulted in the application for such medical hardship driving permit, indicating that the individual committed an offense for which points are assessed pursuant to section60-4,182. If the permit is revoked in this manner, the individual shall not be eligible to receive a medical hardship driving permit for the remainder of the period of suspension or revocation of his or her operator's license or privilege to operate a motor vehicle.

60-4,130.02.
Medical hardship driving permit; application; contents; loss of eligibility; appeal.
(1) Application for a medical hardship driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section60-4,130.01. If the department has a digital image and digital signature of the applicant preserved in the digital system implemented under section60-484.01, the medical hardship driving permit, if issued, may contain such image and signature. The application form shall also include a voter registration portion pursuant to section32-308and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for a medical hardship driving permit, the applicant shall furnish, along with the application to the director, the following:
(a) An affidavit from the applicant's physician stating that it is necessary for such applicant to receive medical treatment at a location other than the applicant's residence and that the treatment will not impair the applicant's ability to operate a motor vehicle; and
(b) An affidavit stating that there exists no other reasonable alternative means of transportation to and from the site of medical treatment available to the applicant.
(2) The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.
(3) The fee prescribed in section60-4,115shall be submitted to the department along with the application for a medical hardship driving permit.
(4) When the holder of a medical hardship driving permit is convicted, on or after the date of issuance of the permit, of any traffic

violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another medical hardship driving permit during that particular period of revocation.
(5) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the medical hardship driving permit may appeal in the manner set forth in section60-4,105.

60-4,130.03.
Operator less than twenty-one years of age; driver improvement course; suspension; reinstatement.
(1) Any person less than twenty-one years of age who holds an operator's license or a provisional operator's permit and who has accumulated, within any twelve-month period, a total of six or more points on his or her driving record pursuant to section60-4,182shall be notified by the Department of Motor Vehicles of that fact and ordered to attend and successfully complete a driver improvement course consisting of at least four hours of department-approved instruction. Notice shall be sent by regular United States mail to the last-known address as shown in the records of the department. If such person fails to complete the driver improvement course within three months after the date of notification, he or she shall have his or her operator's license suspended by the department.
(2) The director shall issue an order summarily suspending an operator's license until the licensee turns twenty-one years of age. Such order shall be sent by regular United States mail to the last-known address as shown in the records of the department. Such person shall not have his or her operator's license reinstated until he or she (a) has successfully completed the driver improvement course or has attained the age of twenty-one years and (b) has complied with section60-4,100.01.

60-4,130.04.
Commercial driver safety course instructors; requirements; driver safety course; requirements.
Commercial driver safety course instructors shall possess competence as outlined in rules and regulations adopted and promulgated by the Department of Motor Vehicles. Instructors who teach the department-approved driver safety course in a public school or institution and possess competence as outlined in a driver's education endorsement shall be eligible to sign a form prescribed by the department or electronically submit test results to the department showing successful completion of the driver safety course. Each public school or institution offering a department-approved driver safety course shall be required to obtain a certificate and pay the fee pursuant to section60-4,130.05.

60-4,130.05.
Driver safety courses; rules and regulations; fee.
The Department of Motor Vehicles shall adopt and promulgate rules and regulations for the approval and administration of driver safety courses. No driver safety course shall be approved until a certificate is obtained from the department. The certificate shall be valid for two years after the date of issuance. Each original and renewal certificate application for a driver safety course shall be accompanied by a one-hundred-dollar fee. The fee shall be collected by the department and remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-4,131.
Sections; applicability; terms, defined.
(1) Sections60-462.01and60-4,132to60-4,172shall apply to the operation of any commercial motor vehicle.
(2) For purposes of such sections:
(a) Disqualification means:
(i) The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privilege to operate a commercial motor vehicle;
(ii) A determination by the Federal Motor Carrier Safety Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. part 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. part 391; or
(iii) The loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. 383.51;
(b) Downgrade means the state:
(i) Allows the driver of a commercial motor vehicle to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 C.F.R. part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;
(ii) Allows the driver of a commercial motor vehicle to change his or her self-certification to intrastate only, if the driver qualifies under a state's physical qualification requirements for intrastate only;
(iii) Allows the driver of a commercial motor vehicle to change his or her certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of a state driver qualification requirement; or
(iv) Removes the commercial driver's license privilege from the operator's license;
(c) Employee means any operator of a commercial motor vehicle, including full-time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers and independent, owner-operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer;
(d) Employer means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle;

(e) Endorsement means an authorization to an individual's CLP-commercial learner's permit or commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;
(f) Foreign means outside the fifty United States and the District of Columbia;
(g) Imminent hazard means the existence of a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment;
(h) Issue and issuance means initial issuance, transfer, renewal, or upgrade of a commercial driver's license or nondomiciled commercial driver's license, or issuance, transfer, or upgrade of a CLP-commercial learner's permit or nondomiciled CLP-commercial learner's permit, as described in 49 C.F.R. 383.73;
(i) Medical examiner means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with 49 C.F.R. part 390, subpart D;
(j) Medical examiner's certificate means a form meeting the requirements of 49 C.F.R. 391.43 issued by a medical examiner in compliance with such regulation;
(k) Medical variance means the Federal Motor Carrier Safety Administration has provided a driver with either an exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation Certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49;
(l) Nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license means a CLP-commercial learner's permit or commercial driver's license, respectively, issued by this state or other jurisdiction under either of the following two conditions:
(i) To an individual domiciled in a foreign country meeting the requirements of 49 C.F.R. 383.23(b)(1); or
(ii) To an individual domiciled in another state meeting the requirements of 49 C.F.R. 383.23(b)(2);
(m) Representative vehicle means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate;
(n) State means a state of the United States and the District of Columbia;
(o) State of domicile means that state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent;
(p) Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more and that are either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle;
(q) Third-party skills test examiner means a person employed by a third-party tester who is authorized by this state to administer the commercial driver's license skills tests specified in 49 C.F.R. part 383, subparts G and H;
(r) Third-party tester means a person, including, but not limited to, another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government, authorized by this state to employ skills test examiners to administer the commercial driver's license skills tests specified in 49 C.F.R. part 383, subparts G and H;
(s) United States means the fifty states and the District of Columbia; and
(t) Vehicle group means a class or type of vehicle with certain operating characteristics.

60-4,131.01.
Individuals operating commercial motor vehicles for military purposes; applicability of sections.
Sections60-462.01and60-4,132to60-4,172shall not apply to individuals who operate commercial motor vehicles for military purposes, including and limited to:
(1) Active duty military personnel;
(2) Members of the military reserves, other than military technicians;
(3) Active duty United States Coast Guard personnel; and
(4) Members of the National Guard on active duty, including:
(a) Personnel on full-time National Guard duty;
(b) Personnel on part-time National Guard training; and
(c) National Guard military technicians required to wear military uniforms.
Such individuals must have a valid military driver's license unless such individual is operating the vehicle under written orders from a commanding officer in an emergency declared by the federal government or by the State of Nebraska.

60-4,132.
Purposes of sections.
The purposes of sections60-462.01,60-4,133, and60-4,137to60-4,172are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal

regulations as such acts and regulations existed on January 1, 2024, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

60-4,133.
Person possessing commercial driver's license authorizing operation of Class A combination vehicle; rights.
Any person possessing a valid commercial driver's license authorizing the operation of a Class A combination vehicle may lawfully operate a Class A, B, or C commercial motor vehicle without a hazardous materials endorsement if such person:
(1) Is acting within the scope of his or her employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and
(2) Is operating a service vehicle that is:
(a) Transporting diesel fuel in a quantity of one thousand gallons or less; and
(b) Clearly marked with a â■■flammableâ■■ or â■■combustibleâ■■ placard, as appropriate.

60-4,134.
Holder of Class A commercial driver's license; hazardous materials endorsement not required; conditions.
In conformance with section 7208 of the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such section and regulation existed on January 1, 2024, no hazardous materials endorsement authorizing the holder of a Class A commercial driver's license to operate a commercial motor vehicle transporting diesel fuel shall be required if such driver is (1) operating within the state and acting within the scope of his or her employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder and (2) operating a service vehicle that is (a) transporting diesel in a quantity of one thousand gallons or less and (b) clearly marked with a flammable or combustible placard, as appropriate.

60-4,137.
Operation of commercial motor vehicle; valid commercial driver's
license or valid CLP-commercial learner's permit
required.
Any resident of this state operating a commercial
motor vehicle on the highways of this state shall possess a valid commercial driver's license or a valid CLP-commercial learner's permit issued
pursuant to the
Motor Vehicle Operator's License Act.

60-4,138.
Commercial drivers' licenses and restricted commercial drivers' licenses; classification.
(1) Commercial drivers' licenses and restricted commercial drivers' licenses shall be issued by the department in compliance with 49 C.F.R. parts 380, 382, 383, 384, 391, and 392, shall be classified as provided in subsection (2) of this section, and shall bear such endorsements and restrictions as are provided in subsections (3) and (4) of this section.
(2) Commercial motor vehicle classifications for purposes of commercial drivers' licenses shall be as follows:
(a) Class A Combination Vehicle â■■ Any combination of motor vehicles and towed vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds if the gross vehicle weight rating of the vehicles being towed are in excess of ten thousand pounds;
(b) Class B Heavy Straight Vehicle â■■ Any single commercial motor vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds; and
(c) Class C Small Vehicle â■■ Any single commercial motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds comprising:
(i) Motor vehicles designed to transport sixteen or more passengers, including the driver; and
(ii) Motor vehicles used in the transportation of hazardous materials and required to be placarded pursuant to section75-364.
(3) The endorsements to a commercial driver's license shall be as follows:
(a) T â■■ Double/triple trailers;
(b) P â■■ Passenger;
(c) N â■■ Tank vehicle;
(d) H â■■ Hazardous materials;
(e) X â■■ Combination tank vehicle and hazardous materials; and
(f) S â■■ School bus.
(4) The restrictions to a commercial driver's license shall be as follows:
(a) E â■■ No manual transmission equipped commercial motor vehicle;

(b) K â■■ Operation of a commercial motor vehicle only in intrastate commerce;
(c) L â■■ Operation of only a commercial motor vehicle which is not equipped with air brakes;
(d) M â■■ Operation of a commercial motor vehicle which is not a Class A passenger vehicle;
(e) N â■■ Operation of a commercial motor vehicle which is not a Class A or Class B passenger vehicle;
(f) O â■■ No tractor-trailer commercial motor vehicle;
(g) V â■■ Operation of a commercial motor vehicle for drivers with medical variance documentation. The documentation shall be required to be carried on the driver's person while operating a commercial motor vehicle; and
(h) Z â■■ No full air brake equipped commercial motor vehicle.

60-4,139.
Commercial motor vehicle; nonresident; operating privilege.
Any nonresident may operate a commercial motor vehicle upon the highways of this state if:
(1) Such nonresident has in his or her immediate possession a valid commercial driver's license or a valid commercial learner's permit issued by his or her state of residence or by a jurisdiction with standards that are in accord with 49 C.F.R. parts 383 and 391;
(2) The license or permit is not suspended, revoked, or canceled;
(3) Such nonresident is not disqualified from operating a commercial motor vehicle;
(4) The commercial motor vehicle is not operated in violation of any downgrade; and
(5) Such nonresident does not have a status of prohibited in the federal Drug and Alcohol Clearinghouse.

60-4,139.01.
School bus endorsement; requirements.
An applicant for a school bus endorsement shall satisfy the following three requirements:
(1) Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;
(2) Have knowledge covering at least the following three topics:
(a) Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state or federal law or regulation;
(b) Emergency exits and procedures for safely evacuating passengers in an emergency; and
(c) State and federal laws and regulations related to safely traversing highway-rail grade crossings; and
(3) Take a driving skills test in a school bus of the same vehicle group as the school bus the applicant will drive.

60-4,140.
Multiple licenses; violation; penalty.
No person who operates a commercial motor vehicle upon the highways of this state shall at any time have more than one operator's license issued by any state. Any person who violates this section shall, upon conviction, be guilty of a Class III misdemeanor.

60-4,141.
Operation outside classification of license; restrictions; violation; penalty.
(1) Except as provided in subsections (2), (3), and (4) of this section, no person shall operate any class of commercial motor vehicle upon the highways of this state unless such person possesses a valid commercial driver's license authorizing the operation of the class of commercial motor vehicle being operated, except that (a) any person possessing a valid commercial driver's license authorizing the operation of a Class A commercial motor vehicle may lawfully operate any Class B or C commercial motor vehicle and (b) any person possessing a valid commercial driver's license authorizing the operation of a Class B commercial motor vehicle may lawfully operate a Class C commercial motor vehicle. No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement. No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.
(2)(a) Any person holding a CLP-commercial learner's permit may operate a commercial motor vehicle for learning purposes upon the highways of this state if accompanied by a person who is twenty-one years of age or older, who holds a commercial driver's license valid for the class of commercial motor vehicle being operated, and who occupies the seat beside the person for the purpose of giving instruction in the operation of the commercial motor vehicle. Any person holding a CLP-commercial learner's permit may operate a commercial motor vehicle upon the highways of this state for purposes of taking a driving skills examination if accompanied by licensing staff who is designated by the director under section60-4,149or an examiner employed by a third-party tester certified pursuant to section60-4,158and who occupies the seat beside the person for the purpose of giving the examination. A person holding a CLP-commercial learner's permit shall not operate a commercial motor vehicle transporting hazardous materials. A holder of a commercial learner's permit may operate a Class A combination vehicle, Class B heavy straight vehicle, or Class C small vehicle, as appropriate.
(b) A CLP-commercial learner's permit shall only be allowed to bear any of the following endorsements: (i) P â■■ Passenger; (ii) S â■■ School bus; and (iii) N â■■ Tank vehicle.
(c) A CLP-commercial learner's permit shall only be allowed to bear any of the following restrictions: (i) K â■■ Operation of a commercial motor vehicle only in intrastate commerce; (ii) L â■■ Operation of only a commercial motor vehicle which is not

equipped with air brakes; (iii) V â■■ Operation of a commercial motor vehicle for drivers with medical variance documentation; (iv) P â■■ No passengers in commercial motor vehicle bus; (v) X â■■ No cargo in commercial motor vehicle tank vehicle; (vi) M â■■ Operation of a commercial motor vehicle that is not a Class A passenger vehicle; and (vii) N â■■ Operation of a commercial motor vehicle that is not a Class A or Class B passenger vehicle.
(3) Except for nonresident individuals who are enrolled and taking training in a driver training school in this state, any holder of a nonresident commercial learner's permit or nonresident commercial driver's license who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued CLP-commercial learner's permit or commercial driver's license and shall surrender to the department any operator's license issued to such nonresident by any other state.
(4) Except for individuals who are enrolled and taking training in a driver training school in this state, any holder of a nondomiciled commercial learner's permit or nondomiciled commercial driver's license issued by another state who is in this state for a period of thirty consecutive days or more shall apply for a Nebraska-issued CLP-commercial learner's permit or commercial driver's license and shall surrender to the department any operator's license issued to such individual by any other state.
(5) An operator's license surrendered pursuant to this section may be returned to the driver after the license has been perforated with the word "VOID".
(6) Any person who operates a commercial motor vehicle upon the highways of this state in violation of this section shall, upon conviction, be guilty of a Class III misdemeanor.

60-4,141.01.
Operation of
commercial motor vehicle; restrictions;
prohibited acts; violation; penalty.
(1) No person shall operate a commercial motor vehicle upon the highways of this state while his or her commercial driver's license or privilege to operate a commercial motor vehicle is suspended, revoked, or canceled, while subject to a disqualification or an out-of-service order, or while there is an out-of-service order in effect for the commercial motor vehicle being operated or for the motor carrier operation.
(2) No person shall operate a commercial motor vehicle transporting hazardous materials upon the highways of this state while his or her commercial driver's license or privilege to operate a commercial motor vehicle is suspended, revoked, or canceled, while subject to a disqualification or an out-of-service order, or while there is an out-of-service order in effect for the commercial motor vehicle being operated or for the motor carrier operation.
(3) No person shall operate a commercial motor vehicle transporting sixteen or more passengers including the driver upon the highways of this state while his or her commercial driver's license or privilege to operate a commercial motor vehicle is suspended, revoked, or canceled, while subject to a disqualification or an out-of-service order, or while there is an out-of-service order in effect for the commercial motor vehicle being operated or for the motor carrier operation.
(4) No person shall operate a commercial motor vehicle upon the highways of this state while he or she is disqualified under section60-4,168.
(5) Any person operating a commercial motor vehicle in violation of subsection (1), (2), (3), or (4) of this section shall (a) for a first such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any commercial motor vehicle for any purpose for a period of one year from the date ordered by the court and also order the commercial driver's license of such person to be revoked for a like period and (b) for each subsequent such offense, be guilty of a Class II misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any commercial motor vehicle for any purpose for a period of two years from the date ordered by the court and also order the commercial driver's license of such person to be revoked for a like period. Such orders of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.
(6) For purposes of this section, out-of-service order has the same

meaning as in section75-362.

60-4,142.
CLP-commercial learner's permit issuance.
Any resident or nondomiciled applicant may obtain a CLP-commercial learner's permit from the department by making application to licensing staff of the department. An applicant shall present proof to licensing staff that he or she holds a valid Class O license or commercial driver's license or a foreign nondomiciled applicant shall successfully complete the requirements for the Class O license before a CLP-commercial learner's permit is issued. An applicant shall also successfully complete the commercial driver's license general knowledge examination under section60-4,155and examinations for all previously issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R. 383.153(b)(2)(vii). Upon application, the examination may be waived if the applicant presents (1) a Nebraska commercial driver's license which is valid or has been expired for less than one year or (2) a valid commercial driver's license from another state. The CLP-commercial learner's permit shall be valid for one year from the date of issuance. The successful applicant shall pay the fee prescribed in section60-4,115for the issuance of a CLP-commercial learner's permit.

60-4,143.
Commercial driver's license; CLP-commercial learner's permit; issuance; restriction; surrender of other licenses.
(1) No commercial driver's license or CLP-commercial learner's permit shall, under any circumstances, be issued to any person who has not attained the age of eighteen years.
(2) A commercial driver's license or CLP-commercial learner's permit shall not be issued to any person:
(a) During the period the person is subject to a disqualification in this or any other state;
(b) While the person's operator's license is suspended, revoked, or canceled in this or any other state;
(c) When the Commercial Driver License Information System indicates "not-certified"; or
(d) When a federal Drug and Alcohol Clearinghouse query indicates "prohibited".
(3) The department shall not issue any commercial driver's license to any person unless the person applying for a commercial driver's license first surrenders to the department all operators' licenses issued to such person by this or any other state. Any operator's license issued by another state which is surrendered to the department shall be destroyed, and the director shall send notice to the other state that the operator's license has been surrendered.

60-4,144.
Commercial driver's license; CLP-commercial learner's permit; applications; contents; parolee immigration status; effect; application; demonstration of knowledge and skills; information and documentation required; verification.
(1) An applicant for issuance of any original or renewal commercial driver's license or an applicant for a change of class of commercial motor vehicle, endorsement, or restriction shall demonstrate his or her knowledge and skills for operating a commercial motor vehicle as prescribed in the Motor Vehicle Operator's License Act. An applicant for a commercial driver's license shall provide the information and documentation required by this section and section60-4,144.01. Such information and documentation shall include any additional information required by 49 C.F.R. parts 383 and 391 and also include:
(a) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate; and
(b) The names of all states where the applicant has been licensed to operate any type of motor vehicle in the ten years prior to the date of application.
(2)(a) Before being issued a CLP-commercial learner's permit or commercial driver's license, the applicant shall provide (i) his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, (ii) two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, except that a nondomiciled applicant for a CLP-commercial learner's permit or nondomiciled commercial driver's license holder does not have to provide proof of residence in Nebraska, (iii) evidence of identity as required by this section, and (iv) a brief physical description of himself or herself.
(b) The applicant's social security number shall not be printed on the CLP-commercial learner's permit or commercial driver's license and shall be used only (i) to furnish information to the United States Selective Service System under section60-483, (ii) with the permission of the director in connection with the certification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section42-358.08or43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (v) to furnish information to the Department of Revenue under section77-362.02, (vi) to furnish information to the Secretary of State for purposes of the Election Act, or (vii) to query the federal Drug and Alcohol Clearinghouse.
(c) No person shall be a holder of a CLP-commercial learner's permit or commercial driver's license and a state identification card at the same time.
(3) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant, except a nondomiciled applicant, shall provide proof that this state is his or her state of residence. Acceptable proof of residence is a document with the person's name and residential address within this state.
(4)(a) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant shall provide proof of

identity.
(b) The following are acceptable as proof of identity:
(i) A valid, unexpired United States passport;
(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
(iii) A Consular Report of Birth Abroad issued by the United States Department of State;
(iv) A valid, unexpired permanent resident card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;
(v) An unexpired employment authorization document issued by the United States Department of Homeland Security;
(vi) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved form documenting the applicant's most recent admittance into the United States;
(vii) A Certificate of Naturalization issued by the United States Department of Homeland Security;
(viii) A Certificate of Citizenship issued by the United States Department of Homeland Security;
(ix) A driver's license or identification card issued in compliance with the standards established by the federal REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or
(x) Such other documents as the director may approve.
(c) If an applicant presents one of the documents listed under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this subsection, the verification of the applicant's identity will also provide satisfactory evidence of lawful status.
(d) If the applicant presents one of the identity documents listed under subdivision (b)(v), (vi), or (ix) of this subsection, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant shall also present a second document from subdivision (4)(b) of this section, a document from subsection (5) of this section, or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status as determined by the United States Citizenship and Immigration Services.
(e) An applicant may present other documents as designated by the director as proof of identity. Any documents accepted shall be recorded according to a written exceptions process established by the director.
(f)(i) Any person assigned a parolee immigration status by the United States Department of Homeland Security may apply for and be issued a CLP-commercial learner's permit or commercial driver's license that is not in compliance with the federal REAL ID Act of 2005, Public Law 109-13, if the person:
(A) Possessed an unexpired foreign passport issued to such person at the time of such person's entry into the United States of America; and
(B) Fulfills the requirements of subdivision (2)(a) of this section and such requirements are verified pursuant to section60-484.06.
(ii) Any CLP-commercial learner's permit or commercial driver's license issued under this subsection is otherwise subject to all laws relating to CLP-commercial learner's permits or commercial driver's licenses.
(5)(a) Whenever a person, as a nondomiciled individual to this state, is renewing, replacing, upgrading, transferring, or applying for a commercial driver's license, or replacing, upgrading, transferring, or applying for a CLP-commercial learner's permit, the Department of Motor Vehicles shall verify the citizenship in the United States of the person or the lawful status in the United States of the person.
(b) The following are acceptable as proof of citizenship or lawful status:
(i) A valid, unexpired United States passport;
(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;
(iii) A Consular Report of Birth Abroad issued by the United States Department of State;
(iv) A Certificate of Naturalization issued by the United States Department of Homeland Security;
(v) A Certificate of Citizenship issued by the United States Department of Homeland Security; or
(vi) A valid, unexpired Permanent Resident Card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services.
(6) An applicant may present other documents as designated by the director as proof of lawful status. Any documents accepted shall be recorded according to a written exceptions process established by the director.
(7)(a) An applicant shall obtain a nondomiciled CLP-commercial driver's license or nondomiciled CLP-commercial learner's permit:
(i) If the applicant is domiciled in a foreign jurisdiction and the Federal Motor Carrier Safety Administrator has not determined that the commercial motor vehicle operator testing and licensing standards of that jurisdiction meet the standards contained in subparts G and H of 49 C.F.R. part 383; or
(ii) If the applicant is domiciled in a state that is prohibited from issuing commercial learners' permits and commercial drivers' licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to obtain a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license from Nebraska that complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. part 383.
(b) An applicant for a nondomiciled CLP-commercial learner's permit and nondomiciled commercial driver's license shall do the following:
(i) Complete the requirements to obtain a CLP-commercial learner's permit or a commercial driver's license under the Motor Vehicle Operator's License Act, except that an applicant domiciled in a foreign jurisdiction shall provide an unexpired employment

authorization document issued by the United States Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required;
(ii) After receipt of the nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license and, for as long as the permit or license is valid, notify the Department of Motor Vehicles of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his or her driving privileges. Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a commercial motor vehicle for the convictions described in 49 C.F.R. 383.51. Notifications shall be made within the time periods specified in 49 C.F.R. 383.33; and
(iii) Provide a mailing address to the Department of Motor Vehicles. If the applicant is applying for a foreign nondomiciled CLP-commercial learner's permit or foreign nondomiciled commercial driver's license, he or she shall provide a Nebraska mailing address and his or her employer's mailing address to the Department of Motor Vehicles.
(c) An applicant for a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license who holds a foreign operator's license is not required to surrender his or her foreign operator's license.
(8) Any person applying for a CLP-commercial learner's permit or commercial driver's license may answer the following:
(a) Do you wish to register to vote as part of this application process?
(b) Do you wish to have a veteran designation displayed on the front of your operator's license to show that you served in the armed forces of the United States? (To be eligible you shall register with the Nebraska Department of Veterans' Affairs registry.)
(c) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?
(d) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?
(e) Do you wish to donate $1 to promote the Organ and Tissue Donor Awareness and Education Fund?
(9) Application for a CLP-commercial learner's permit or commercial driver's license shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the permit or license is true and correct.
(10) Any person applying for a CLP-commercial learner's permit or commercial driver's license shall make one of the certifications in section60-4,144.01and any certification required under section60-4,146and shall provide such certifications to the Department of Motor Vehicles in order to be issued a CLP-commercial learner's permit or a commercial driver's license.
(11) Every person who holds any commercial driver's license shall provide to the department medical certification as required by section60-4,144.01. The department may provide notice and prescribe medical certification compliance requirements for all holders of commercial drivers' licenses. Holders of commercial drivers' licenses who fail to meet the prescribed medical certification compliance requirements may be subject to downgrade.

60-4,144.01.
Commercial drivers' licenses; certification required; medical examiner's certificate.
Certification shall be made as follows:
(1) A person must certify that he or she operates or expects to operate a commercial motor vehicle in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. part 391, and is required to obtain a medical examiner's certificate by 49 C.F.R. 391.45. The medical examination required in order to obtain a medical examiner's certificate shall be conducted by a medical examiner who is listed on the National Registry of Certified Medical Examiners. Any nonexcepted holder of a commercial learner's permit or commercial driver's license who certifies that he or she will operate a commercial motor vehicle in nonexcepted, interstate commerce must maintain a current medical examiner's certificate and provide a copy of it to the department in order to maintain his or her medical certification status;
(2) A person must certify that he or she operates or expects to operate a commercial motor vehicle in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of the qualification requirements of 49 C.F.R. part 391, and is therefor not required to obtain a medical examiner's certificate by 49 C.F.R. 391.45;
(3) A person must certify that he or she operates a commercial motor vehicle only in intrastate commerce and therefor is subject to state driver qualification requirements as provided in section75-363; or
(4) A person must certify that he or she operates a commercial motor vehicle in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

60-4,144.02.
Commercial drivers' licenses; CLP-commercial learner's permit; medical examiner's certificate; department; duties; failure of driver to comply; department; duties.
(1) For each operator of a commercial motor vehicle required to have a commercial driver's license or CLP-commercial learner's permit, the department, in compliance with 49 C.F.R. 383.73, shall:
(a) Post the driver's self-certification of type of driving under 49 C.F.R. 383.71(a)(1)(ii);
(b) Retain the medical examiner's certificate of any driver required to provide documentation of physical qualification for three years beyond the date the certificate was issued; and
(c) Post the information from the medical examiner's certificate within ten calendar days to the Commercial Driver License

Information System driver record, including:
(i) The medical examiner's name;
(ii) The medical examiner's telephone number;
(iii) The date of the medical examiner's certificate issuance;
(iv) The medical examiner's license number and the state that issued it;
(v) The medical examiner's National Registry identification number (if the National Registry of Medical Examiners, mandated by 49 U.S.C. 31149(d), requires one);
(vi) The indicator of the medical certification status, either "certified" or "not-certified";
(vii) The expiration date of the medical examiner's certificate;
(viii) The existence of any medical variance on the medical certificate, such as an exemption, Skill Performance Evaluation (SPE) certification, or grandfather provisions;
(ix) Any restrictions, for example, corrective lenses, hearing aid, or required to have possession of an exemption letter or Skill Performance Evaluation certificate while on duty; and
(x) The date the medical examiner's certificate information was posted to the Commercial Driver License Information System driver record.
(2) The department shall, within ten calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, update the medical certification status of that driver as "not-certified".
(3) Within ten calendar days of receiving information from the Federal Motor Carrier Safety Administration regarding issuance or renewal of a medical variance for a driver, the department shall update the Commercial Driver License Information System driver record to include the medical variance information provided by the Federal Motor Carrier Safety Administration.
(4)(a) If a driver's medical certification or medical variance expires, or the Federal Motor Carrier Safety Administration notifies the department that a medical variance was removed or rescinded, the department shall:
(i) Notify the holder of the commercial driver's license or CLP-commercial learner's permit of his or her "not-certified" medical certification status and that the CLP-commercial learner's permit or commercial driver's license privilege will be removed from the driver's license or permit unless the driver submits a current medical certificate or medical variance or changes his or her self-certification to driving only in excepted or intrastate commerce, if permitted by the department; and
(ii) Initiate established department procedures for downgrading the license. The commercial driver's license downgrade shall be completed and recorded within sixty days of the driver's medical certification status becoming "not-certified" to operate a commercial motor vehicle.
(b) If a driver fails to provide the department with the certification contained in 49 C.F.R. 383.71(a)(1)(ii), or a current medical examiner's certificate if the driver self-certifies according to 49 C.F.R. 383.71(a)(1)(ii)(A) that he or she is operating in nonexcepted interstate commerce as required by 49 C.F.R. 383.71(h), the department shall mark that Commercial Driver License Information System driver record as "not-certified" and initiate a commercial driver's license downgrade following department procedures in accordance with subdivision (4)(a)(ii) of this section. The CLP-commercial learner's permit or commercial driver's license shall be canceled and marked as "not-certified".

60-4,144.03.
Temporary CLP-commercial learner's permit or commercial driver's license; issuance; temporary commercial driver's license; renewal.
(1) The department shall issue a CLP-commercial learner's permit or a commercial driver's license that is temporary only to any applicant who presents documentation under section60-4,144that shows his or her authorized stay in the United States is temporary. A CLP-commercial learner's permit or a commercial driver's license that is temporary shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.
(2) A CLP-commercial learner's permit or a commercial driver's license that is temporary shall clearly indicate that it is temporary with a special notation that states the date on which it expires.
(3) A commercial driver's license that is temporary may be renewed only upon presentation of valid documentary evidence that the status, by which the applicant qualified for the commercial driver's license that is temporary, has been extended by the United States Department of Homeland Security.

60-4,144.04.
CLP-commercial learner's permit;
precondition to issuance of commercial driver's license.
(1) The issuance of a CLP-commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a CLP-commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test, however, the CLP-commercial learner's permit holder is not eligible to take the skills test in the first fourteen days after initial issuance of the CLP-commercial learner's permit.

(2) The CLP-commercial learner's permit holder is not eligible to take the commercial driver's license skills test in the first fourteen days after initial issuance of the CLP-commercial learner's permit.

60-4,144.05.
Drug or alcohol violation; effect; erroneous notification; procedure.
(1) Beginning November 18, 2024, in compliance with 49 C.F.R. part 382, within sixty calendar days of receiving notification from the Federal Motor Carrier Safety Administration that a driver is prohibited from operating a commercial motor vehicle due to a drug or alcohol violation, the department shall:
(a) Update the Commercial Driver License Information System driver record to include the information provided in the notification;
(b) Notify the holder of the commercial driver's license or CLP-commercial learner's permit of such holder's prohibited status and that the commercial driver's license privilege or CLP-commercial learner's permit privilege will be removed from such license or permit; and
(c) Downgrade such license and cancel the permit for holders of a CLP-commercial learner's permit pursuant to established procedures of the department and, if applicable, update the driver's record maintained by the department.
(2) Beginning November 18, 2024, in compliance with 49 C.F.R. part 382, within ten calendar days of receiving notification from the Federal Motor Carrier Safety Administration that a driver was erroneously identified as prohibited on the federal Drug and Alcohol Clearinghouse, the department shall:
(a) Restore the commercial driving privilege as it existed before the erroneous notification;
(b) Notify the holder of the commercial driver's license or CLP-commercial learner's permit of:
(i) Such holder's updated status; and
(ii) Procedures the driver shall follow to reinstate such driver's license or permit; and
(c) Expunge the Commercial Driver License Information System driver record or motor vehicle record of any reference to the erroneous prohibited status.

60-4,146.
Application; requirements of federal law; certification.
(1) In addition to certifying himself or herself under this section, an applicant shall also certify himself or herself under section60-4,144.01.
(2) Upon making application pursuant to section60-4,144or60-4,148.01, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and who is not subject to 49 C.F.R. part 391 shall certify that he or she is not subject to 49 C.F.R. part 391. Any applicant making certification pursuant to this subsection shall meet the physical and vision requirements established in section60-4,118and shall be subject to the provisions of such section.
(3) Upon making application pursuant to section60-4,144or60-4,148.01, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is subject to 49 C.F.R. part 391 adopted pursuant to section75-363shall certify that the applicant meets the qualification requirements of 49 C.F.R. part 391.
(4) Upon making application for a CLP-commercial learner's permit or commercial driver's license, any applicant who operates or expects to operate a commercial motor vehicle solely in intrastate commerce and who is not subject to 49 C.F.R. part 391 adopted pursuant to section75-363shall certify that he or she is not subject to 49 C.F.R. part 391. Any applicant making certification pursuant to this subsection shall meet the physical and vision requirements established in section60-4,118and shall be subject to the provisions of such section.
(5) An applicant who certifies that he or she is not subject to 49 C.F.R. part 391 under subsection (2) or (4) of this section shall answer the following questions on the application:
(a) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):
(i) lost voluntary control or consciousness ... yes ... no
(ii) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no
(iii) experienced disorientation ... yes ... no
(iv) experienced seizures ... yes ... no
(v) experienced impairment of memory, memory loss ... yes ... no
Please explain: .....
(b) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no
Please explain: .....
(c) Since the issuance of your last driver's license/permit has your health or medical condition changed or worsened? ... yes ... no
Please explain, including how the above affects your ability to drive: .....

60-4,146.01.
Restricted commercial driver's license; application or examiner's certificate; operation permitted; term; violation; penalty.

(1) Any resident of this state who is a commercial motor vehicle operator for a farm-related or ranch-related service industry may apply for a restricted commercial driver's license. If the applicant is an individual, the application or examiner's certificate shall include the applicant's social security number. A restricted commercial driver's license shall authorize the holder to operate any Class B Heavy Straight Vehicle commercial motor vehicle or any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle required to be placarded pursuant to section75-364when the hazardous material being transported is (a) diesel fuel in quantities of one thousand gallons or less, (b) liquid fertilizers in vehicles or implements of husbandry with total capacities of three thousand gallons or less, or (c) solid fertilizers that are not transported or mixed with any organic substance within one hundred fifty miles of the employer's place of business or the farm or ranch being served.
(2) Any applicant for a restricted commercial driver's license shall be eighteen years of age or older, shall have possessed a valid operator's license during the twelve-month period immediately preceding application, and shall demonstrate, in a manner to be prescribed by the director, that:
(a) If the applicant has possessed a valid operator's license for two or more years, that in the two-year period immediately preceding application the applicant:
(i) Has not possessed more than one operator's license at one time;
(ii) Has not been subject to any order of suspension, revocation, or cancellation of any type;
(iii) Has no convictions involving any type or classification of motor vehicle of the disqualification offenses enumerated in sections60-4,168and60-4,168.01; and
(iv) Has no convictions for traffic law violations that are accident-connected and no record of at-fault accidents; and
(b) If the applicant has possessed a valid operator's license for more than one but less than two years, the applicant shall demonstrate that he or she meets the requirements prescribed in subdivision (a) of this subsection for the entire period of his or her driving record history.
(3)(a) The restricted commercial driver's license shall be valid for five years and shall clearly indicate the commercial motor vehicle operating privilege for the seasonal period of validity on the back of the restricted commercial driver's license. The seasonal period of validity shall be valid for no more than one hundred eighty consecutive days in any twelve-month period. The applicant shall designate the seasonal period of validity when making application for the restricted commercial driver's license. The holder of the restricted commercial driver's license may change the seasonal period of validity by renewing or obtaining a replacement of the restricted commercial driver's license. The holder of a restricted commercial driver's license shall operate commercial motor vehicles in the course or scope of his or her employment within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served. The department shall annually revalidate the restricted commercial driver's license to confirm that the holder of the restricted commercial driver's license meets the requirements of subsection (2) of this section. If the holder of the restricted commercial driver's license does not meet the requirements of subsection (2) of this section upon revalidation, the department shall provide notice to the holder that the restricted commercial driver's license is canceled and the holder shall apply for a Class O operator's license within thirty calendar days after the date notice was sent.
(b) Beginning January 1, 2025, the restricted commercial driver's license shall be valid for five years and shall clearly indicate the commercial motor vehicle operating privilege for the seasonal period of validity on the back of the restricted commercial driver's license. The seasonal period of validity shall be valid for no more than two hundred ten days in any calendar year. The applicant shall designate the seasonal period of validity when making application for the restricted commercial driver's license. The holder of the restricted commercial driver's license may change the seasonal period of validity by renewing or obtaining a replacement of the restricted commercial driver's license. The holder of a restricted commercial driver's license shall operate commercial motor vehicles in the course or scope of his or her employment within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served. The department shall annually revalidate the restricted commercial driver's license to confirm that the holder of the restricted commercial driver's license meets the requirements of subsection (2) of this section. If the holder of the restricted commercial driver's license does not meet the requirements of subsection (2) of this section upon revalidation, the department shall provide notice to the holder that the restricted commercial driver's license is canceled and the holder must apply for a Class O operator's license within thirty calendar days after the date notice was sent.
(4) Any person who violates any provision of this section shall, upon conviction, be guilty of a Class III misdemeanor. In addition to any penalty imposed by the court, the director shall also revoke such person's restricted commercial driver's license and shall disqualify such person from operating any commercial motor vehicle in Nebraska for a period of five years.
(5) The Department of Motor Vehicles may adopt and promulgate rules and regulations to carry out the requirements of this section.
(6) For purposes of this section:
(a) Agricultural chemical business means any business that transports agricultural chemicals predominately to or from a farm or ranch;
(b) Farm-related or ranch-related service industry means any custom harvester, retail agricultural outlet or supplier, agricultural chemical business, or livestock feeder which operates commercial motor vehicles for the purpose of transporting agricultural products, livestock, farm machinery and equipment, or farm supplies to or from a farm or ranch; and
(c) Retail agricultural outlet or supplier means any retail outlet or supplier that transports either agricultural products, farm machinery, farm supplies, or both, predominately to or from a farm or ranch.

60-4,147.01.
Driver's record; disclosure of

convictions; requirements.
The department, a prosecutor, or a court must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP-commercial learner's permit driver's conviction or commercial driver's license driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or another state.

60-4,147.02.
Hazardous materials endorsement; USA PATRIOT Act requirements.
No endorsement authorizing the driver to operate a commercial motor vehicle transporting hazardous materials shall be issued, renewed, or transferred by the Department of Motor Vehicles unless the endorsement is issued, renewed, or transferred in conformance with the requirements of section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal regulations adopted pursuant thereto as of January 1, 2024, for the issuance of licenses to operate commercial motor vehicles transporting hazardous materials.

60-4,147.03.
Hazardous materials endorsement; application process.
An applicant for a new, renewal, or transferred hazardous materials endorsement shall complete an application process including threat assessment, background check, fingerprints, and payment of fees as prescribed by 49 C.F.R. 1522, 1570, and 1572. Upon receipt of a determination of threat assessment from the Transportation Security Administration of the United States Department of Homeland Security or its agent, the department shall retain the application for not less than one year.

60-4,147.04.
Hazardous materials endorsement; security threat assessment; department; powers.
Before a hazardous materials endorsement is issued, renewed, or transferred, the Department of Motor Vehicles must receive a determination of no security threat from the Transportation Security Administration of the United States Department of Homeland Security or its agent. The Department of Motor Vehicles shall cancel any existing commercial driver's license with a hazardous materials endorsement authorizing a driver to operate a vehicle transporting hazardous materials if it has received a determination that the holder of such endorsement does not meet the standards for security threat assessment as provided in 49 C.F.R. 1572 established by the Transportation Security Administration or its agent. The department may refuse to process an application for a new, renewal, or transferred commercial driver's license with a hazardous materials endorsement if:
(1) The applicant fails to submit to fingerprinting;
(2) The applicant fails to submit to required information and documentations;
(3) The applicant fails to pay the required fees;
(4) The applicant fails to pass any element of the hazardous materials portion of the commercial driver's license examination;
(5) The department receives a final determination of threat assessment from the Transportation Security Administration or its agent; or
(6) The department has not received from the Transportation Security Administration or its agent an advisement regarding the applicant's security threat status.

60-4,147.05.
Hazardous materials endorsement; expiration; when.
(1) A commercial driver's license with a hazardous materials endorsement expires five years after the date of issuance of a determination of no security threat.
(2) When adding a hazardous materials endorsement to an existing Nebraska commercial driver's license before the expiration date of the existing license, the expiration date of the new commercial driver's license with the hazardous materials endorsement added shall be five years from the date of the determination of threat assessment. The license shall be issued upon payment of the appropriate prorated fee prescribed in section60-4,115for any additional time period added. If the date of the threat assessment plus five years is earlier than the expiration date of the commercial driver's license before the hazardous materials endorsement was added, the fee for a change of class, endorsement, or restriction shall apply.
(3) The Department of Motor Vehicles shall mail out a renewal notice for each such license at least sixty days before the expiration of the license. An applicant for renewal may initiate the renewal process after receiving such notice, but the renewal process shall be initiated at least thirty days before the expiration date in order to allow time to process the security threat assessment. The department may extend the expiration date of the endorsement for ninety days if the Transportation Security Administration of the United States Department of Homeland Security or its agent has not provided a determination of threat assessment before the expiration date. Any additional extension must be approved in advance by the designee of the Transportation Security

Administration.

60-4,147.06.
Hazardous material endorsement; transfer from another state; procedure.
An applicant who transfers from another state shall surrender his or her commercial driver's license with a hazardous material endorsement before the issuance of a commercial driver's license by the State of Nebraska. The renewal period established in the preceding state shall be the expiration date for the Nebraska license if a determination of threat assessment has been completed by the other state prior to issuance of the license. The Department of Motor Vehicles shall issue prorated licenses with appropriate prorated fees prescribed in section60-4,115to applicants transferring from another state. Applicants transferring from another state who have completed the determination of threat assessment shall not be required to undergo a determination of threat assessment until the determination of threat assessment established in the preceding state expires.

60-4,148.
Commercial drivers' licenses; issuance.
(1) All commercial drivers' licenses shall be issued by the department as provided in sections60-4,148.01and60-4,149. Successful applicants shall pay the fee and surcharge prescribed in section60-4,115.
(2) Any person making application to add or remove a class of commercial motor vehicle, any endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay the fee and surcharge prescribed in section60-4,115.

60-4,148.01.
Commercial drivers' licenses; electronic issuance, renewal, and replacement; CLP-commercial learners' permits; electronic replacement; department; duties; applicant; requirements; renewal; fee and surcharge; delivery.
(1) The department may develop and offer methods for successful applicants to obtain, renew, and replace commercial drivers' licenses electronically and for the electronic replacement of CLP-commercial learners' permits.
(2)(a) An applicant who has successfully passed the knowledge and skills tests for a commercial driver's license pursuant to section60-4,149and who has a digital image and digital signature preserved in the digital system that is not more than ten years old may obtain a commercial driver's license using the preserved digital image and digital signature by electronic means in a manner prescribed by the department pursuant to this subsection.
(b) To be eligible to obtain a license pursuant to this subsection:
(i) There shall have been no changes to the applicant's name since his or her most recent application for a CLP-commercial learner's permit;
(ii) The new license shall not contain a hazardous materials endorsement;
(iii) The applicant shall meet the requirements of section60-4,144and submit the information and documentation and make the certifications required under section60-4,144; and
(iv) The applicant shall satisfy any other eligibility criteria that the department may prescribe pursuant to subsection (6) of this section.
(c) The successful applicant shall pay the fee and surcharge prescribed in section60-4,115. Upon receipt of such fee and surcharge and an application it deems satisfactory, the department shall deliver the license by mail.
(3)(a) An applicant whose commercial driver's license expires prior to his or her seventy-second birthday and who has a digital image and digital signature preserved in the digital system may, once every ten years, renew such license using the preserved digital image and digital signature by electronic means in a manner prescribed by the department pursuant to this subsection.
(b) To be eligible for renewal under this subsection:
(i) The renewal shall be prior to or within one year after expiration of such license;
(ii) The driving record abstract maintained in the department's computerized records shall show that such license is not suspended, revoked, canceled, or disqualified;
(iii) There shall be no changes to the applicant's name or to the class, endorsements, or restrictions on such license;
(iv) The applicant shall not hold a hazardous materials endorsement or shall relinquish such endorsement;
(v) The applicant shall meet the requirements of section60-4,144and submit the information and documentation and make the certifications required under section60-4,144; and
(vi) The applicant shall satisfy any other eligibility criteria that the department may prescribe pursuant to subsection (6) of this section.
(c) Every applicant seeking renewal of his or her commercial driver's license shall apply for renewal in person at least once every ten years and have a new digital image and digital signature captured.
(d) An applicant seeking renewal under this subsection (3) shall pay the fee and surcharge prescribed in section60-4,115. Upon receipt of such fee and surcharge and an application it deems satisfactory, the department shall deliver the renewal license or permit by mail.
(4)(a) Any person holding a commercial driver's license or CLP-commercial learner's permit who has a digital image and digital signature not more than ten years old preserved in the digital system and who loses his or her license or permit, who requires issuance of a replacement license or permit because of a change of address, or whose license or permit is mutilated or unreadable may obtain a replacement commercial driver's license or CLP-commercial learner's permit using the preserved digital image and

digital signature by electronic means in a manner prescribed by the department pursuant to this subsection.
(b) To be eligible to obtain a replacement license or permit pursuant to this subsection:
(i) There shall be no changes to the applicant's name and no changes to the class, endorsements, or restrictions on such license or permit;
(ii) The applicant shall meet the requirements of section60-4,144and submit the information and documentation and make the certifications required under section60-4,144; and
(iii) The applicant shall satisfy any other eligibility criteria that the department may prescribe pursuant to subsection (6) of this section.
(c) An application for a replacement license or permit because of a change of address shall be made within sixty days after the change of address.
(d) An applicant seeking replacement under this subsection (4) of this section shall pay the fee and surcharge prescribed in section60-4,115. Upon receipt of such fee and surcharge and an application it deems satisfactory, the department shall deliver the replacement license or permit by mail. The replacement license or permit shall be subject to the provisions of subsection (4) of section60-4,150.
(5) An application to obtain, renew, or replace a commercial driver's license or to replace a CLP-commercial learner's permit because of a change of name may not be made electronically pursuant to this section and shall be made in person at a licensing station within sixty days after the change of name.
(6) The department may adopt and promulgate rules and regulations governing eligibility for the use of electronic methods for successful applicants to obtain, renew, or replace commercial drivers' licenses and for the replacement of CLP-commercial learners' permits, taking into consideration medical and vision requirements, safety concerns, and any other factors consistent with the purposes of the Motor Vehicle Operator's License Act that the director deems relevant.

60-4,149.
Commercial driver's license; CLP-commercial learner's permit; department personnel; examination; office space; issuance; delivery; electronic submission.
(1) The director shall appoint as his or her agents one or more department personnel who shall examine all applicants for a commercial driver's license or a CLP-commercial learner's permit as provided in section60-4,144. The same department personnel may be assigned to one or more counties by the director. In counties in which the county treasurer collects the fees and issues receipts, the county shall furnish office space for the administration of the license or permit examination. Department personnel shall conduct the examination of applicants and deliver to each successful applicant an issuance certificate or receipt. The certificate may be presented to the county treasurer within ninety days after issuance, and the county treasurer shall collect the fee and surcharge as provided in section60-4,115and issue a receipt which is valid for up to thirty days. If a commercial driver's license or CLP-commerical learner's permit is being issued, the receipt shall also authorize driving privileges for such thirty-day period. If department personnel refuse to issue an issuance certificate or receipt, the department personnel shall state such cause in writing and deliver such written cause to the applicant.
(2)(a) The segments of the driving skills examination shall be administered and successfully completed in the following order: Pre-trip inspection, basic vehicle control skills, and on-road skills. If an applicant fails one segment of the driving skills examination, the applicant cannot continue to the next segment of the examination.
(b) Passing scores for the knowledge and skills tests shall meet the standards contained in 49 C.F.R. 383.135.
(3) Except as provided for in sections60-4,157and60-4,158, all commercial driver's license examinations shall be conducted by department personnel designated by the director. Each successful applicant shall be issued a certificate or receipt entitling the applicant to secure a commercial driver's license. If department personnel refuse to issue such certificate or receipt, he or she shall state such cause in writing and deliver the same to the applicant. Department personnel shall not be required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.
(4) The successful applicant shall, within ten days after renewal or within twenty-four hours after initial issuance, pay the fee and surcharge as provided in section60-4,115. A receipt with driving privileges which is valid for up to thirty days shall be issued. The commercial driver's license shall be delivered to the applicant as provided in section60-4,113.
(5) In lieu of proceeding under subsection (4) of this section, the successful applicant may pay the fee and surcharge as provided in section60-4,115and electronically submit an application prescribed by the department in a manner prescribed by the department pursuant to section60-4,148.01.

60-4,149.01.
Commercial drivers' licenses; law examination; exceptions; department; powers and duties.
(1) A commercial driver's license examiner shall not require the commercial driver's license knowledge examination, except the hazardous material portion of the examination and any knowledge examinations not previously taken for that class of commercial motor vehicle or endorsement, if the applicant renews his or her commercial driver's license prior to its expiration or within one year after its expiration and if the applicant's driving record abstract maintained in the department's computerized records shows that his or her commercial driver's license is not suspended, revoked, canceled, or disqualified.
(2)(a) If a nonresident who applies for a commercial driver's license in this state presents a physical or mobile valid commercial driver's license from another state, the department may choose not to require such individual to take the commercial driver's license

knowledge examination.
(b) Subdivision (a) of this subsection shall not apply to the hazardous material portion of the examination and any knowledge examinations not previously taken for that class of commercial motor vehicle or endorsement.
(c) A physical commercial driver's license described in subdivision (a) of this subsection shall be surrendered to the department.
(d) Upon issuing a commercial driver's license described in subdivision (a) of this subsection, the department shall notify the state that issued the valid commercial driver's license described in subdivision (a) of this subsection to invalidate such license.

60-4,149.02.
Commercial drivers' licenses;
driving skills examination; exemption for driver with military commercial
motor vehicle experience; conditions and limitations; applicant; certification.
A commercial driver's
license examiner shall not require the driving skills examination for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver's license and may substitute an applicant's driving record in combination with certain driving experience. The department may impose conditions and limitations as allowed under 49 C.F.R. 383 to restrict the applicants from whom the department may accept alternative requirements for the driving skills examination authorized in section60-4,155. Such conditions and limitations shall require at least the following:
(1) An applicant must
certify that, during the two-year period immediately prior to applying for
a commercial driver's license, he or she:
(a) Has not had more than one operator's license,
except for a military operator's license;
(b) Has not had any operator's license suspended,
revoked, or canceled;
(c)
Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in 49 C.F.R. 383.51(b);
(d) Has not had more than one conviction for any type
of motor vehicle for serious traffic violations contained in 49 C.F.R. 383.51(c);
(e) Has not had any conviction
for a violation of military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident; and
(f) Has no record of an accident in which he or she
was at fault; and
(2)
An applicant must provide evidence and certify that he or she:
(a) Is regularly employed
or was regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle;
(b) Was exempted from the commercial
driver's license requirements in 49 C.F.R. 383.3(c); and
(c) Was operating a vehicle
representative of the commercial motor vehicle the driver applicant operates or expects to operate, for at least two years immediately preceding discharge from the military.

60-4,150.
Commercial driver's license; CLP-commercial learner's permit; replacement; application; delivery.
(1) Any person holding a commercial driver's license or CLP-commercial learner's permit who loses his or her license or permit, who requires issuance of a replacement license or permit because of a change of name or address, or whose license or permit is mutilated or unreadable may obtain a replacement commercial driver's license or CLP-commercial learner's permit by filing an application pursuant to this section and by furnishing proof of identification in accordance with section60-4,144. Any person seeking a replacement license or permit for such reasons, except because of a change of name, may also obtain a replacement license or permit by submitting an electronic application pursuant to section60-4,148.01.
(2) An application for a replacement license or permit because of a change of name or address shall be made within sixty days after

the change of name or address.
(3) A replacement commercial driver's license or CLP-commercial learner's permit issued pursuant to this section shall be delivered to the applicant as provided in section60-4,113after department personnel or the county treasurer collects the fee and surcharge prescribed in section60-4,115and issues the applicant a receipt with driving privileges which is valid for up to thirty days. Replacement commercial drivers' licenses or CLP-commercial learners' permits issued pursuant to this section shall be issued in the manner provided for the issuance of original and renewal commercial drivers' licenses or the issuance of permits as provided for by section60-4,149.
(4) Upon issuance of any replacement commercial driver's license or permit, the commercial driver's license or CLP-commercial learner's permit for which the replacement license or permit is issued shall be void. Each replacement commercial driver's license or CLP-commercial learner's permit shall be issued with the same expiration date as the license or permit for which the replacement is issued. The replacement license or permit shall also state the new issuance date.

60-4,151.
Commercial driver's license; RCDL-restricted commercial driver's license; CLP-commercial learner's permit; form.
(1)(a) The commercial driver's license shall be conspicuously marked Nebraska Commercial Driver's License and shall be, to the maximum extent practicable, tamper and forgery proof. The commercial driver's license shall be marked Nondomiciled if the license is a nondomiciled commercial driver's license.
(b) The form of the commercial driver's license shall also comply with section60-4,117.
(2) The RCDL-restricted commercial driver's license shall be conspicuously marked Nebraska Restricted Commercial Driver's License and shall be, to the maximum extent practicable, tamper and forgery proof. The RCDL-restricted commercial driver's license shall contain such additional information as deemed necessary by the director.
(3) The CLP-commercial learner's permit shall be conspicuously marked Nebraska Commercial Learner's Permit and shall be, to the maximum extent practicable, tamper and forgery proof. The permit shall also be marked Nondomiciled if the permit is a nondomiciled CLP-commercial learner's permit.

60-4,152.
Commercial driver's license issued
to minor; form.
Any commercial driver's license issued by
the Department of Motor Vehicles to a minor as defined in section53-103.23, as such definition may be amended
from time to time by the Legislature, shall be of a distinct designation,
of a type prescribed by the director, from the commercial driver's license
of a person who is not a minor.

60-4,153.
Issuance of license; department;
duties.
Prior to the issuance of any original or renewal
commercial driver's license, the reissuance of any commercial
driver's license with a change of any classification, endorsement, or restriction, or the issuance of a CLP-commercial learner's permit, the department shall, within twenty-four hours prior to
issuance if the applicant does not currently possess a valid commercial driver's
license or CLP-commercial learner's
permit issued by this state and within ten days prior to the issuance
or reissuance for all other applicants:
(1) Check the driving record of the applicant as maintained by the department
or by any other state which has issued an operator's license to the applicant;
(2) Contact the Commercial Driver License Information System to determine
whether the applicant possesses any valid commercial driver's license or commercial learner's permit issued
by any other state, whether such license or
permit or the applicant's privilege to operate a commercial motor
vehicle has been suspended, revoked, or canceled, or whether the applicant
has been disqualified from operating a commercial motor vehicle; and
(3) Contact the National Driver Register to determine if the applicant
(a) has been disqualified from operating any motor vehicle, (b) has had an
operator's license suspended, revoked, or canceled for cause in the three-year
period ending on the date of application, (c) has been convicted of operation
of a motor vehicle while under the influence of or while impaired by alcohol
or a controlled substance, a traffic violation arising in connection with
a fatal traffic accident, reckless driving, racing on the highways, failure

to render aid or provide identification when involved in an accident which resulted in a fatality or personal injury, or perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law, rule, or regulation related to the operation of a motor vehicle, (d) is not eligible, or (e) is deceased.

60-4,154.
Issuance of license or permit; director notify Commercial Driver License Information System; department; post information.
(1) Prior to the issuance of any original or renewal commercial driver's license, the reissuance of any commercial driver's license with a change of any classification, endorsement, or restriction, or the issuance of a CLP-commercial learner's permit, the director shall notify the Commercial Driver License Information System of the issuance and shall provide the applicant's name, social security number, and any other required information to the operator of the system.
(2) The department shall post information from the medical examiner's certificate to the Commercial Driver License Information System in accordance with section60-4,144.02and 49 C.F.R. 383.73.

60-4,155.
Department; duties; rules and regulations.
The Department of Motor Vehicles shall establish standards and requirements for the testing of applicants for commercial drivers' licenses, endorsements, and restrictions. The standards and requirements developed by the department for written knowledge and driving skills examinations for commercial drivers' licenses shall substantially comply with the requirements of the Commercial Driver's License Standards, 49 C.F.R. part 383, subparts G and H. The department may adopt and promulgate rules and regulations to carry out this section.

60-4,157.
Driving skills examination; waiver based on third-party tester; licensure in another state; report of examination results.
(1) A commercial driver's license examiner may waive the driving skills examination when an applicant presents evidence, on a form to be prescribed by the director, that he or she has successfully passed a driving skills examination administered by a third-party tester.
(2) A third-party skills test examiner may administer a driving skills examination to an applicant who has taken training in this state but is to be licensed in another state. The driving skills examination results shall be reported by the third-party skills test examiner to the department. The department shall transmit electronically the driving skills examination results directly from this state to the licensing state in an efficient and secure manner to be determined by the director.

60-4,158.
Third-party testers; applicant; criminal history record check; fingerprints; rules and regulations; fees; violation; penalty.
(1) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department. Such rules and regulations shall substantially comply with the requirements of 49 C.F.R. 383.75. A third-party skills test examiner employed by a certified third-party tester is not required to hold a commercial driver's license to administer a driving skills examination and occupy the seat beside an applicant for a commercial driver's license.
(2)(a) An applicant to be certified as a third-party skills test examiner shall provide fingerprints to the Nebraska State Patrol. The Nebraska State Patrol shall undertake a search for criminal history record information relating to such applicant, including transmittal of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the department that includes the criminal history record information concerning the applicant. The applicant shall pay the actual cost of the fingerprinting and criminal background check.

(b) A third-party skills
test examiner shall be subject to a national criminal history record information
check.
(c)
The department shall maintain a record of the results of the criminal background
check and third-party skills test examiner test training and certification
of all third-party skills test examiners.
(d) The department shall rescind the certification
to administer commercial driver's license tests of all third-party skills
test examiners who:
(i)
Do not successfully complete the required refresher training every four years;
or
(ii)
Do not pass a national criminal history record information check. Criteria
for not passing the criminal background check must include at least the following:
(A) Any felony conviction
within the last ten years; or
(B) Any conviction involving fraudulent activities.
(3) A certification to conduct
third-party testing shall be valid for two years, and the department shall
charge a fee of one hundred dollars to issue or renew the certification of
any third-party tester. The department shall remit the fees collected to the
State Treasurer for credit to the General Fund.
(4) Any third-party tester
who violates any of the rules and regulations adopted and promulgated pursuant
to this section shall be subject to having his or her certification revoked
by the department.

60-4,159.
Licensee; permit holder; convictions; disqualifications;
notification required; violation; penalty.
(1) Any person
possessing a commercial driver's license or
CLP-commercial learner's permit issued by the department shall, within ten days after the date of conviction, notify the department
of all convictions for violations of state law or local ordinance related
to motor vehicle traffic control, except parking violations, when such convictions
occur in another state.
(2) Any person possessing a commercial driver's license or CLP-commercial learner's permit issued by
the department who is convicted of violating any state law or local ordinance
related to motor vehicle traffic control in this or any other state, other
than parking violations, shall notify his or her employer in writing of the
conviction within thirty days of the date of conviction.
(3) Any person possessing a commercial driver's license or CLP-commercial learner's permit issued by
the department whose commercial driver's license or CLP-commercial learner's permit is suspended,
revoked, or canceled by any state, who loses the privilege to operate a
commercial motor vehicle in any state for any period, or who is disqualified
from operating a commercial motor
vehicle for any period shall notify his or her employer of that fact before
the end of the business day following the day the driver received notice of
that fact.
(4) Any person who fails to provide the notifications required in subsection
(1), (2), or (3) of this section shall, upon conviction, be guilty of a Class
III misdemeanor.

60-4,160.
Refusal or denial of application;
notice; appeal.
Written notice shall be delivered to any
applicant whose application for a commercial driver's license or CLP-commercial learner's permit is refused

or denied for cause. The applicant shall have a right to an immediate appeal to the director upon receipt of such notice. The director shall hear the appeal and render a prompt finding not later than ten days after receipt of the appeal.

60-4,161.
Employment as driver; application; contents; violation; penalty.
(1) Any person who applies for employment as a driver of a commercial motor vehicle shall provide every prospective employer, at the time of application, with the following information for the ten-year period preceding the date of application:
(a) A list of the names and addresses of the applicant's previous employers for whom the applicant was a driver of a commercial motor vehicle;
(b) The dates the applicant was employed by each employer; and
(c) The reason for leaving that employment.
(2) The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information. Any person who fails to provide the information required by this section shall, upon conviction, be guilty of a Class III misdemeanor.

60-4,162.
Employment as driver; employer; duties; violation; penalty.
(1) Each employer shall require prospective applicants for employment as a driver of a commercial motor vehicle to provide the information required by section60-4,161.
(2) No employer may knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in the United States in any of the following circumstances:
(a) During any period in which the driver does not have a current commercial learner's permit or commercial driver's license or does not have a commercial learner's permit or commercial driver's license with the proper class or endorsements. An employer may not use a driver to operate a commercial motor vehicle who violates any restriction on the driver's commercial learner's permit or commercial driver's license;
(b) During any period in which the driver has a commercial learner's permit or commercial driver's license disqualified by a state, has lost the right to operate a commercial motor vehicle in a state, or has been disqualified from operating a commercial motor vehicle;
(c) During any period in which the driver has more than one commercial learner's permit or commercial driver's license;
(d) During any period in which the driver, the commercial motor vehicle he or she is operating, or the motor carrier operation is subject to an out-of-service order; or
(e) In violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.
(3) Any employer who violates this section shall, upon conviction, be guilty of a Class III misdemeanor.

60-4,163.
Alcoholic liquor; prohibited operation; effect.
No person shall operate or be in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body. Any person who operates or is in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body or who refuses to submit to a test or tests to determine the alcoholic content of his or her blood or breath shall be placed out of service for twenty-four hours, shall be subject to disqualification as provided in sections60-4,167and60-4,168, and shall be subject to prosecution for any violation of sections60-6,196and60-6,197.
Any order to place a person out of service for twenty-four hours issued by a law enforcement officer shall be made pursuant to 49 C.F.R. 392.5(c) adopted pursuant to section75-363.

60-4,164.
Alcoholic

liquor; implied consent to submit to chemical tests; refusal or failure; penalty; officer; report.

(1) Any person who operates or is in the actual physical control of a commercial motor vehicle upon a highway in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the amount of alcoholic content in his or her blood or breath.

(2) Any law enforcement officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village who, after stopping or detaining the operator of any commercial motor vehicle, has reasonable grounds to believe that the operator was driving or in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body may require such operator to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the alcoholic content of such blood or breath.

(3) Any law enforcement officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person who operates or has in his or her actual physical control a commercial motor vehicle upon a highway in this state to submit to a preliminary breath test of his or her breath for alcoholic content if the officer has reasonable grounds to believe that such person has any alcoholic liquor in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any such person who refuses to submit to a preliminary breath test shall be placed under arrest and shall be guilty of a Class V misdemeanor. Any person arrested for refusing to submit to a preliminary breath test or any person who submits to a preliminary breath test the results of which indicate the presence of any alcoholic liquor in such person's body may, upon the direction of a law enforcement officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the alcoholic content.

(4) Any person operating or in the actual physical control of a commercial motor vehicle who submits to a chemical test or tests of his or her blood or breath which discloses the presence of any alcoholic liquor in his or her body shall be placed out of service for twenty-four hours by the law enforcement officer.

(5) Any person operating or in the actual physical control of a commercial motor vehicle who refuses to submit to a chemical test or tests of his or her blood or breath or any person operating or in the actual physical control of a commercial motor vehicle who submits to a chemical test or tests of his or her blood or breath which discloses an alcoholic concentration of: (a) Four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or (b) four-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath shall be placed out of service for twenty-four hours by the law enforcement officer, and the officer shall forward to the director a sworn report. The director may accept a sworn report submitted electronically. The report shall state that the person was operating or in the actual physical control of a commercial motor vehicle, was requested to submit to the required chemical test or tests, and refused to submit to the required chemical test or tests or submitted to the required chemical test or tests and possessed an alcohol concentration at or in excess of that specified by this subsection.

(6) Any person involved in a commercial motor vehicle accident in this state may be required to submit to a chemical test or tests of his or her blood or breath by any law enforcement officer if the officer has reasonable grounds to believe that such person was driving or was in actual physical control of a commercial motor vehicle on a highway in this state while under the influence of alcoholic liquor at the time of the accident. A person involved in a commercial motor vehicle accident subject to the implied consent law of this state shall not be deemed to have withdrawn consent to submit to a chemical test or tests of his or her blood or breath by reason of leaving this state. If the person refuses a test or tests under this section and leaves

the state for any reason following an accident, he or she shall remain subject to this section upon return.

60-4,164.01.
Alcoholic liquor; blood test; withdrawing requirements; damages; liability.
(1) Any physician, registered nurse, other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act, a clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act, as amended, to withdraw human blood for scientific or medical purposes, or a hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a peace officer pursuant to section60-4,164. The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood. The agent shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a peace officer pursuant to such section except for acts of willful, wanton, or gross negligence of the agent or of persons employed by such agent.
(2) Any person listed in subsection (1) of this section withdrawing a blood specimen for purposes of section60-4,164shall, upon request, furnish to any law enforcement agency or the person being tested a certificate stating that such specimen was taken in a medically acceptable manner. The certificate shall be signed under oath before a notary public and shall be admissible in any proceeding as evidence of the statements contained in the certificate. The form of the certificate shall be prescribed by the Department of Health and Human Services and such forms shall be made available to the persons listed in subsection (1) of this section.

60-4,165.
Alcoholic liquor; rights of person tested.
The law enforcement officer who requires a chemical test or tests pursuant to section60-4,164may direct whether the test or tests will be of blood or breath. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests are deemed appropriate in addition to and following the test or tests administered at the direction of the law enforcement officer. If the officer refuses to permit such additional test or tests to be taken, the original test or tests shall not be competent evidence. Upon the request of the person tested, the results of the test or tests taken at the direction of the law enforcement officer shall be made available to him or her.

60-4,166.
Alcoholic liquor; chemical test; unconscious person; effect on consent.
Any person who is unconscious or who is in a condition rendering him or her incapable of refusal to submit to a chemical test or tests pursuant to section60-4,164shall be deemed not to have withdrawn the consent provided for in such section, and a chemical test or tests may be given.

60-4,167.
Alcoholic liquor; officer's report; notice of disqualification; hearing before director; procedure.
Upon receipt of a law enforcement officer's sworn report provided for in section60-4,164, the director shall serve the notice of disqualification to the person who is the subject of the report by regular United States mail to the person's last-known address appearing on the records of the director. If the address on the director's records differs from the address on the arresting officer's report, the notice of disqualification shall be sent to both addresses. The notice of disqualification shall contain a statement explaining the operation of the disqualification procedure and the rights of the person. The director shall also provide to the person a self-addressed envelope and a petition form which the person may use to request a hearing before the director to contest the disqualification. The petition form shall clearly state on its face that the petition must be completed and delivered to the department or postmarked within ten days after receipt or the person's right to a hearing to contest the disqualification will be foreclosed. The director shall prescribe and approve the form for the petition, the self-addressed envelope, and the notice of disqualification. If not contested, the disqualification shall automatically take effect thirty days after the date of mailing of the notice of disqualification by the director. Any chemical test or tests made under section60-4,164, if made in conformity with the requirements of section60-6,201, shall be competent evidence of the alcoholic content of such person's blood or breath. The commercial driver's license or commercial learner's permit of the person who is the subject of the report

shall be automatically disqualified upon the expiration of thirty days after the date of the mailing of the notice of disqualification by the director. The director shall conduct the hearing in the county in which the violation occurred or in any county agreed to by the parties. Upon receipt of a petition, the director shall notify the petitioner of the date and location for the hearing by regular United States mail postmarked at least seven days prior to the hearing date.

After granting the petitioner an opportunity to be heard on such issue, if it is not shown to the director that the petitioner's refusal to submit to such chemical test or tests was reasonable or unless it is shown to the director that the petitioner was not operating or in the actual physical control of a commercial motor vehicle with an alcoholic concentration in his or her blood or breath equal to or in excess of that specified in subsection (5) of section60-4,164, the director shall enter an order pursuant to section60-4,169revoking the petitioner's commercial driver's license or commercial learner's permit and the petitioner's privilege to operate a commercial motor vehicle in this state and disqualifying the person from operating a commercial motor vehicle for the period specified by section60-4,168.

60-4,167.01.

Alcoholic liquor; disqualification decision; director; duties.

(1) The director shall reduce the decision disqualifying a commercial driver from operating a commercial motor vehicle pursuant to a hearing under section60-4,167to writing and the director shall notify the person in writing of the disqualification within seven days following a hearing. The decision shall set forth the period of disqualification and be served by mailing it to such person by regular United States mail to the address provided to the director at the hearing or, if the person does not appear at the hearing, to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses.

(2) If the director does not disqualify the commercial driver from operating a commercial motor vehicle, the director shall notify the person in writing of the decision within seven days following a hearing. The notice shall be mailed by regular United States mail as provided in subsection (1) of this section. No reinstatement fee shall be charged.

60-4,167.02.

Alcoholic liquor; disqualification; appeal.

Any person who feels himself or herself aggrieved because of such disqualification pursuant to a hearing under section60-4,167may appeal to the district court of the county where the alleged violation occurred in accordance with the Administrative Procedure Act. The appeal shall not suspend the disqualification unless a stay is allowed by the court pending a final determination of the review. If a stay is allowed and the final judgment of the court finds against the person appealing, the period of disqualification shall commence at the time of the final judgment of the court for the full period of the time of disqualification.

60-4,168.

Disqualification; when.

(1) Except as provided in subsections (2) and (3) of this section, a person shall be disqualified from operating a commercial motor vehicle for one year upon his or her first conviction, after April 1, 1992, in this or any other state for:

(a) Operating a commercial motor vehicle in violation of section60-6,196or60-6,197or under the influence of a controlled substance or, beginning September 30, 2005, operating any motor vehicle in violation of section60-6,196or60-6,197or under the influence of a controlled substance;

(b) Operating a commercial motor vehicle in violation of section60-4,163or60-4,164;

(c) Leaving the scene of an accident involving a commercial motor vehicle operated by the person or, beginning September 30, 2005, leaving the scene of an accident involving any motor vehicle operated by the person;

(d) Using a commercial motor vehicle in the commission of a felony other than a felony described in subdivision (3)(b) of this section or, beginning September 30, 2005, using any motor vehicle in the commission of a felony other than a felony described in

subdivision (3)(b) of this section;
(e) Beginning September 30, 2005, operating a commercial motor vehicle after his or her commercial driver's license has been suspended, revoked, or canceled or the driver is disqualified from operating a commercial motor vehicle; or
(f) Beginning September 30, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle.
(2) Except as provided in subsection (3) of this section, if any of the offenses described in subsection (1) of this section occurred while a person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section75-364, the person shall, upon conviction or administrative determination, be disqualified from operating a commercial motor vehicle for three years.
(3) A person shall be disqualified from operating a commercial motor vehicle for life if, after April 1, 1992, he or she:
(a) Is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents;
(b) Beginning September 30, 2005, used a motor vehicle in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance; or
(c) Used a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11), as such section existed on January 1, 2024.
(4)(a) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a commercial motor vehicle.
(b) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a motor vehicle other than a commercial motor vehicle if the convictions have resulted in the revocation, cancellation, or suspension of the person's operator's license or driving privileges.
(5)(a) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to one of the following six offenses at a highway-rail grade crossing shall be disqualified for the period of time specified in subdivision (5)(b) of this section:
(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;
(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;
(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;
(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;
(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or
(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.
(b)(i) A person shall be disqualified for not less than sixty days if the person is convicted of a first violation described in this subsection.
(ii) A person shall be disqualified for not less than one hundred twenty days if, during any three-year period, the person is convicted of a second violation described in this subsection in separate incidents.
(iii) A person shall be disqualified for not less than one year if, during any three-year period, the person is convicted of a third or subsequent violation described in this subsection in separate incidents.
(6) A person shall be disqualified from operating a commercial motor vehicle for at least one year if, on or after July 8, 2015, the person has been convicted of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license.
(7) If the department receives credible information that a CLP-commercial learner's permit holder or a commercial driver's license holder is suspected, but has not been convicted, on or after July 8, 2015, of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license, the department must require the driver to retake the skills and knowledge tests. Within thirty days after receiving notification from the department that retesting is necessary, the affected CLP-commercial learner's permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the CLP-commercial learner's permit holder or commercial driver's license holder fails to make an appointment within thirty days, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the holder of a CLP-commercial learner's permit or commercial driver's license has had his or her CLP-commercial learner's permit or commercial driver's license disqualified, he or she must reapply for a CLP-commercial learner's permit or commercial driver's license under department procedures applicable to all applicants for a CLP-commercial learner's permit or commercial driver's license.
(8) For purposes of this section, controlled substance has the same meaning as in section28-401.
(9) For purposes of this section, conviction means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(10) For purposes of this section, serious traffic violation means:
(a) Speeding at or in excess of fifteen miles per hour over the legally posted speed limit;
(b) Willful reckless driving as described in section60-6,214or reckless driving as described in section60-6,213;
(c) Improper lane change as described in section60-6,139;
(d) Following the vehicle ahead too closely as described in section60-6,140;
(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person;
(f) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license;
(g) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license in the operator's possession;
(h) Beginning September 30, 2005, operating a commercial motor vehicle without the proper class of commercial driver's license and any endorsements, if required, for the specific vehicle group being operated or for the passengers or type of cargo being transported on the vehicle;
(i) Beginning October 27, 2013, texting while driving as described in section60-6,179.02; and
(j) Using a handheld mobile telephone as described in section60-6,179.02.
(11) Each period of disqualification imposed under this section shall be served consecutively and separately.

60-4,168.01.
Out-of-service order; violation; disqualification; when.
(1) Except as provided in subsection (2) of this section, a person who is convicted of violating an out-of-service order while operating a commercial motor vehicle which is transporting nonhazardous materials shall be subject to disqualification as follows:
(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one hundred eighty days but no more than one year upon a court conviction for violating an out-of-service order;
(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least two years but no more than five years upon a second court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period; and
(c) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a third or subsequent court conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period.
(2) A person who is convicted of violating an out-of-service order while operating a commercial motor vehicle which is transporting hazardous materials required to be placarded pursuant to section75-364or while operating a commercial motor vehicle designed or used to transport sixteen or more passengers, including the driver, shall be subject to disqualification as follows:
(a) A person shall be disqualified from operating a commercial motor vehicle for a period of at least one hundred eighty days but no more than two years upon conviction for violating an out-of-service order; and
(b) A person shall be disqualified from operating a commercial motor vehicle for a period of at least three years but no more than five years upon a second or subsequent conviction for violating an out-of-service order, which arises out of a separate incident, during any ten-year period.
(3) For purposes of this section, out-of-service order has the same meaning as in section75-362.
(4) Each period of disqualification imposed under this section shall be served consecutively and separately.

60-4,168.02.
Federal disqualification; effect.
Beginning September 30, 2005, any federal disqualification of a Nebraska licensed operator imposed in accordance with 49 C.F.R. 383.52 transmitted by the Federal Motor Carrier Safety Administration to the director shall become part of the operator's record maintained by the Department of Motor Vehicles.

60-4,169.
Revocation; when.
Whenever
it comes to the attention of the director that any person when operating a
motor vehicle has, based upon the records of the director, been convicted
of or administratively determined to have committed an offense for which disqualification
is required pursuant to section60-4,146.01,60-4,168, or60-4,168.01, the
director shall summarily revoke (1) the commercial driver's license or CLP-commercial learner's permit and
privilege of such person to operate a commercial motor vehicle in this state
or (2) the privilege, if such person is a nonresident, of operating a commercial
motor vehicle in this state. Any revocation ordered by the director pursuant
to this section shall commence on the date of the signing of the order of
revocation or the date of the release of such person from the jail or a Department
of Correctional Services adult correctional facility, whichever is later,

unless the order of the court requires the jail time and the revocation to run concurrently.

60-4,170.
Revocation; notice; failure to surrender license or permit; violation; penalty; appeal.
Within ten days after the revocation provided for by section60-4,169, the director shall notify in writing the person whose commercial driver's license, CLP-commercial learner's permit, or privilege to operate a commercial motor vehicle has been revoked that such license, permit, or privilege has been revoked. Such notice shall: (1) Contain a list of the disqualifying convictions or administrative determinations upon which the director relies as his or her authority for the revocation, with the dates on which such disqualifying violations occurred and the dates of such convictions or administrative determinations and the trial courts or administrative agencies in which such convictions or administrative determinations were rendered; (2) state the term of revocation; (3) include a demand that the commercial driver's license or CLP-commercial learner's permit be returned to the director immediately; and (4) be served by mailing the notice to such person by regular United States mail to the address of such person. Any person refusing or failing to surrender a commercial driver's license or CLP-commercial learner's permit as required by this section shall, upon conviction, be guilty of a Class III misdemeanor.
Any person who feels himself or herself aggrieved because of a revocation pursuant to section60-4,169may appeal from such revocation in the manner set forth in section60-4,105. Such appeal shall not suspend the order of revocation unless a stay of such revocation shall be allowed by the court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event of a final judgment of a court against such person, until the full time of revocation, as fixed by the director, has elapsed.

60-4,171.
Issuance of Class O or M operator's license; reinstatement of commercial driver's license or CLP-commercial learner's permit; when.
(1) Following any period of revocation ordered by a court, a resident who has had a commercial driver's license or CLP-commercial learner's permit revoked pursuant to section60-4,169may apply for a Class O or M operator's license.
(2) Any person who has had his or her commercial driver's license or CLP-commercial learner's permit revoked pursuant to section60-4,169may, at the end of such revocation period, apply to have his or her eligibility for a commercial driver's license or CLP-commercial learner's permit reinstated. The applicant shall (a) apply to the department and meet the requirements of section60-4,144, (b) take the commercial driver's license knowledge and driving skills examinations prescribed pursuant to section60-4,155if applying for a commercial driver's license, (c) certify pursuant to section60-4,144.01and meet the applicable medical requirements for such certification, (d) be subject to a check of his or her driving record, (e) pay the fees specified in section60-4,115and a reinstatement fee as provided in section60-499.01, and (f) surrender any operator's license issued pursuant to subsection (1) of this section.

60-4,172.
Nonresident licensee or permit holder; conviction within state; director; duties.
(1) Within ten days after a conviction of any nonresident who holds a commercial learner's permit or commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident who holds a commercial learner's permit or commercial driver's license and the Commercial Driver License Information System of such conviction.

(2)(a) Within ten days after disqualifying a nonresident who holds a commercial learner's permit or commercial driver's license or canceling, revoking, or suspending the commercial learner's permit or commercial driver's license held by a nonresident, for a period of at least sixty days, the department shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such action.
(b) The notification shall include both the disqualification and the violation that resulted in the disqualification, cancellation, revocation, or suspension. The notification and the information it provides shall be recorded on the driver's record.
(3) Within ten days after a conviction of any nonresident who holds a commercial learner's permit or commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in any type of motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such conviction.
(4) Within ten days after a conviction of any nonresident who holds a driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident.

60-4,173.
Terms,
defined.
For purposes of sections60-4,173to60-4,179:
(1)
Driver training school or school means a business enterprise conducted by
an individual, association, partnership, limited liability company, or corporation
or a public or private educational facility which educates or trains persons
to operate or drive motor vehicles or which furnishes educational materials
to prepare an applicant for an examination by the state for an operator's
license, provisional operator's permit, or LPD-learner's or LPE-learner's
permit and which charges consideration or tuition for such service or materials;
and
(2) Instructor means any person who operates a driver training
school or who teaches, conducts classes, gives demonstrations, or supervises
practical training of persons learning to operate or drive motor vehicles
in connection with operation of a driver training school.

60-4,174.
Director; duties; rules and regulations; Commissioner of Education; assist.
The director shall adopt and promulgate such rules and regulations for the administration and enforcement of sections60-4,173to60-4,179as are necessary to protect the public. The director or his or her authorized representative shall examine applicants for Driver Training School and Instructor's Licenses, license successful applicants, and inspect school facilities and equipment. The director shall administer and enforce such sections and may call upon the Commissioner of Education for assistance in developing and formulating appropriate rules and regulations.

60-4,175.
School;
license; requirements.
No driver training school shall be
established nor any existing school be continued unless such school applies
for and obtains from the director a license in the manner and form prescribed
by the director. Rules and regulations adopted and promulgated by the director
shall state the requirements for a school license, including requirements
concerning location, equipment, courses of instruction, instructors, financial
statements, schedule of fees and charges, character and reputation of the
operators, insurance, bond, or other security in such sum and with such provisions
as the director deems necessary to protect adequately the interests of the
public, and such other matters as the director may prescribe.

60-4,176.
Instructor; license; requirements.
(1) No person shall act as an instructor unless such person applies for and obtains from the director a license in the manner and form prescribed by the director. If the applicant is an individual, the application form shall include the applicant's social security number.
(2) Rules and regulations adopted and promulgated by the director shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, knowledge of the motor

vehicle laws and safety principles, previous personal and employment records, and such other matters as the director may prescribe for the protection of the public.

60-4,177.
Licenses; renewal; expiration; fees.
All licenses issued under sections60-4,175and60-4,176shall expire on the last day of June in the year following their issuance and may be renewed upon application to the director as prescribed by the rules and regulations. Each application for a new or renewal school license shall be accompanied by a fee of fifty dollars, and each application for a new or renewal instructor's license shall be accompanied by a fee of ten dollars. The license fees shall be placed in the state treasury and by the State Treasurer credited to the General Fund. No license fee shall be refunded in the event that the license is rejected, suspended, or revoked.

60-4,178.
Licenses; cancel, suspend, or revoke; procedure; appeal.
The director may cancel, suspend, revoke, or refuse to issue or renew a school or instructor's license in any case when he or she finds the licensee or applicant has not complied with or has violated any of the provisions of sections60-4,173to60-4,179or any rule or regulation adopted and promulgated by the director under such sections. A suspended or revoked license shall be returned to the director by the licensee, and its holder shall not be eligible to apply for a license under such sections until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a license shall comply with the Administrative Procedure Act.

60-4,179.
Violations; penalty.
Any person, firm, or corporation violating any provision of sections60-4,175to60-4,178shall be guilty of a Class III misdemeanor.

60-4,180.
State identification card; issuance
authorized; prior cards; invalid.
Any person who is a resident
of this state may obtain a state identification card with a digital image of the person
included. State identification cards shall be issued in the manner provided
in section60-4,181. Any identification card issued under prior law prior
to January 1, 1990, shall be invalid after such date.

60-4,181.
State identification cards; issuance; requirements; form; delivery; cancellation.
(1) Each applicant for a state identification card shall provide the information and documentation required by sections60-484,60-484.04, and60-484.07. The form of the state identification card shall comply with section60-4,117. The applicant shall present an issuance certificate to the county treasurer for a state identification card. Department personnel or the county treasurer shall collect the fee and surcharge as prescribed in section60-4,115and issue a receipt to the applicant which is valid up to thirty days. The state identification card shall be delivered to the applicant as provided in section60-4,113.
(2) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application or information presented by the applicant contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application or information presented by the applicant does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.
(3) No person shall be a holder of a state identification card and an operator's license at the same time.

60-4,182.
Point system; offenses enumerated.
In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:
(1) Conviction of motor vehicle homicide - 12 points;
(2) Third offense drunken driving in violation of any city or village ordinance or of section60-6,196, as disclosed by the conviction record of the court's order - 12 points;
(3) Failure to stop and render aid as required under section60-697in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;
(4) Failure to stop and report as required under section60-696or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;
(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of

eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section60-6,196- 6 points;
(6) Willful reckless driving in violation of any city or village ordinance or of section60-6,214or60-6,217- 6 points;
(7) Careless driving in violation of any city or village ordinance or of section60-6,212- 4 points;
(8) Negligent driving in violation of any city or village ordinance - 3 points;
(9) Reckless driving in violation of any city or village ordinance or of section60-6,213- 5 points;
(10) Speeding in violation of any city or village ordinance or any of sections60-6,185to60-6,190and60-6,313:
(a) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points;
(b) More than ten miles per hour but not more than thirty-five miles per hour over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour but not more than thirty-five miles per hour the speed limits provided for in subdivision (1)(f), (g), (h), or (i) of section60-6,186; and
(c) More than thirty-five miles per hour over the speed limit - 4 points;
(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;
(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points;
(13) Using a handheld wireless communication device in violation of section60-6,179.01or texting while driving in violation of subsection (1) or (3) of section60-6,179.02- 3 points;
(14) Using a handheld mobile telephone in violation of subsection (2) or (4) of section60-6,179.02- 3 points;
(15) Unlawful obstruction or interference of the view of an operator in violation of section60-6,256- 1 point;
(16) A violation of subsection (1) of section60-6,175- 3 points; and
(17) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections60-497.01and60-497.02- 1 point.
Subdivision (17) of this section does not include violations involving an occupant protection system or a three-point safety belt system pursuant to section60-6,270; parking violations; violations for operating a motor vehicle without a valid operator's license in the operator's possession; muffler violations; overwidth, overheight, or overlength violations; autocycle, motorcycle, or moped protective helmet violations; or overloading of trucks.
All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section60-4,188.
In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.
The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle as defined in section60-611or an electric personal assistive mobility device as defined in section60-618.02.

60-4,183.
Point system; revocation of license, when; driver improvement course; employment driving permit or medical hardship driving permit, exception.
Whenever it comes to the attention of the director that any person has, as disclosed by the records of the director, accumulated a total of twelve or more points within any period of two years, as set out in section60-4,182, the director shall (1) summarily revoke the operator's license of such person and (2) require such person to attend and successfully complete a driver improvement course consisting of at least four hours of instruction approved by the Department of Motor Vehicles.
Such instruction shall be successfully completed before the operator's license may be reinstated. Each person who attends such instruction shall pay the cost of such course.
Such revocation shall be for a period of six months from the date of the signing of the order of revocation or six months from the date of the release of such person from the jail or a Department of Correctional Services adult correctional facility, whichever is the later, unless a longer period of revocation was directed by the terms of the abstract of the judgment of conviction transmitted to the director by the trial court.
Any motor vehicle except a commercial motor vehicle may be operated under an employment driving permit as provided by section60-4,129or a medical hardship driving permit as provided by section60-4,130.01.

60-4,184.
Revocation
of license; notice; failure to return license; procedure; penalty; appeal;
effect.
Within ten days after the revocation provided
for by section60-4,183, the director shall notify in writing the person whose
operator's license has been revoked that such license has been revoked. Such
notice shall:
(1) Contain a list of the convictions for violations upon
which the director relies as his or her authority for the revocation, with

the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction;
(2) State the term of such revocation;
(3) Include a demand that the license be returned to the director immediately; and
(4) Be served by mailing it to such person by regular United States mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person.
If any person fails to return his or her license to the director as demanded, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. A refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her license as required by this section shall be guilty of a Class III misdemeanor.
Any person who feels aggrieved because of such revocation may appeal from such revocation in the manner set forth in section60-4,105. Such appeal shall not suspend the order of revocation of such license unless a stay of such order is allowed by a judge of such court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the Department of Motor Vehicles, has elapsed.

60-4,185.
License; revocation; when points disregarded.
When the operator's license of a person is revoked for a period of at least six months pursuant to an order of conviction or as provided by sections60-4,182to60-4,186, points accumulated by reason of the conviction containing such order of revocation, or the conviction bringing the total number of points charged to such person to twelve or more, and all prior points accumulated, shall be disregarded so far as any subsequent revocation is concerned.

60-4,186.
Operation after revocation; violation; penalty; employment driving permit or medical hardship driving permit excepted; proof of financial responsibility.
It shall be unlawful to operate a motor vehicle on the public highways after revocation of an operator's license under sections60-4,182to60-4,186, except that a motor vehicle other than a commercial motor vehicle may be operated under an employment driving permit as provided by section60-4,129or a medical hardship driving permit as provided in section60-4,130.01.
Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor.
Any operator's license revoked under sections60-4,182to60-4,186shall remain revoked for six months, and at the expiration of the six-month period, such person shall give and maintain for three years proof of financial responsibility as required by section60-524.
Any person whose operator's license has been revoked pursuant to sections60-4,182to60-4,186a second time within five years shall have his or her operator's license revoked for three years, and at the expiration of the three-year period, such person shall give and maintain for three years proof of financial responsibility as required by section60-524.

60-4,187.
Pardon by mayor or chairperson of board of trustees; effect.
Upon receipt of notice of a pardon granted by any mayor of any city or any chairperson of the board of trustees of any village, the director shall not restore points assessed against an individual as provided by section60-4,182or reinstate any permit to operate a motor vehicle revoked pursuant to section60-4,183.

60-4,188.
Driver improvement course; reduce point assessment.
Any person who has fewer than twelve points assessed against his or her driving record under section60-4,182may voluntarily enroll in a driver improvement course approved by the Department of Motor Vehicles. Upon notification of successful completion of such a course by the conducting organization, the department shall reduce by two the number of points assessed against such person's driving record within the previous two years. This section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section60-4,130,60-4,130.03, or60-4,183shall be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course. If a person has only one point assessed against his or her

record within the previous two years, upon notification of successful completion of such a course by the conducting organization, the department shall reduce one point from such person's driving record. Such reduction shall be allowed only once within a five-year period. Notification of completion of an approved driver improvement course shall be sent to the department, upon successful completion thereof, by the conducting organization. Such course shall consist of at least four hours of instruction and shall follow such other guidelines as are established by the department.

60-4,189.

Operator's license; state identification card; veteran designation; Department of Motor Vehicles; duties; replacement license or card.

(1) An operator's license or a state identification card shall include a veteran designation on the front of the license or card as directed by the department if the individual applying for such license or card is eligible for the license or card and:

(a)(i) Has served in the United States Army, United States Army Reserve, United States Navy, United States Navy Reserve, United States Marine Corps, United States Marine Corps Reserve, United States Coast Guard, United States Coast Guard Reserve, United States Air Force, United States Air Force Reserve, or National Guard and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) from such service; or

(ii) Has served as a commissioned officer in the United States Public Health Service or the National Oceanic and Atmospheric Administration, was detailed to any branch of the armed forces of the United States for service on active or reserve duty, and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) as proven with valid orders from the United States Department of Defense, a statement of service provided by the United States Public Health Service, or a report of transfer or discharge provided by the National Oceanic and Atmospheric Administration;

(b) Registers with the Department of Veterans' Affairs pursuant to section80-414as verification of such service; and

(c) Indicates on the application under section60-484his or her wish to include such veteran designation on his or her license or card.

(2) The Department of Motor Vehicles shall consult the registry established pursuant to section80-414before placing the veteran designation on the operator's license or state identification card issued to the applicant. Such designation shall not be authorized unless the registry verifies the applicant's eligibility. If eligible, the designation to be placed on the applicant's license or card shall be as follows:

(a) The words "Guard-Veteran" for any veteran of the National Guard;

(b) The words "Reserve-Veteran" for any veteran who served on reserve duty; or

(c) The word "Veteran" for all other veterans.

(3) If the Director of Motor Vehicles discovers evidence of fraud in an application under this section, the director may summarily cancel the license or state identification card and send notice of the cancellation to the licensee or cardholder. If the Department of Motor Vehicles has information that an individual is no longer eligible for the veteran designation, the department may summarily cancel the license and send notice of the cancellation to the licensee or cardholder. The veteran designation shall not be restored until the Department of Motor Vehicles subsequently verifies the applicant's eligibility by consulting the registry of the Department of Veterans' Affairs.

(4) The veteran designation authorized in this section shall continue to be included on the license or card upon renewal of such license or card if the licensee or cardholder, at the time of renewal, indicates the desire to include the veteran designation.

(5) An individual may obtain a replacement operator's license or state identification card to add or remove the veteran designation authorized in this section by applying to the Department of Motor Vehicles for such replacement license or card and, if adding the veteran designation, by meeting the requirements of subsection (1) of this section. The fee for such replacement license or card shall be the fee provided in section60-4,115.

60-501.

Terms, defined.

For purposes of the Motor Vehicle Safety Responsibility Act, unless the context otherwise requires:

(1) Department means Department of Motor Vehicles;

(2) Former military vehicle means a motor vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight, but is no longer used, or never was used, by a military force;

(3) Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes;

(4) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, (a) upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or (b) upon a cause of action on an agreement of settlement for such damages;

(5) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, and (iii) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2024, or (b) three-wheeled motor vehicle (i) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, and (iii) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle;
(7) Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (a) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (b) is sixty-seven inches or less in width, (c) has a dry weight of four thousand two hundred pounds or less, (d) travels on four or more tires, (e) has a top speed of approximately fifty-five miles per hour, (f) is equipped with a bed or compartment for hauling, (g) has an enclosed passenger cab, (h) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (i) has a four-speed, five-speed, or automatic transmission;
(8) Motor vehicle means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a former military vehicle. Motor vehicle does not include (a) mopeds as defined in section60-637, (b) traction engines, (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers, (h) every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, (i) electric personal assistive mobility devices as defined in section60-618.02, (j) off-road designed vehicles, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in section60-6,355, minibikes as defined in section60-636, and snowmobiles as defined in section60-663, and (k) bicycles as defined in section60-611;
(9) Nonresident means every person who is not a resident of this state;
(10) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him or her of a motor vehicle or the use of a motor vehicle owned by him or her in this state;
(11) Operator means every person who is in actual physical control of a motor vehicle;
(12) Owner means a person who holds the legal title of a motor vehicle, or in the event (a) a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of the act;
(13) Person means every natural person, firm, partnership, limited liability company, association, or corporation;
(14) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;
(15) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;
(16) State means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and
(17) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.

60-502.
Sections; administration.
The department shall administer and enforce the provisions of sections60-501to60-569and may make rules and regulations necessary for its administration.

60-503.
Appeal; procedure.
(1) Any person aggrieved by an order or act of the department under the Motor Vehicle Safety Responsibility Act may, within thirty days after notice thereof, file a petition in the district court of the county where the aggrieved person resides, but in the event the aggrieved person is a nonresident, then such petition shall be filed in the district court of Lancaster County for a review thereof. The filing of such petition shall suspend the order or act pending a final determination of the review. The license or registration of any person claiming to be aggrieved shall not be restored to such person in the event the final judgment of a court finds against such person until the full time of revocation as fixed by the department shall have elapsed. The court shall summarily hear the petition as a case in equity without a jury and may make any appropriate order or decree.
(2) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

60-504.
Operating record; furnished by department; contents; not admissible in evidence.

The department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of sections60-501to60-569, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

60-505.02.
Reinstatement of license or registration; filing of proof of financial responsibility; payment of fees.
(1) Whenever a license is revoked and the filing of proof of financial responsibility is, by the Motor Vehicle Safety Responsibility Act, made a prerequisite to reinstatement of eligibility for a new license, no license shall be issued unless the licensee, in addition to complying with the other provisions of the act, pays to the Department of Motor Vehicles a reinstatement fee of one hundred twenty-five dollars. The fees paid pursuant to this subsection shall be remitted to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.
(2) Whenever a license is suspended and the filing of proof of financial responsibility is, by the act, made a prerequisite to reinstatement of such license or to the issuance of a new license, no such license shall be reinstated or new license issued unless the licensee, in addition to complying with the other provisions of the act, pays to the department a fee of fifty dollars. The fees paid pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.
(3) When a registration is suspended and the filing of proof of financial responsibility is, by the act, made a prerequisite to reinstatement of the registration, no such registration shall be reinstated or new registration issued unless the registrant, in addition to complying with the act and the Motor Vehicle Registration Act, pays to the department a fee of fifty dollars. The fees paid pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

60-506.01.
Report of accident; effect.
If the Department of Motor Vehicles receives Part II of a report of an accident from the Department of Transportation pursuant to section60-699, it shall be presumed for purposes of the Motor Vehicle Safety Responsibility Act that the Part II information is true, and such presumption shall be accepted, when applicable, as satisfying the requirements of sections60-507,60-508, and60-509.

60-507.
Accident; damage of one thousand five hundred dollars or more; suspend license; suspend privilege of operation by nonresident; notice; exception; proof of financial responsibility; failure to furnish information; effect.
(1)(a) Within ninety days after the receipt by the Department of Transportation of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person, including such operator, to an apparent extent of one thousand five hundred dollars or more, the Department of Motor Vehicles shall suspend (i) the license of each operator of a motor vehicle in any manner involved in such accident and (ii) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, unless such operator deposits security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator and unless such operator gives proof of financial responsibility. Notice of such suspension shall be sent by the Department of Motor Vehicles by regular United States mail to such operator not less than twenty days prior to the effective date of such suspension at his or her last-known mailing address as shown by the records of the department and shall state the amount required as security and the requirement of proof of financial responsibility.
(b) In the event a person involved in a motor vehicle accident within this state fails to make a report to the Department of Motor Vehicles indicating the extent of his or her injuries or the damage to his or her property within thirty days after the accident, and the department does not have sufficient information on which to base an evaluation of such injury or damage, the department, after reasonable notice to such person, may not require any deposit of security for the benefit or protection of such person.
(c) If the operator fails to respond to the notice on or before twenty days after the date of the notice, the director shall summarily suspend the operator's license or privilege and issue an order of suspension.
(2) The order of suspension provided for in subsection (1) of this section shall not be entered by the Department of Motor Vehicles if the department determines that in its judgment there is no reasonable possibility of a judgment being rendered against such operator.
(3) In determining whether there is a reasonable possibility of judgment being rendered against such operator, the department shall consider all reports and information filed in connection with the accident.
(4) The order of suspension provided for in subsection (1) of this section shall advise the operator that he or she has a right to appeal the order of suspension in accordance with section60-503.
(5) The order of suspension provided for in subsection (1) of this section shall be sent by regular United States mail to the operator's last-known mailing address as shown by the records of the department.

60-508.
Ability to respond in damages; automobile liability policy; no suspension; exemptions.
Sections60-507and60-511shall not apply:

(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;
(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;
(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond;
(4) To any person qualifying as a self-insurer under sections60-562to60-564or to any operator of a motor vehicle owned by such self-insurer;
(5) To any person employed by the government of the United States when such person is acting within the scope or office of his employment; or
(6) If such operator is released from liability by a court of justice.

60-509.
Automobile liability policy; corporate surety bond; effective when; limits; notice of accident; duty of insurance company or surety company.
No such policy or bond shall be effective under section60-508unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state or was a motor vehicle which was registered elsewhere than in this state at the effective date of a policy or bond or the most recent renewal thereof, such policy or bond shall not be effective under section60-508unless the insurance company or surety company, if not authorized to do business in this state, shall execute an acknowledgment that the company shall be amenable to process issued by a court of this state in any action upon such policy or bond arising out of such accident. Every such policy or bond is subject, if the accident has resulted in bodily injury, sickness, disease, or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of a notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish, for filing with the department, a written notice that such policy or bond was in effect at the time of such accident.

60-510.
Requirements for security; exceptions.
The requirements as to security, proof, and suspension in sections60-507and60-511shall not apply:
(1) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner;
(2) To the operator or the owner of a motor vehicle legally parked at the time of the accident;
(3) To the owner of a motor vehicle when such motor vehicle was being operated without the owner's permission or consent at the time of the accident; or
(4) If, prior to the date that the department would otherwise suspend license and registration or nonresident's operating privilege under sections60-507and60-511, there shall be filed with the department evidence satisfactory to it that the person, who would otherwise have to file security and proof, has (a) been released from liability, (b) been finally adjudicated not to be liable, (c) executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or (d) executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

60-511.
Suspension; duration; renewal; settlement by insurance carrier; effect.
The license and registration and nonresident's operating privilege suspended as provided in this section and section60-507shall remain so suspended and not be renewed nor shall any such license or registration be issued to such person until:
(1) Such person shall deposit and file or there shall be deposited and filed on his or her behalf the security and proof required under this section and section60-507;
(2) A supersedeas bond is filed and approved to insure payment of any judgment recovered against such person in a court of competent jurisdiction arising out of the accident on account of which such license and registration was suspended and such person files proof of financial responsibility;
(3) Three years have elapsed following the date of such accident and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of such accident has been instituted and such person files proof of financial responsibility;
(4) Evidence satisfactory to the department has been filed with it of a release from liability, and proof of financial responsibility or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with subdivision (4) of section60-510and proof of financial responsibility. If there is any default in the payment of any installment under any confession of judgment, the department, upon notice of such default, shall suspend the license and registration or

nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in the confession of judgment has been paid and proof of financial responsibility has been filed. If there is any default in the payment of any installment under any duly acknowledged written agreement, the department, upon notice of such default, shall suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until (a) such person deposits and maintains security as required under section60-507, in such amount as the department determines, and files proof of financial responsibility or (b) one year has elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state and such person gives proof of financial responsibility; or

(5) In the event any insurance carrier of any motor vehicle operator makes settlement with the operator of another motor vehicle involved in the accident, such settlement shall, for the purpose of the Motor Vehicle Safety Responsibility Act, be construed as a release to the operators of all motor vehicles involved in the accident, and be sufficient to satisfy subdivision (4) of this section.

60-512.

Compliance with law; person with no license or registration; nonresident; resident with accident occurring in other state.

(1) In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, such operator or owner shall not be allowed a license or registration until he or she has complied with the requirements of the Motor Vehicle Safety Responsibility Act to the same extent that would be necessary if, at the time of the accident, he or she had held a license and registration.

(2) When a nonresident's operating privilege is suspended pursuant to section60-507or60-511, the department shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of certification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to deposit both security and proof of financial responsibility, under circumstances which would require the department to suspend a nonresident's operating privilege had the accident occurred in this state, the department shall suspend the license and registrations of such resident. Such suspension shall continue until such resident furnishes evidence of compliance with the law of the other state relating to the deposit of security and until such resident files proof of financial responsibility if required by the law of the other state.

60-513.

Security; form; amount; increase or reduction.

The security required by the Motor Vehicle Safety Responsibility Act shall be in such form and in such amount as the department may require but in no case less than one thousand five hundred dollars nor in excess of the limits specified in section60-509. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons, except that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. The department may increase or reduce the amount of security ordered in any case at any time after the date of the accident if, in the judgment of the director, the amount ordered is inadequate or excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered shall be returned to the depositor or his or her personal representative immediately, notwithstanding section60-514. If any additional security ordered is not deposited within ten days, the department shall proceed under section60-507.

60-514.

Security; State Treasurer; custody; disposition; return.

The security deposited in compliance with the Motor Vehicle Safety Responsibility Act shall be placed by the department in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law begun not later than two years after the date of such accident or within two years after the date of deposit of any security under subdivision (4) of section60-511. The deposit or any balance of the deposit shall be returned to the depositor or his or her personal representative (1) when evidence satisfactory to the department has been filed with the department that there has been a release from liability, a final adjudication of nonliability, a supersedeas bond to insure payment of judgment filed and approved as set forth in subdivision (2) of section60-511, a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with subdivision (4) of section60-510, or (2) whenever, after the expiration of two years from the date of the accident, or within two years after the date of deposit of any security under subdivision (4) of section60-511, the department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

60-515.

Evidence; action for damages; what not admitted.

Neither the action taken by the department pursuant to the Motor Vehicle Safety Responsibility Act, the findings, if any, of the department upon which such action is based, nor the security filed as provided in the act shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

60-516.
Failure to satisfy judgment; nonresidents.
Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to transmit to the department, immediately after the expiration of sixty days, a copy of such judgment. If the defendant named in any copy of a judgment transmitted to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

60-517.
License and registration; suspension for nonpayment of judgment.
Upon the receipt of a copy of a judgment, the department shall forthwith suspend, except as provided in sections60-521to60-523, the license and registration and the nonresident's operating privilege of any person against whom such judgment was rendered.

60-518.
License and registration; suspension for nonpayment of judgment; exception.
If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in sections60-521to60-523, provided the judgment debtor furnishes proof of financial responsibility.

60-519.
License and registration; suspension for nonpayment of judgment; judgment satisfied; proof of financial responsibility.
Such license, registration and nonresident's operating privilege shall, except as provided in sections60-521to60-523, remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied or discharged, and until the said person gives proof of financial responsibility.

60-520.
Judgments; payments sufficient to satisfy requirements.
Judgments in excess of the amounts specified in subdivision (14) of section60-501shall, for the purpose of the Motor Vehicle Safety Responsibility Act only, be deemed satisfied when payments in the amounts so specified have been credited thereon. Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

60-521.
Judgments; installment payments.
A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

60-522.
Judgments; installment payments; financial responsibility; license or registration; restore.
The department shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

60-523.
Judgments; installment payments; default; suspend license or registration.
In the event the judgment debtor fails to pay an installment as specified by such order, the department, upon notice of such default, shall forthwith suspend the license, registration or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in sections60-501to60-569.

60-524.
Convictions; suspension of license or registration of operator or owner; when; reinstatement; proof of financial responsibility.

(1) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, the department shall also suspend all registrations in the name of such person, except that it shall not suspend such registrations, unless otherwise required by law, if such person has previously given or shall immediately give and shall maintain for three years proof of financial responsibility.
(2) Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in the conviction, the department shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of the violation, unless such owner has previously given or shall immediately give and maintain for three years proof of financial responsibility. This subsection shall not apply to such owner if he or she had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was then in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the department, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under sections60-562to60-564.
(3) Whenever the department, pursuant to any law of this state, suspends or revokes the license of any person after having received a record of conviction of the licensee, such person shall not be eligible for reinstatement of his or her driving privilege until he or she shall give and thereafter maintain proof of financial responsibility.

60-525.
Convictions; suspension of license and registration; renewal; financial responsibility.
Where proof of financial responsibility is required by section60-524such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and shall maintain for three years proof of financial responsibility.

60-526.
License and registration; conviction without a license; subsequent issuance of license or registration; proof of financial responsibility.
If a person is not licensed, but by final order or judgment is convicted of any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

60-527.
Nonresident's operating privilege; suspension or revocation; conviction or forfeiture of bail; proof of financial responsibility for removal.
Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and shall maintain for three years proof of financial responsibility.

60-528.
Proof of financial responsibility; proof; enumerated; copy provided.
Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof by filing:
(1) A certificate of insurance as provided in section60-529or60-531;
(2) A bond as provided in sections60-547and60-548;
(3) A certificate of deposit of money or securities as provided in section60-549; or
(4) A certificate of self-insurance as provided in sections60-562to60-564.
The department shall issue to any person providing the proof of financial responsibility a copy of any filing described in subdivision (2), (3), or (4) of this section with the department's seal affixed to the copy.

60-529.
Proof of financial responsibility; certificate of insurance; contents.
Proof of financial responsibility may be furnished by (1) filing with the department the written certificate of any insurance carrier, duly authorized to do business in this state, or (2) electronic transmission of a certificate by an insurance carrier, duly authorized to do business in this state, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility, also known as an SR-22 certificate. Such certificate shall give the effective date of the certificate and designate, by explicit description or by appropriate reference, all motor vehicles covered thereby unless the policy is issued to a person who is not the owner of a motor vehicle. A certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description.

60-530.
Proof of financial responsibility; certificate of insurance; designation of motor vehicle.
No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

60-531.
Proof of financial responsibility; nonresident; certificate of insurance; requirements.
The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in this state or any other state in which the motor vehicle or motor vehicles described in such certificate are registered or, if such nonresident does not own a motor vehicle, in the state in which the insured resides. The department shall accept the same upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified: (1) The insurance carrier shall execute an acknowledgment that the carrier shall be amenable to process issued by a court of this state in any action upon such policy; and (2) the insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

60-532.
Insurance carrier not authorized to transact business in state; defaults; effect.
If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

60-533.
Motor vehicle liability policy, defined.
A motor vehicle liability policy, as said term is used in sections60-501to60-569, shall mean an owner's or an operator's policy of liability insurance, certified as provided in sections60-529to60-531as proof of financial responsibility, and issued, except as otherwise provided in section60-531by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

60-534.
Policy; contents; limits.
Such motor vehicle liability policy shall (1) designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted and (2) insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

60-535.
Policy; coverage for nonowned vehicle.
Such motor vehicle liability policy shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth in section60-534with respect to a motor vehicle liability policy.

60-536.
Policy; requirements.
Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in sections60-501to60-569as respects bodily injury and death or property damage, or both, and is subject to all the provisions of sections60-501to60-569.

60-537.
Policy; provisions excluded.
Such motor vehicle liability policy shall not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

60-538.
Policy; mandatory provisions.
Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein: (1) The liability of the insurance carrier with respect to the insurance required by sections60-501to60-569shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy; (2) the satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage; (3) the insurance carrier shall have the right to settle any claim covered by the policy and, if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subsection (2) of section60-534; and (4) the policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of sections60-501to60-569shall constitute the entire contract between the parties.

60-539.
Policy; additional coverage; not covered in term.
Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of sections60-501to60-569. With respect to a policy which grants such excess or additional coverage the term motor vehicle liability policy shall apply only to that part of the coverage which is required by sections60-533to60-543.

60-540.
Policy; permissible provisions.
Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of sections60-501to60-569.

60-541.
Policy; prorating of insurance.
Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

60-542.
Policy; one or more insurance carriers.
The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

60-543.
Policy; binder issued pending issuance of policy.
Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

60-544.
Policy; notice of cancellation or termination of certified policy.
When an insurance carrier has certified a motor vehicle liability policy under sections60-529to60-531, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified is mailed to the insured. If the insurance is not reinstated by the insured within ten days, the insurance carrier shall provide notice to the department by filing a notice of the cancellation or termination in the office of the department. A motor vehicle liability policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

60-545.
Sections; applicability to policies issued under other laws.
Sections60-501to60-569shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of sections60-501to60-569, may be certified as proof of financial responsibility under sections60-501to60-569.

60-546.
Sections; applicability to policies on employee use of nonowned vehicles.
Sections60-501to60-569shall not be held to apply to or affect policies solely insuring the insured named in the policy against liability resulting from the maintenance or use, by persons in the employ of the insured or on his behalf, of motor vehicles not

owned by the insured.

60-547.
Bond; proof of financial responsibility.
Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties who each own real estate within this state, which real estate shall be scheduled in the bond approved by a judge of a court of record. The bond shall be conditioned for the payment of the amounts specified in subdivision (14) of section60-501. It shall be filed with the department and shall not be cancelable except after ten days' written notice to the department. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the department in the office of the register of deeds of the county where such real estate shall be located.

60-548.
Bond; action on in name of state; when.
If such a judgment, rendered against the principal on such bond, shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action in equity to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

60-549.
Deposits with State Treasurer; amount required; proof of financial responsibility.
Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named in the certificate has deposited with him or her seventy-five thousand dollars per vehicle in cash or securities such as may legally be purchased by savings banks or for trust funds of a market value of seventy-five thousand dollars. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless it is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

60-550.
Cash deposits with State Treasurer; execution; not subject to attachment.
Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of sections60-501to60-569, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

60-550.01.
Cash deposits with State Treasurer; judgment creditor; payment.
Upon receipt by the department of a certified copy of a final judgment secured against a depositor, such judgment having been granted for damages arising out of the accident which caused the depositing of security under the Motor Vehicle Safety Responsibility Act, the department shall, by voucher addressed to the Director of Administrative Services, cause the payment of the deposited security to the judgment creditor in accordance with the terms of the judgment and, if it appears there is no further liability to any persons arising out of such accident, the department shall, upon its voucher to the Director of Administrative Services, cause the balance remaining, if any, to be returned to the depositor or his or her personal representative.

60-551.
Owner may give proof for others.
Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the back of such person's license.

60-552.
Substitution of proof of financial responsibility.
The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate

proof of financial responsibility pursuant to sections60-501to60-569.

60-553.
Additional proof required; suspend license and registration until furnished.
Whenever any proof of financial responsibility, filed under the provisions of sections60-501to60-569, no longer fulfills the purposes for which required, the department shall, for the purpose of sections60-501to60-569, require other proof as required by sections60-501to60-569and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

60-554.
Duration of proof; when proof may be canceled or returned; waiver of requirement of filing.
(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities, deposited pursuant to the Motor Vehicle Safety Responsibility Act as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:
(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished;
(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or
(c) In the event the person who has given proof surrenders his or her license and registration to the department, except that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages, upon a liability covered by such proof, is then pending or a judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within two years immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of his or her liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.
(2) Whenever any person, whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license or registration within a period of three years from the date such proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

60-555.
Transfer of registration to defeat purpose of sections; prohibited.
If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name after the date of the accident until the department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of sections60-501to60-569. Nothing in this section shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such motor vehicle from a person whose registration has been suspended under the provisions of sections60-501to60-569.

60-556.
Surrender of license and registration; failure; department to obtain possession; peace or law enforcement officer; duties.
(1) Any person (a) whose license or registration shall have been suspended as herein provided, (b) whose policy of insurance or bond, when required under sections60-501to60-569, shall have been canceled or terminated, or (c) who shall neglect to furnish other proof upon the request of the department shall immediately return his or her license and registration to the department. If any person shall fail to return to the department the license or registration as provided herein, the department shall forthwith direct any peace officer or authorized representative of the department to secure possession thereof and to return the same to the department.
(2) It shall be the duty of the peace officer or law enforcement officer who is directed to secure possession of the license and registration under subsection (1) of this section to make every reasonable effort to secure the license and registration and return such to the department or to show good cause, as that is determined by the department, why such license or registration is unable to be returned.

60-557.
License, registration, or nonresident's operating privilege; operating motor vehicle while suspended or revoked; effect.
Any person whose license, registration, or nonresident's operating privilege has been suspended or revoked under the Motor Vehicle Safety Responsibility Act and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under the act, shall be subject to section60-4,108.

60-558.
Failure to return license or registration; penalty.
Any person willfully failing to return the license or registration, as required in section60-556, shall be guilty of a Class III misdemeanor.

60-559.
Notice; forgery; penalty.
Any person who shall forge or, without authority, sign any notice, provided for under sections60-507to60-509, that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a Class I misdemeanor.

60-560.
Violations; penalty.
Any person who shall violate any provision of sections60-501to60-569for which no penalty is otherwise provided shall be guilty of a Class III misdemeanor.

60-561.
Act; applicability.
The Motor Vehicle Safety Responsibility Act shall not apply with respect to any motor vehicle owned by the United States, the State of Nebraska, any political subdivision of this state, or any municipality therein. Except for section60-551, such act shall not apply with respect to any motor vehicle which is subject to the requirements of section75-307, nor shall sections60-516to60-544apply to any automobile liability policy which has not been certified as provided in sections60-528to60-531as proof of financial responsibility.

60-562.
Self-insurer; qualifications.
Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department, as provided in section60-563.

60-563.
Self-insurer; certificate; issuance.
The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

60-564.
Self-insurer; certificate; cancellation; hearing; grounds.
Upon not less than five days' notice and a hearing pursuant to such notice, the department may cancel a certificate of self-insurance upon reasonable grounds. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

60-565.
Sections; supplemental to other laws.
Sections60-501to60-569shall in no respect be considered as a repeal of the state motor vehicle law, but shall be construed as supplemental thereto.

60-567.
Actions; cumulative.
Nothing in sections60-501to60-569shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

60-568.
Sections, how construed.
Sections60-501to60-569shall be so interpreted and construed as to effectuate their general purpose to make uniform the laws of those states which enact them.

60-569.
Act, how cited.
Sections60-501to60-569may be cited as the Motor Vehicle Safety Responsibility Act.

60-601.

Rules, how cited.
Sections60-601to60-6,383shall be known and may be cited as the Nebraska Rules of the Road.

60-602.
Declaration of legislative purpose.
The purposes and policies of the Nebraska Rules of the Road are:
(1) To make more uniform highway traffic laws between states;
(2) To educate drivers so that they can develop instinctive habits resulting in safer emergency reactions;
(3) To educate drivers and pedestrians of all ages to more readily understand each other's responsibilities and privileges when all obey the same rules;
(4) To promote economic savings by relieving congestion and confusion in traffic;
(5) To increase the efficiency of streets and highways by the application of uniform traffic control devices;
(6) To reduce the huge annual loss of life and property which occurs on Nebraska's highways; and
(7) To assist traffic law enforcement by encouraging voluntary compliance with law through uniform rules.

60-603.
Rules; not retroactive.
The Nebraska Rules of the Road as enacted by Laws 1993, LB 370, shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this state occurring prior to January 1, 1994. All violations, offenses, prosecutions, and criminal appeals under prior law are saved and preserved. All civil causes of action based upon or under prior law arising out of traffic accidents prior to such date and judgments thereon or appeals therefrom are saved and preserved.

60-604.
Construction of rules.
The Nebraska Rules of the Road shall be so interpreted and construed as to effectuate their general purpose to make uniform the laws relating to motor vehicles.

60-605.
Definitions, where found.
For purposes of the Nebraska Rules of the Road, the definitions found in sections60-606to60-676shall be used.

60-606.
Acceleration or deceleration lane, defined.
Acceleration or deceleration lane shall mean a supplementary lane of a highway lane for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway.

60-607.
Alley, defined.
Alley shall mean a highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

60-608.
Approach or exit road, defined.
Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress.

60-609.
Arterial highway, defined.
Arterial highway shall mean a highway primarily for through traffic, usually on a continuous route.

60-610.
Authorized emergency vehicle, defined.
Authorized
emergency vehicle shall mean such fire department vehicles, police vehicles,
rescue vehicles, and ambulances as are publicly owned, such other publicly
or privately owned vehicles as are designated by the Director of Motor Vehicles,

and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to section55-133.

60-610.01.
Autocycle, defined.
Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

60-611.
Bicycle, defined.
Bicycle shall mean:
(1) Every device propelled solely by human power, upon which any person may ride, and having two, three, or four wheels any one or more of which being more than fourteen inches in diameter; and
(2) An electric bicycle.

60-612.
Bus, defined.
Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

60-613.
Business district, defined.
Business district shall mean the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of a highway.

60-614.
Cabin trailer, defined.
Cabin trailer shall mean a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer shall not mean a trailer or semitrailer which is permanently attached to real estate. There shall be three classes of cabin trailers:
(1) Camping trailer which shall include cabin trailers one hundred two inches or less in width and forty feet or less in length and adjusted mechanically smaller for towing;
(2) Mobile home which shall include cabin trailers more than one hundred two inches in width or more than forty feet in length; and
(3) Travel trailer which shall include cabin trailers not more than one hundred two inches in width nor more than forty feet in length from front hitch to rear bumper, except as provided in subdivision (2)(k) of section60-6,288.

60-614.01.
Continuous alcohol monitoring device, defined.
Continuous alcohol monitoring device means a portable device capable of automatically and periodically testing and recording alcohol consumption levels and automatically and periodically transmitting such information and tamper attempts regarding such device, regardless of the location of the person being monitored.

60-614.02.
Class I electric bicycle, defined.
Class I electric bicycle means a device with the following components:
(1) Two, three, or four wheels;
(2) A saddle or seat for the rider;
(3) Fully operative pedals for propulsion by human power; and
(4) An electric motor:
(a) Not exceeding seven hundred fifty watts of power;
(b) That produces no more than one brake horsepower;
(c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;

(d) That only provides power when the rider is pedaling; and
(e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

60-614.03.
Class II electric bicycle, defined.
Class II electric bicycle means a device with the following components:
(1) Two, three, or four wheels;
(2) A saddle or seat for the rider;
(3) Fully operative pedals for propulsion by human power; and
(4) An electric motor:
(a) Not exceeding seven hundred fifty watts of power;
(b) That produces no more than one brake horsepower;
(c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
(d) Capable of providing power whether or not the rider is pedaling; and
(e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

60-614.04.
Class III electric bicycle, defined.
Class III electric bicycle means a device with the following components:
(1) Two, three, or four wheels;
(2) A saddle or seat for the rider;
(3) Fully operative pedals for propulsion by human power; and
(4) An electric motor:
(a) Not exceeding seven hundred fifty watts of power;
(b) That produces no more than one brake horsepower;
(c) Capable of propelling the bicycle at a maximum design speed of no more than twenty-eight miles per hour on level ground;
(d) That only provides power when the rider is pedaling; and
(e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty-eight miles per hour.

60-615.
Controlled-access highway, defined.
Controlled-access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway.

60-616.
Crosswalk, defined.
Crosswalk shall mean:
(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or
(2) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices.

60-617.
Daytime, defined.
Daytime shall mean that period of time between sunrise and sunset.

60-618.
Divided highway, defined.
Divided highway shall mean a highway with separated roadways for traffic in opposite directions.

60-618.01.
Expressway, defined.
Expressway shall mean a divided arterial highway designed primarily for through traffic with full or partial control of access which may have grade separations at intersections.

60-618.02.
Electric personal assistive mobility device, defined.
Electric personal assistive mobility device shall mean a self-balancing, two-nontandem-wheeled device, designed to transport only one person and containing an electric propulsion system with an average power of seven hundred fifty watts or one horsepower,

whose maximum speed on a paved level surface, when powered solely by such a propulsion system and while being ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour.

60-618.03.
Electric bicycle, defined.
Electric bicycle means a Class I electric bicycle, a Class II electric bicycle, and a Class III electric bicycle.

60-619.
Farm tractor, defined.
Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

60-620.
Final conviction, defined.
Final conviction shall mean the final determination of all questions of fact and of law.

60-620.01.
Former military vehicle, defined.
Former military vehicle means a motor vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight, but is no longer used, or never was used, by a military force.

60-621.
Freeway, defined.
Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto.

60-622.
Full control of access, defined.
Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections.

60-622.01.
Golf car vehicle, defined.
Golf car vehicle
means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.

60-623.
Grade separation, defined.
Grade separation shall mean a crossing of two highways at different levels.

60-624.
Highway, defined.
Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

60-624.01.
Idle
reduction technology, defined.
Idle reduction technology
means any device or system of devices that is installed on a heavy-duty diesel-powered on-highway truck or truck-tractor and is designed to provide to such truck

or truck-tractor those services, such as heat, air conditioning, or electricity, that would otherwise require the operation of the main drive engine while the truck or truck-tractor is temporarily parked or remains stationary.

60-625.
Implement of husbandry, defined.
Implement of husbandry shall mean every vehicle or implement designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and used primarily off any highway.

60-625.01.
Impoundment of operator's license, defined.
Impoundment of operator's license shall have the meaning found in section60-470.01.

60-626.
Interchange, defined.
Interchange shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection.

60-627.
Intersection, defined.
Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. When a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a highway shall not constitute an intersection.

60-628.
Local authority, defined.
Local authority shall mean every county, municipal, and other local board or body having power to enact laws, rules, or regulations relating to traffic under the Constitution of Nebraska and the laws of this state and generally including the directors of state institutions, the Game and Parks Commission, and all natural resources districts with regard to roads not a part of the state highway system and within the limits of such institution, of an area under Game and Parks Commission control, or of an area owned or leased by a natural resources district, but outside the limits of any incorporated city or village.

60-628.01.
Low-speed vehicle, defined.
Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2024, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

60-629.
Mail, defined.
Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid.

60-630.
Maintenance, defined.
Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety.

60-631.
Manual, defined.
Manual shall mean the Manual on Uniform Traffic Control Devices adopted by the Department of Transportation pursuant to section60-6,118.

60-632.

Median, defined.
Median shall mean that part of a divided highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space or to divide such highway into two roadways for vehicular travel in opposite directions.

60-633.
Median crossover, defined.
Median crossover shall mean a connection between roadways of a divided highway the use of which may permit a vehicle to reverse its direction by continuously moving forward.

60-634.
Median opening, defined.
Median opening shall mean a gap in a median provided for crossing and turning traffic.

60-635.
Metal tire, defined.
Metal tire shall mean every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

60-636.
Minibike, defined.
Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only. Minibike shall not include an electric personal assistive mobility device.

60-636.01.
Minitruck, defined.
Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission.

60-637.
Moped, defined.
Moped shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than thirty miles per hour on level ground.

60-638.
Motor vehicle, defined.
Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.

60-639.
Motorcycle, defined.
Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding tractors and electric personal assistive mobility devices. Motorcycle includes an autocycle.

60-640.
Motor-driven cycle, defined.
(1) Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with a motor attached except for an electric bicycle. Motor-driven cycle shall not include an electric personal assistive mobility device.

(2) For purposes of this section, motorcycle does not include an autocycle.

60-641.
Nighttime, defined.
Nighttime shall mean that period of time between sunset and sunrise.

60-641.01.
On-track equipment, defined.
On-track equipment means any railroad locomotive or any other car, rolling stock, equipment, or other device operated upon stationary rails either alone or coupled to other railroad locomotives, cars, rolling stock, equipment, or devices.

60-642.
Operator or driver, defined.
Operator or driver shall mean any person who operates, drives, or is in actual physical control of a vehicle.

60-643.
Operator's license, defined.
Operator's license shall have the meaning found in section60-474.

60-644.
Owner, with respect to a vehicle, defined.
Owner, with respect to a vehicle, shall mean a person, other than a person holding a security interest, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security.

60-645.
Park or parking, defined.
Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

60-646.
Peace officer, defined.
Peace officer shall mean any town marshal, chief of police, local police officer, sheriff, or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, or any officer of the Nebraska State Patrol and shall also include members of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder and Game and Parks Commission conservation officers while in areas under the control of the Game and Parks Commission. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.

60-647.
Pedestrian, defined.
Pedestrian shall mean any person afoot.

60-648.
Pneumatic tire, defined.
Pneumatic tire shall mean any tire designed so that compressed air supports the load of the wheel.

60-649.
Private road or driveway, defined.
Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

60-649.01.
Property-carrying unit, defined.
Property-carrying unit shall mean any part of a commercial motor vehicle combination, except the truck-tractor, used to carry property and shall include trailers and semitrailers.

60-650.
Railroad, defined.
Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

60-651.

Railroad sign or signal, defined.
Railroad sign or signal shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train.

60-652.
Railroad train, defined.
Railroad train shall mean a steam engine or an engine with an electric or other motor, with or without cars coupled thereto, operated upon rails.

60-653.
Registration, defined.
Registration shall mean the registration certificate or certificates and license plates issued under the Motor Vehicle Registration Act.

60-654.
Residential district, defined.
Residential district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

60-654.01.
Revocation of operator's license, defined.
Revocation of operator's license shall have the meaning found in section60-476.01.

60-655.
Right-of-way, defined.
Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

60-656.
Roadway, defined.
Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.

60-657.
Safety zone, defined.
Safety zone shall mean an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as such area.

60-658.
School bus, defined.
School bus shall mean any motor vehicle which complies with the general design, equipment, and color requirements adopted and promulgated pursuant to subdivision (12) of section79-318and which is used to transport students to or from school or in connection with school activities but shall not include buses operated by common carriers in urban transportation of school students.

60-658.01.
School crossing zone, defined.
School crossing zone means the area of a roadway designated to the public by the Department of Transportation or any county, city, or village as a school crossing zone through the use of a sign or traffic control device as specified by the department or any county, city, or village in conformity with the manual but does not include any area of a freeway. A school crossing zone starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended.

60-659.
Security interest, defined.
Security interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures

payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

60-660.
Semitrailer, defined.
Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

60-661.
Shoulder, defined.
Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.

60-662.
Sidewalk, defined.
Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

60-663.
Snowmobile, defined.
Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats.

60-664.
Solid tire, defined.
Solid tire shall mean every tire of rubber or other resilient material which does not depend upon compressed air or metal for the support of the load of the wheel to which it attaches.

60-665.
Stand or standing, defined.
Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

60-666.
State, defined.
State shall mean a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.

60-667.
Stop or stopping, defined.
(1) Stop, when required, shall mean a complete cessation of movement.
(2) Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device.

60-667.01.
Super-two highway, defined.
Super-two highway means a two-lane highway designed primarily for through traffic with passing lanes spaced intermittently and on alternating sides of the highway to provide predictable opportunities to pass slower moving vehicles.

60-668.
Through highway, defined.
Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield such right-of-way to vehicles on such highway in obedience to a stop sign, yield sign, or other traffic control device, when such sign or device is erected as provided by law.

60-669.
Traffic, defined.
Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.

60-670.
Traffic control device, defined.
Traffic control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

60-671.
Traffic control signal, defined.
Traffic control signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

60-672.
Traffic infraction, defined.
Traffic infraction shall mean the violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony.

60-673.
Trailer, defined.
Trailer shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

60-674.
Truck, defined.
Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property.

60-675.
Truck-tractor, defined.
Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

60-676.
Vehicle, defined.
Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

60-677.
Areas not part of state highway system or within an incorporated city or village; jurisdiction.
The directors of state institutions, and the Game and Parks Commission and natural resources districts for areas under their control, shall have the powers of local authorities provided for in the Nebraska Rules of the Road with regard to roadways running through, within, or along the grounds of the institution or area which are not part of the state highway system and not within the limits of any incorporated city or village. The governing body of an incorporated city or village may delegate to the director of a state institution, or to the Game and Parks Commission or a natural resources district for an area under its control, responsibility for regulating traffic and placing and maintaining traffic control devices on roadways not part of the state highway system running through or within the limits of such institution or area and within the incorporated city or village when such city or village does not exercise its right to regulate traffic on such roadway.

60-678.
Regulations; violations; penalty.
(1) The State of Nebraska or any department, board, commission, or governmental subdivision thereof is hereby authorized, in its respective jurisdiction, to enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, electric bicycles, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the appropriate governmental entity or in a place, time, or manner which has been prohibited by such entity shall be guilty of a Class III misdemeanor.
(2) Such governmental entity described in subsection (1) of this section may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, electric bicycles, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner

so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of a Class III misdemeanor.

60-679.
Roadway; removal of dead or injured persons; peace officer.
Peace officers may remove a dead body or an injured person from any roadway to the nearest available position off the roadway as may be necessary to keep the roadway open or safe for public travel or to any hospital, clinic, or medical doctor as may be necessary to preserve life.

60-680.
Regulation of highways by local authority; police powers.
(1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:
(a) Regulate or prohibit stopping, standing, or parking;
(b) Regulate traffic by means of peace officers or traffic control devices;
(c) Regulate or prohibit processions or assemblages on the highways;
(d) Designate highways or roadways for use by traffic moving in one direction;
(e) Establish speed limits for vehicles in public parks;
(f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
(g) Restrict the use of highways as authorized in section60-681;
(h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
(i) Regulate operation of electric personal assistive mobility devices;
(j) Regulate or prohibit the turning of vehicles or specified types of vehicles;
(k) Alter or establish speed limits authorized in the Nebraska Rules of the Road;
(l) Designate no-passing zones;
(m) Prohibit or regulate use of controlled-access highways by any class or kind of traffic except those highways which are a part of the state highway system;
(n) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Transportation;
(o) Establish minimum speed limits as authorized in the rules;
(p) Designate hazardous railroad grade crossings as authorized in the rules;
(q) Designate and regulate traffic on play streets;
(r) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in the rules;
(s) Restrict pedestrian crossings at unmarked crosswalks as authorized in the rules;
(t) Regulate persons propelling push carts;
(u) Regulate persons upon skates, coasters, sleds, and other toy vehicles;
(v) Notwithstanding any other provision of law, adopt and enforce an ordinance or resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction. For purposes of this subdivision, engine brake means a device that converts a power producing engine into a power-absorbing air compressor, resulting in a net energy loss;
(w) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and
(x) Adopt other traffic regulations except as prohibited by state law or contrary to state law.
(2) No local authority, except an incorporated city with more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, shall erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation.
(3) No ordinance or regulation enacted under subdivision (1)(d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

60-681.
Highways, travel on; regulation by local authorities; when authorized; signs.
Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed one hundred eighty days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. Such local authorities enacting any such ordinance or

resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.
Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

60-682.
Violations; traffic infraction.
Unless otherwise declared in the Nebraska Rules of the Road with respect to particular offenses, a violation of any provision of the rules shall constitute a traffic infraction.

60-682.01.
Speed limit violations;
fines.
(1) Any person who operates a vehicle in
violation of any maximum speed limit established for any highway or freeway
is guilty of a traffic infraction and upon conviction shall be fined:
(a) Ten dollars for traveling one to five miles per hour over
the authorized speed limit;
(b) Twenty-five dollars for traveling over five miles per
hour but not over ten miles per hour over the authorized speed limit;
(c) Seventy-five dollars for traveling over ten miles per
hour but not over fifteen miles per hour over the authorized speed limit;
(d) One hundred twenty-five dollars for traveling over fifteen
miles per hour but not over twenty miles per hour over the authorized speed
limit;
(e) Two hundred dollars for traveling over twenty miles per
hour but not over thirty-five miles per hour over the authorized speed limit;
and
(f) Three hundred dollars for traveling over thirty-five miles
per hour over the authorized speed limit.
(2) The fines prescribed in subsection (1) of this section
shall be doubled if the violation occurs within a maintenance, repair, or
construction zone established pursuant to section60-6,188. For purposes of
this subsection, maintenance, repair, or construction zone means (a)(i) the portion of a highway identified by
posted or moving signs as being under maintenance, repair, or construction
or (ii) the portion of a highway
identified by maintenance, repair, or construction zone speed limit signs
displayed pursuant to section60-6,188and
(b) within such portion of a highway where road construction workers are present.
The maintenance, repair, or construction zone starts at the location of the
first sign identifying the maintenance, repair, or construction zone and continues
until a posted or moving sign indicates that the maintenance, repair, or construction
zone has ended.
(3) The fines prescribed in subsection (1) of this section
shall be doubled if the violation occurs within a school crossing zone as
defined in section60-658.01.

60-683.
Peace officers; duty to enforce rules and laws; powers.
All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of the Nebraska Rules of the Road, including the specific enforcement of maximum speed limits, and any other law regulating the operation of vehicles or the use of the highways. To perform the official duties imposed by this section, the Superintendent of Law Enforcement and Public Safety and all officers of the Nebraska State Patrol shall have the powers stated in section81-2005. All other peace officers shall have the power:
(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;
(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this

state relating to misdemeanors or felonies, if and when designated or called upon to do so as provided by law;
(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require;
(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska or the rules and regulations of the Director of Motor Vehicles;
(5) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such a vehicle is held for sale or wrecking;
(6) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways; and
(7) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

60-684.
Person charged with traffic infraction; citation; refusal to sign; penalty.
Whenever any person is charged with a traffic infraction, such person shall be issued a citation pursuant to the provisions of section29-424. Any person who refuses to sign the citation shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided by the provisions of section29-426.

60-685.
Misdemeanor or traffic infraction; lawful complaints.
When a person has been charged with any act declared to be a misdemeanor or traffic infraction by the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Motor Vehicle Safety Responsibility Act, or the Nebraska Rules of the Road, and is issued a citation meeting the requirements prescribed by the Supreme Court, if such citation includes the information and is sworn to as required by the laws of this state, then such citation when filed with a court having jurisdiction shall be deemed a lawful complaint for the purpose of prosecution.

60-686.
Posting of bond; forfeiture of bonds; exceptions.
(1) When any person is required to post bond under any provision of the Nebraska Rules of the Road, such bond may consist of an unexpired guaranteed arrest bond certificate or a similar written instrument by its terms of current force and effect signed by such person and issued to him or her by an automobile club or a similar association or insurance company or a corporation, organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), (6), or (8) of the Internal Revenue Code, jointly and severally with a corporate surety duly authorized to transact fidelity or surety insurance business in this state or with an insurance company duly authorized to transact both automobile liability and fidelity and surety insurance business in this state to guarantee the appearance of such person at any hearing upon any arrest or apprehension or any violation or, in default of any such appearance, the prompt payment by or on behalf of such person of any fine or forfeiture imposed for such default not in excess of two hundred dollars.
(2) The provisions of subsection (1) of this section shall not apply to any person who is charged with a felony.

60-687.
Arrest or apprehension.
The procedures outlined in the Nebraska Rules of the Road shall apply only to apprehensions and arrests without a warrant for violations of the provisions of the rules and shall not exclude other lawful means of effecting such arrest or apprehension.

60-688.
Prosecution; disposition thereof.
Prosecutions for violations declared by the Nebraska Rules of the Road to be misdemeanors or felonies shall be conducted and disposed of in the same manner as provided for such prosecutions under the laws of this state, and traffic infractions shall be treated in the same manner as misdemeanors, except as otherwise provided by law.

60-689.
Prosecutions where penalty not specifically provided.
Any person who is found guilty of a traffic infraction in violation of the Nebraska Rules of the Road for which a penalty has not been specifically provided shall be fined:
(1) Not more than one hundred dollars for the first offense;
(2) Not more than two hundred dollars for a second offense within a one-year period; and
(3) Not more than three hundred dollars for a third and subsequent offense within a one-year period.

60-690.

Aiding or abetting; guilty of such offense.
Any person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in the Nebraska Rules of the Road to be a misdemeanor or felony, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and any person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, or directs another to violate any provision of the rules shall be likewise guilty of such offense.

60-691.
Moving traffic offense; conviction; court may require course of instruction.
When a person has been convicted in any court in this state of any moving traffic offense, the court may, in addition to the penalty provided by law for such offense and as a part of the judgment of conviction or as a condition of probation, require such person, at his or her expense if any, to attend and satisfactorily complete a course of instruction at a driver improvement school, if such school exists, located and operating within the county of such person's residence or within the jurisdiction of such court. Such school shall be designated by the court in its order and shall provide instruction in the recognition of hazardous traffic situations and prevention of traffic accidents.

60-692.
Failure to satisfy judgment; effect.
When any person fails within thirty working days to satisfy any judgment imposed for any traffic infraction, it shall be the duty of the clerk of the court in which such judgment is rendered within this state to transmit a copy of such judgment to the Department of Motor Vehicles as provided in section60-4,100.

60-693.
Evidence in civil actions; conviction not admissible.
No evidence of the conviction of any person for any violation of any provision of the Nebraska Rules of the Road shall be admissible in any court in any civil action.

60-694.
Conviction; credibility as a witness.
The conviction of a person upon a charge of violating any provision of the Nebraska Rules of the Road or other traffic regulation which is less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

60-694.01.
Operator's license; revocation; reinstatement fee.
Whenever an operator's license is ordered revoked by the court or by administrative action of the Department of Motor Vehicles pursuant to the Nebraska Rules of the Road, the licensee shall pay a reinstatement fee to the Department of Motor Vehicles to reinstate his or her eligibility for a new license, in addition to complying with the other applicable provisions of the Nebraska Rules of the Road. The reinstatement fee shall be one hundred twenty-five dollars. The department shall remit the fees to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

60-695.
Peace officers; investigation of traffic accident; duty to report; Department of Transportation; powers; duties.
Any peace officer who investigates any traffic accident in the performance of his or her official duties shall, in all instances of an accident resulting in injury or death to any person or in which estimated damage equals or exceeds one thousand five hundred dollars to the property of any one person, submit an original report of such investigation to the Department of Transportation within ten days after each such accident. The department shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting.

60-696.
Motor vehicle; accident; duty to stop;
information to furnish; report; powers of peace officer; violation; penalty.
(1) Except as provided in subsection (2) of this section, the driver
of any vehicle involved in an accident upon a public highway, private road,
or private drive, resulting in damage to property, shall (a) immediately stop
such vehicle at the scene of such accident and (b) give his or her name, address,
telephone number, and operator's license number to the owner of the property
struck or the driver or occupants of any other vehicle involved in the collision.
(2) The driver of any vehicle involved in an accident upon a public
highway, private road, or private drive, resulting in damage to an unattended
vehicle or property, shall immediately stop such vehicle and leave in a conspicuous

place in or on the unattended vehicle or property a written notice containing the information required by subsection (1) of this section. In addition, such driver shall, without unnecessary delay, report the collision, by telephone or otherwise, to an appropriate peace officer.

(3)(a) A peace officer may remove or cause to be removed from a roadway, without the consent of the driver or owner, any vehicle, cargo, or other property which is obstructing the roadway creating or aggravating an emergency situation or otherwise endangering the public safety. Any vehicle, cargo, or other property obstructing a roadway shall be removed by the most expeditious means available to clear the obstruction, giving due regard to the protection of the property removed.

(b) This subsection does not apply if an accident results in or is believed to involve the release of hazardous materials, hazardous substances, or hazardous wastes, as those terms are defined in section75-362.

(4) Any person violating subsection (1) or (2) of this section is guilty of a Class II misdemeanor. If such person has had one or more convictions under this section in the twelve years prior to the date of the current conviction under this section, such person is guilty of a Class I misdemeanor. As part of any sentence, suspended sentence, or judgment of conviction under this section, the court may order the defendant not to drive any motor vehicle for any purpose in the State of Nebraska for a period of up to one year from the date ordered by the court.

If the court orders the defendant not to drive any motor vehicle for any purpose in the State of Nebraska for a period of up to one year from the date ordered by the court, the court shall also order that the operator's license of such person be revoked for a like period.

60-697.
Accident; driver's duty; penalty.

(1) The driver of any vehicle involved in an accident upon either a public highway, private road, or private drive, resulting in injury or death to any person, shall (a) immediately stop such vehicle at the scene of such accident and ascertain the identity of all persons involved, (b) give his or her name and address and the license number of the vehicle and exhibit his or her operator's license to the person struck or the occupants of any vehicle collided with, and (c) render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(2) Any person violating any of the provisions of this section shall upon conviction thereof be punished as provided in section60-698.

60-698.
Accident; failure to stop; penalty.

(1) Any person convicted of violating section60-697relative to the duty to stop in the event of certain accidents shall be guilty of (a) a Class IIIA felony if the accident resulted in an injury to any person other than a serious bodily injury as defined in section60-6,198or death or (b) a Class III felony if the accident resulted in the death of any person or serious bodily injury as defined in section60-6,198.

(2) The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not less than one year nor more than fifteen

years from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The order of the court shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked, whichever is later.

60-699.

Accidents; reports required of operators and owners; when; supplemental reports; reports of peace officers open to public inspection; limitation on use as evidence; confidential information; violation; penalty.

(1) The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent that equals or exceeds one thousand five hundred dollars shall within ten days forward a report of such accident to the Department of Transportation. Such report shall not be required if the accident is investigated by a peace officer. If the operator is physically incapable of making the report, the owner of the motor vehicle involved in the accident shall, within ten days from the time he or she learns of the accident, report the matter in writing to the Department of Transportation. The Department of Transportation or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of either department. The operator or the owner of the motor vehicle shall make such other and additional reports relating to the accident as either department requires. Such records shall be retained for the period of time specified by the State Records Administrator pursuant to the Records Management Act.

(2) The report of accident required by this section shall be in two parts. Part I shall be in such form as the Department of Transportation may prescribe and shall disclose full information concerning the accident. Part II shall be in such form as the Department of Motor Vehicles may prescribe and shall disclose sufficient information to disclose whether or not the financial responsibility requirements of the Motor Vehicle Safety Responsibility Act are met through the carrying of liability insurance.

(3) Upon receipt of a report of accident, the Department of Transportation shall determine the reportability and classification of the accident and enter all information into a computerized database. Upon completion, the Department of Transportation shall electronically send Part II of the report to the Department of Motor Vehicles for purposes of section60-506.01.

(4) Such reports shall be without prejudice. Except as provided in section84-712.05, a report regarding an accident made by a peace officer, made to or filed with a peace officer in the peace officer's office or department, or filed with or made by or to any other law enforcement agency of the state shall be open to public inspection, but an accident report filed by the operator or owner of a motor vehicle pursuant to this section shall not be open to public inspection. Date of birth information, excluding the year of birth, and operator's license number information of an operator or owner included in any report required under this section shall be confidential and shall not be a public record under section84-712.01. Year of birth or age information of an operator or owner included in any report required under this section shall not be confidential and shall be a public record under section84-712.01. Nothing in this section prohibits a peace officer or a law enforcement agency from disclosing the age of an operator or owner included in any report required under this section. The fact that a report by an operator or owner has been so made shall be admissible in evidence solely to prove compliance with this section, but no such report or any part of or statement contained in the report shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents nor shall the report be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

(5) The failure by any person to report an accident as provided in this section or to correctly give the information required in connection with the report shall be a Class V misdemeanor.

60-6,100.

Accidents; reports required of garages and repair shops.

The person in charge of any garage or repair shop to which is brought any vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within twenty-four hours after such vehicle is received, giving the engine number, if applicable, the license number, and the name and address of the owner or operator of such vehicle.

60-6,101.

Accidents; coroner; report to Department of Transportation.

Any coroner or other official performing the duties of coroner shall report in writing to the Department of Transportation the death of any person within his or her jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident. Such report by the coroner shall be made within ten days after such death.

60-6,102.

Accident; death; driver; pedestrian sixteen years of age or older; coroner; examine body; amount of alcohol or drugs; report to Department of Transportation; public information.

In the case of a driver who dies within four hours after being in a motor vehicle accident, including a motor vehicle accident in which one or more persons in addition to such driver is killed, and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and

cause such tests to be made as are necessary to determine the amount of alcohol or drugs in the body of such driver or pedestrian. Such information shall be included in each report submitted pursuant to sections60-6,101to60-6,104and shall be tabulated on a monthly basis by the Department of Transportation. Such information, including the identity of the deceased and any such amount of alcohol or drugs, shall be public information and may be released or disclosed as provided by the department.

60-6,103.
Accident; driver or pedestrian sixteen years of age or older; person killed; submit to chemical test; results in writing to Director-State Engineer; public information.
Any surviving driver or pedestrian sixteen years of age or older who is involved in a motor vehicle accident in which a person is killed shall be requested, if he or she has not otherwise been directed by a peace officer to submit to a chemical test under section60-6,197, to submit to a chemical test of blood, urine, or breath as the peace officer directs for the purpose of determining the amount of alcohol or drugs in his or her body fluid. The results of such test shall be reported in writing to the Director-State Engineer who shall tabulate such results on a monthly basis. Such information, including the identity of such driver or pedestrian and any such amount of alcohol or drugs, shall be public information and may be released or disclosed as provided by the Department of Transportation. The provisions of sections60-6,199,60-6,200, and60-6,202shall, when applicable, apply to the tests provided for in this section.

60-6,104.
Accidents; body fluid; samples; test; report.
All samples and tests of body fluids under sections60-6,101to60-6,103shall be submitted to and performed by an individual possessing a valid permit issued by the Department of Health and Human Services for such purpose. Such tests shall be performed according to methods approved by the department. Such individual shall promptly perform such analysis and report the results thereof to the official submitting the sample.

60-6,105.
Accidents; reports; statements; not available in trial arising out of accident involved; exception.
No report and no statement contained in a report submitted pursuant to sections60-6,101to60-6,104or any part thereof shall be made available for any purpose in any trial arising out of the accident involved unless necessary solely to prove compliance with such sections.

60-6,106.
Accidents; reports; expenses; reimbursement to county by Department of Transportation.
The Department of Transportation shall reimburse any county for expenses and costs incurred by the county pursuant to sections60-6,101to60-6,105. The department shall provide the official in each county with the appropriate reporting form.

60-6,107.
Accidents; Department of Health and Human Services; Department of Transportation; rules and regulations.
(1) Except as provided in subsection (2) of this section, the Department of Health and Human Services shall adopt necessary rules and regulations for the administration of the provisions of sections60-6,101to60-6,106.
(2) The Department of Transportation may adopt and promulgate rules and regulations which provide for the release and disclosure of the results of tests conducted under sections60-6,102and60-6,103.

60-6,108.
Required obedience to traffic laws; private property used for public road by consent of owner; provisions uniform throughout the state.
(1) The provisions of the Nebraska Rules of the Road relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section, but sections60-6,196,60-6,197,60-6,197.04, and60-6,212to60-6,218shall apply upon highways and anywhere throughout the state except private property which is not open to public access.
(2) Nothing in the Nebraska Rules of the Road shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other, different, or additional conditions from those specified or otherwise regulating the use thereof by such owner.
(3) The Nebraska Rules of the Road shall be applicable and uniform throughout this state and in all political subdivisions and municipalities of this state, and no local authority shall enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.

60-6,109.
Drivers to exercise due care with pedestrian; audible signal.
Notwithstanding the other provisions

of the Nebraska Rules of the Road, every driver of a vehicle shall exercise due care, which shall include, but not be limited to, leaving a safe distance of no less than three feet clearance, when applicable, to avoid colliding with any pedestrian upon any roadway and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or obviously confused or incapacitated person upon a roadway.

60-6,110.
Obedience to peace officers; violation; penalty.
(1) Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.
(2) Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of a Class III misdemeanor whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or of a person whom such officer reasonably believes has violated the rules.

60-6,111.
Persons riding animals or driving animal-drawn vehicles; farm implements; duties.
(1) Any person who rides an animal or drives an animal-drawn vehicle, a farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by the Nebraska Rules of the Road except those provisions of the rules which by their very nature can have no application.
(2) Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver shall drive to the nearest available shoulder of the highway and allow traffic to pass.

60-6,112.
Rules of the road; exceptions.
Unless specifically made applicable, the Nebraska Rules of the Road, except those provisions relating to careless driving, reckless driving, and driving while under the influence of alcoholic liquor or drugs, shall not apply to:
(1) Persons, teams of draft animals, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway, but the rules shall apply to such persons and vehicles when traveling to or from such work; or
(2) Government employees and public utility employees to the extent that there would be a conflict between the rules and the performance of their official duties.

60-6,113.
Government vehicles; provisions applicable.
Unless specifically exempted, the Nebraska Rules of the Road shall apply to all drivers of vehicles owned or operated on behalf of the United States or any state or political subdivision thereof.

60-6,114.
Authorized emergency vehicles; privileges; conditions.
(1) Subject to the conditions stated in the Nebraska Rules of the Road, the driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law, or when responding to but not when returning from a fire alarm, may:
(a) Stop, park, or stand, irrespective of the provisions of the rules, and disregard regulations governing direction of movement or turning in specified directions; and
(b) Except for wreckers towing disabled vehicles and highway maintenance vehicles and equipment:
(i) Proceed past a steady red indication, a flashing red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and
(ii) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.
(2) Except when operated as a police vehicle, the exemptions granted in subsection (1) of this section shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when such vehicle is equipped with at least one lighted light displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.
(3) The exemptions granted in subsection (1) of this section shall not relieve the driver from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.
(4) Authorized emergency vehicles operated by police and fire departments shall not be subject to the size and weight limitations of sections60-6,288to60-6,290and60-6,294.

60-6,115.

Closed road; travel permitted; when.
Notwithstanding the provisions of subsection (1) of section60-6,119, when the Department of Transportation, any local authority, or its authorized representative or permittee has closed, in whole or in part, by barricade or otherwise, during repair or construction, any portion of any highway, the restrictions upon the use of such highway shall not apply to persons living along such closed highway or to persons who would need to travel such highway during the normal course of their operations if no other route of travel is available to such person, but extreme care shall be exercised by such persons on such highway.

60-6,116.
Vehicle owner; driver violations.
The owner of any vehicle or any person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle in any manner contrary to the Nebraska Rules of the Road.

60-6,117.
Parental duties; child less than sixteen.
The parent or guardian of any child who is less than sixteen years old shall not knowingly permit any such child to violate any provision of the Nebraska Rules of the Road.

60-6,118.
Manual on Uniform Traffic Control Devices; adoption by Department of Transportation.
Consistent with the provisions of the Nebraska Rules of the Road, the Department of Transportation may adopt and promulgate rules and regulations adopting and implementing a manual providing a uniform system of traffic control devices on all highways within this state which, together with any supplements adopted by the department, shall be known as the Manual on Uniform Traffic Control Devices.

60-6,119.
Obedience to traffic control devices; exceptions.
(1) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Nebraska Rules of the Road, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the rules.
(2) No provision of the rules for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the rules does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.
(3) Whenever traffic control devices are placed in position approximately conforming to the requirements of the rules, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.
(4) Any traffic control device placed pursuant to the rules and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the rules unless the contrary is established by competent evidence.

60-6,120.
Placing and maintaining traffic control devices; jurisdiction.
(1) The Department of Transportation shall place and maintain, or provide for such placing and maintaining, such traffic control devices, conforming to the manual, upon all state highways as it deems necessary to indicate and to carry out the Nebraska Rules of the Road or to regulate, warn, or guide traffic.
(2)(a) In incorporated cities and villages with less than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the department shall have exclusive jurisdiction regarding the erection and maintenance of traffic control devices on the state highway system but shall not place traffic control devices on the state highway system within incorporated cities of more than twenty-five hundred inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census without consultation with the proper city officials.
(b) In incorporated cities of forty thousand or more inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, except on state-maintained freeways of the state highway system where the department retains exclusive jurisdiction, the city shall have jurisdiction regarding erection and maintenance of traffic control devices on the state highway system after consultation with the department, except that there shall be joint jurisdiction with the department for such traffic control devices for which the department accepts responsibility for the erection and maintenance.
(3) No local authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the department, except by permission of the department, or on any state-maintained freeway of the state highway system.
(4) The placing of traffic control devices by the department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be considered as establishing precepts extending the provisions of

the Nebraska Rules of the Road as necessary to regulate, warn, or guide traffic. Violation of such traffic control devices shall be punishable as provided in the rules.

60-6,121.
Placing and maintaining traffic control devices; local authorities.
Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdictions as they deem necessary to indicate and to carry out the provisions of the Nebraska Rules of the Road or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to the rules shall conform with the manual.

60-6,122.
Traffic control devices; when illegal to sell or lease.
It shall be unlawful for any person to sell, lease, or offer for sale or lease any traffic control devices which are not in compliance with the manual.

60-6,123.
Traffic control signals; meaning; turns on red signal; when; signal not in service; effect.
Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, number, or symbol, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
(1)(a) Vehicular traffic facing a circular green indication may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such indication is exhibited;
(b) Vehicular traffic facing a green arrow indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
(c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green indication, except when the sole green indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;
(2)(a) Vehicular traffic facing a steady yellow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow indication, vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection;
(b) Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by such arrow, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
(c) Pedestrians facing a steady yellow indication, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway;
(3)(a) Vehicular traffic facing a steady circular red indication alone shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection. The traffic shall remain standing until an indication to proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of this section;
(b) Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady circular red indication may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
(c) Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady circular red indication at the intersection of two one-way streets may cautiously enter the intersection to make a left turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
(d) Vehicular traffic facing a steady red arrow indication alone shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection. The traffic shall not enter the intersection to make the movement indicated by the arrow and shall remain standing until an indication to proceed is shown; and
(e) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red indication alone shall not enter the roadway;
(4) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal; and

(5)(a) If a traffic control signal at an intersection is not operating because of a power failure or other cause and no peace officer, flagperson, or other traffic control device is providing direction for traffic at the intersection, the intersection shall be treated as a multi-way stop; and
(b) If a traffic control signal is not in service and the signal heads are turned away from traffic or covered with opaque material, subdivision (a) of this subdivision shall not apply.

60-6,124.
Pedestrian-control signals.
Whenever pedestrian-control signals exhibiting the words WALK or DONT WALK or exhibiting the symbol of a walking person or an upraised hand are in place, such signals shall indicate as follows:
(1) Pedestrians facing a steady WALK indication or a symbol of a walking person may proceed across the roadway in the direction of such signal and shall be given the right-of-way by the drivers of all vehicles; and
(2) No pedestrian shall start to cross the roadway in the direction of a DONT WALK indication or a symbol of an upraised hand, but any pedestrian who has partially completed his or her crossing on the WALK or walking person indication shall immediately proceed to a sidewalk or safety island while the flashing DONT WALK or flashing upraised hand indication is showing.

60-6,125.
Flashing signals; exception.
Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:
(1) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and
(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such light only with caution.
This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in the Nebraska Rules of the Road pertaining to such railroad grade crossings.

60-6,126.
Lane direction control signals; signs.
When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a specified or appropriate green indication is shown but shall not enter or travel in any lane over which a specified or appropriate red indication is shown. When such signals are in use, signs adequate to advise motorists of the meaning of such signals shall be erected.

60-6,126.01.
Road name signs; authorized.
Local authorities may place and maintain road name signs on the same sign posts as signs under the jurisdiction of the Department of Transportation when highway visibility would not be impaired. Local authorities may also place and maintain road name signs in the right-of-way of any highway under the jurisdiction of the Department of Transportation when highway visibility would not be impaired.

60-6,127.
Display of unauthorized signs, signals, or markings; public nuisance; removal.
(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be, is an imitation of, or resembles a lawful traffic control device or railroad sign or signal, which uses the words stop or danger prominently displayed, which implies the need or requirement of stopping or the existence of danger, which attempts to direct the movement of traffic, which otherwise copies or resembles any lawful traffic control device, or which hides from view or interferes with the effectiveness of a traffic control device or any railroad sign or signal.
(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal which bears commercial advertising except as authorized by sections39-204to39-206.
(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs unless prohibited by another statute.
(4) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over any highway where such prohibited sign, signal, or marking is found may remove it or cause it to be removed without notice.

60-6,128.
Advertising devices adjacent to highway; when prohibited; public nuisance; removal.
No advertising devices shall be erected or operated upon any private property adjacent to or near any highway which:

(1) Have a light, the beam of which is concentrated on the highway or adversely affects the vision of operators of vehicles upon the roadway by the use of flashing red, amber, yellow, or green lights which have the very obvious appearance of devices generally used as official traffic control devices; or
(2) Have photo-flash type lights, flood lights, spotlights, or other lighted signs which use the words Stop or Danger prominently displayed, which imply the need or requirement of stopping or the existence of danger, or which otherwise copy or resemble official traffic control devices.
Nothing in this section shall be construed to apply to official traffic control devices erected by the public agencies having jurisdiction.
Any advertising device erected, maintained, or operated in violation of this section is hereby declared to be a public nuisance. It shall be the duty of the public agency having jurisdiction to notify the owner of all lights in violation of the provisions of this section, and the public agency may remove such lights if the owner fails or refuses to remove them within a reasonable time after he or she is notified of such violation.

60-6,129.
Interference with official traffic control devices or railroad signs or signals; prohibited; liability in civil action.
(1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, any railroad sign or signal, or any part of such a device, sign, or signal.
(2) Any person who moves, alters, damages, or destroys warning devices placed upon roads which the Department of Transportation or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to sections25-21,185and25-21,185.07to25-21,185.12, for the full or allocated amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his or her legal representative in a civil action brought in any court of competent jurisdiction.

60-6,130.
Signs, markers, devices, or notices; prohibited acts; penalty.
(1) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of a Class III misdemeanor.
(2) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.
(3) It shall be unlawful for any person, other than a duly authorized representative of the Department of Transportation, a county, or a municipality, to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or municipality. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.
(4) Any person violating subsection (2) or (3) of this section shall be guilty of a Class II misdemeanor and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.

60-6,131.
Driving on right half of roadway required; exceptions.
(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:
(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
(b) When an obstruction exists making it necessary to drive to the left of the center of the highway, except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
(d) Upon a roadway restricted to one-way traffic.
(2) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subdivision (1)(b) of this section. This subsection shall not be construed to prohibit the crossing of the centerline in making a left turn into or from an alley, private road, or driveway unless such movement is otherwise prohibited by signs.

60-6,132.

Vehicles proceeding in opposite direction; passing.
Passing vehicles proceeding in opposite directions shall each keep to the right side of the roadway, passing left to left, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other, as nearly as possible, at least one-half of the main-traveled portion of the roadway.

60-6,133.
Overtaking and passing rules; vehicles proceeding in same direction.
Except when overtaking and passing on the right is permitted, the following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:
(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall first give a visible signal of his or her intention and shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;
(2) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle; and
(3) The driver of a vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, which shall include, but not be limited to, leaving a safe distance of no less than three feet clearance, when applicable, when passing a bicycle or electric personal assistive mobility device and shall maintain such clearance until safely past the overtaken bicycle or electric personal assistive mobility device.

60-6,134.
Overtaking and passing upon the right; when permitted.
(1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:
(a) When the vehicle to be overtaken is making or about to make a left turn;
(b) Upon a two-way street or highway with an unobstructed roadway, not occupied by parked vehicles, of sufficient width for two or more lanes of moving vehicles going in the same direction when the passing vehicle is traveling in one of such lanes; or
(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, when the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.
(2) In no event shall the driver of a vehicle overtake and pass another vehicle upon the right unless such movement may be made safely upon the roadway.

60-6,134.01.
School crossing zone; overtaking and passing prohibited; penalty.
It is unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction. Any person convicted of overtaking and passing another vehicle in a school crossing zone is guilty of a traffic infraction and shall be fined not more than two hundred dollars for the first offense and at least two hundred dollars but not more than four hundred dollars for a second or subsequent offense.

60-6,135.
Limitations on overtaking and passing on the left; precautions required; return to right side of highway.
(1) No vehicle shall overtake another vehicle proceeding in the same direction on an undivided two-way roadway when such overtaking requires the overtaking vehicle to be driven on the left side of the center of the roadway unless the left side is clearly visible for a distance sufficient to accomplish such overtaking and is free from oncoming traffic for a distance sufficient to:
(a) Permit the overtaking vehicle to return to an authorized lane of traffic before coming within two hundred feet of any approaching vehicle; and
(b) Permit the overtaking vehicle to be safely clear of the overtaken vehicle while returning to the authorized lane of travel as provided in the Nebraska Rules of the Road.
(2) After completing such overtaking, the overtaking vehicle shall return to the authorized lane of travel as soon as practicable.
(3) Any such overtaking shall be subject to the rules.
(4) The provisions of this section shall not permit the crossing of the centerline of an undivided highway providing for two or more lanes of traffic in each direction for the purpose of overtaking and passing another vehicle.

60-6,136.

Limitations on overtaking, passing, or driving to the left of the center of roadway; when prohibited.
(1) No driver shall overtake and pass another vehicle or drive to the left of the center of the roadway whenever:
(a) He or she approaches the crest of a grade or is upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
(b) He or she approaches within one hundred feet of or traverses any intersection or railroad grade crossing;
(c) The view is obstructed when he or she approaches within one hundred feet of any bridge, viaduct, or tunnel; or
(d) The section of roadway is designated as a no-passing zone under section60-6,137.
(2) The limitations imposed by subsection (1) of this section shall not apply (a) upon a one-way roadway, (b) under the conditions described in subdivision (1)(b) of section60-6,131, or (c) to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

60-6,137.
No-passing zones; exception.
(1) The Department of Transportation and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey such indications.
(2) Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
(3) This section shall not apply (a) under the conditions described in subdivision (1)(b) of section60-6,131or (b) to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

60-6,138.
One-way roadways and roundabouts; jurisdiction; exception for emergency vehicles.
(1) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.
(2) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.
(3) A vehicle which passes around a roundabout shall be driven only to the right of the central island while on the circulatory roadway in such roundabout.

60-6,139.
Driving on roadways laned for traffic; rules; traffic control devices.
Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:
(1) A vehicle shall be driven as nearly as practicable within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except (a) when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, (b) in preparation for making a left turn, or (c) when such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by traffic control devices;
(3) Traffic control devices may be erected by the Department of Transportation or local authorities to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device; and
(4) Traffic control devices may be installed by the department or local authorities to prohibit the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

60-6,140.
Following vehicles; restrictions.
(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway.
(2) The driver of any motor vehicle drawing a trailer, semitrailer, or another vehicle, when traveling upon a roadway outside of a business or residential district, who is following another vehicle shall, subject to varying road conditions, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger and shall not follow another motor vehicle drawing a trailer, semitrailer, or another vehicle more closely than one hundred feet. This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.

(3) The driver of a motor vehicle upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall operate such vehicle so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This subsection shall not apply to funeral processions.
(4) The driver of any motor vehicle when traveling upon a roadway outside of a business or residential district shall not follow any highway maintenance vehicle more closely than one hundred feet if:
(a) Such highway maintenance vehicle is engaged in plowing snow, removing deposited material from the surface of the road, or spreading salt, sand, or other material upon the surface of the road or is in motion on or near the traveled portion of a road performing other highway maintenance duties; and
(b) Such highway maintenance vehicle is displaying a flashing amber or white light.
This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.
(5) The driver of any motor vehicle, when traveling upon a roadway outside of a business or residential district, who is following another vehicle displaying flashing amber or white lights shall not follow such vehicle more closely than one hundred feet. This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.

60-6,141.
Driving on divided highways; driving on median prohibited; exceptions.
(1) Whenever any highway has been divided into two or more roadways by a median, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by traffic control devices or competent authority.
(2) No driver shall drive any vehicle over, across, or within any median except through a median opening or median crossover as established by competent authority. Medians on freeways shall not be crossed or entered upon at any point unless specifically directed by competent authority.
(3) No driver except drivers of authorized emergency vehicles and drivers of wreckers or other vehicles assisting a stranded vehicle shall use any emergency entrance or median crossover on a freeway intended only for emergency vehicles, but no such excepted driver shall drive in such manner as to create a hazard to any other vehicle.

60-6,142.
Driving on highway shoulders prohibited; exceptions.
No person shall drive on the shoulders of highways, except that:
(1) Vehicles may be driven on the shoulders of highways (a) by federal mail carriers while delivering the United States mail or (b) to safely remove a vehicle from a roadway;
(2) Implements of husbandry may be driven on the shoulders of highways; and
(3) Bicycles and electric personal assistive mobility devices may be operated on paved shoulders of highways included in the state highway system other than Nebraska segments of the National System of Interstate and Defense Highways.

60-6,143.
Controlled-access highway; entrances; exits.
No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by competent authority.

60-6,144.
Restrictions on use of controlled-access highway.
Use of a freeway and entry thereon by the following shall be prohibited at all times except by permit from the Department of Transportation or from the local authority in the case of freeways not under the jurisdiction of the department:
(1) Pedestrians except in areas specifically designated for that purpose;
(2) Hitchhikers or walkers;
(3) Vehicles not self-propelled;
(4) Bicycles, motor-driven cycles, motor scooters not having motors of more than ten horsepower, and electric personal assistive mobility devices;
(5) Animals led, driven on the hoof, ridden, or drawing a vehicle;
(6) Funeral processions;
(7) Parades or demonstrations;
(8) Vehicles, except emergency vehicles, unable to maintain minimum speed as provided in the Nebraska Rules of the Road;
(9) Construction equipment;
(10) Implements of husbandry, whether self-propelled or towed, except as provided in section60-6,383;
(11) Vehicles with improperly secured attachments or loads;
(12) Vehicles in tow, when the connection consists of a chain, rope, or cable, except disabled vehicles which shall be removed from such freeway at the nearest interchange;
(13) Vehicles with deflated pneumatic, metal, or solid tires or continuous metal treads except maintenance vehicles;
(14) Any person standing on or near a roadway for the purpose of soliciting or selling to an occupant of any vehicle; or

(15) Overdimensional vehicles.

60-6,145.
Official signs on controlled-access highway.
The Department of Transportation and local authorities shall erect and maintain at appropriate locations official signs on freeways under their respective jurisdictions apprising motorists of the restrictions placed upon the use of such highways by the Nebraska Rules of the Road. When the department or local authority posts such signs, it need not follow the usual rules and procedure of posting signs on or near freeways nor shall the department be required to conform with the formalities of public hearings. When such signs are erected, no person shall violate the restrictions stated on such signs.

60-6,146.
Vehicles approaching or entering intersection at same time; right-of-way; entering a highway or roadway.
(1) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
(2) Notwithstanding the provisions of subsection (1) of this section, a vehicle entering a highway from an acceleration lane, a ramp, or any other approach road shall yield the right-of-way to a vehicle on the main roadway entering such merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.
(3) The driver of a vehicle about to enter or cross a paved roadway from an unpaved roadway and who is not subject to control by a traffic control device shall yield the right-of-way to all vehicles approaching on such paved roadway.
(4) The right-of-way rules set forth in subsections (1) and (3) of this section are modified at through highways and otherwise as stated in the Nebraska Rules of the Road.

60-6,147.
Vehicle turning left; yield right-of-way.
The driver of a vehicle who intends to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or approaching so close as to constitute an immediate hazard.

60-6,148.
Preferential right-of-way; stop and yield signs.
(1) Competent authority may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.
(2) Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.
(3) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

60-6,149.
Vehicle entering roadway from private road or driveway; yield right-of-way.
The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right-of-way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right-of-way to all vehicles approaching on such highway.
The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

60-6,150.
Moving a stopped, standing, or parked vehicle; yield right-of-way.
No person shall move a vehicle which is stopped, standing, or parked without yielding the right-of-way to all other vehicles and pedestrians affected by such movement and in no event until such movement can be made with reasonable safety.

60-6,151.
Operation of vehicles upon the approach of emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:
(a) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any peace officer; and
(b) Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes unless otherwise directed by any peace officer.
(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

60-6,152.
Pedestrian obedience to traffic control devices and regulations.
(1) A pedestrian shall obey the instructions of any traffic control device specifically applicable to pedestrians unless otherwise directed by a peace officer.
(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in the Nebraska Rules of the Road.
(3) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions set forth in the rules.

60-6,152.01.
Person operating wheelchair; rights and duties applicable to pedestrian.
Any disabled person operating a manual or motorized wheelchair on a sidewalk or across a roadway or shoulder in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

60-6,153.
Pedestrians' right-of-way in crosswalk; traffic control devices.
(1) Except at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided, when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto by bringing his or her vehicle to a complete stop.
(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop.
(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
(4) At or adjacent to the intersection of two highways at which a path designated for bicycles and pedestrians is controlled by a traffic control signal, a pedestrian who lawfully enters a highway where the path crosses the highway shall have the right-of-way within the crossing with respect to vehicles and bicycles.
(5) The Department of Transportation and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic control devices indicating such restrictions are in place.

60-6,154.
Crossing at other than crosswalks; yield right-of-way.
(1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.
(2) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
(4) Where a path designated for bicycles and pedestrians crosses a highway, a pedestrian who is in the crossing in accordance with the traffic control device shall have the right-of-way within the crossing with respect to vehicles and bicycles.
(5) No pedestrian shall cross a roadway intersection diagonally unless authorized by traffic control devices, and when authorized to cross diagonally, pedestrians shall cross only in accordance with the traffic control devices pertaining to such crossing movements.
(6) Local authorities and the Department of Transportation, by erecting appropriate official traffic control devices, may, within their respective jurisdictions, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk.

60-6,155.
Pedestrians to use right half of crosswalk.
Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

60-6,156.

Pedestrians on highways and roadways; sidewalks and shoulders.
(1) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway or shoulder.
(2) Where a sidewalk is not available and a shoulder is available, any pedestrian walking along and upon a highway shall walk only on the shoulder as far as practicable from the edge of the roadway.
(3) Where neither a sidewalk nor a shoulder is available, any pedestrian who walks along and upon a highway shall walk as near as practicable to the edge of the roadway and, if on a two-way roadway, shall walk only on the left side of such roadway.

60-6,157.
Pedestrians soliciting rides or
business; prohibited acts;
ordinance authorizing solicitation of contributions.
(1) Except as otherwise provided in subsection
(3) of this section, no person shall stand in a roadway for the
purpose of soliciting a ride, employment, contributions, or business from
the occupant of any vehicle.
(2) No person shall stand on or in proximity to a highway for the purposes
of soliciting the watching or guarding of any vehicle while parked or about
to be parked on a highway.
(3)(a) Any municipality
may, by ordinance, allow pedestrians over the age of eighteen to enter one
or more roadways, except roadways that are part of the state highway system,
at specified times and locations and approach vehicles when stopped by traffic
control devices or traffic control signals for the purpose of soliciting contributions
which are to be devoted to charitable or community betterment purposes.
(b) Any ordinance enacted
pursuant to this subsection shall be a general ordinance which shall not exclude
or give preference to any individual or the members of any organization, association,
or group. Any ordinance whose terms or provisions do not strictly comply with
this subsection is void.

60-6,158.
Driving through safety zone; prohibited.
The driver of a vehicle shall not at any time drive through or within a safety zone.

60-6,159.
Required position and method of turning; right-hand and left-hand turns; traffic control devices.
(1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
(3) The Department of Transportation and local authorities in their respective jurisdictions may cause traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

60-6,160.
Turning to proceed in opposite direction; limitation.
No vehicle shall be turned so as to proceed in the opposite direction upon any curve, upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet, or at any place where such turns are prohibited by signs. No vehicle, except authorized emergency vehicles, shall be turned at any place on a freeway so as to proceed in the opposite direction.

60-6,161.
Turning or moving right or left upon a roadway; required signals; signals prohibited.
(1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in sections60-6,162and60-6,163.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in such sections to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
(4) The brake and turnsignal lights required on vehicles by section60-6,226shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear, or flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

60-6,162.
Signals given by hand and arm or signal lights; signal lights required; exceptions.
(1) Any stop signal or turnsignal required by the Nebraska Rules of the Road shall be given either by means of the hand and arm or by signal lights except as otherwise provided in this section.
(2) With respect to any motor vehicle having four or more wheels manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, or any trailer, in use on a highway, any required signal shall be given by the appropriate signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle or trailer exceeds twenty-four inches. Such measurement shall apply to any single vehicle or trailer and to any combination of vehicles or trailers. This subsection shall not apply during daylight hours to fertilizer trailers as defined in section60-326and implements of husbandry designed primarily or exclusively for use in agricultural operations.
(3) Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such a light or device as required by this section.

60-6,163.
Hand and arm signals; how given.
(1) Except as provided in subsection (2) of this section, all hand and arm signals required by the Nebraska Rules of the Road shall be given from the left side of the vehicle with the left arm in the following manner and such signals shall indicate as follows:
(a) Left turnâ■■hand and arm extended to the left horizontally;
(b) Right turnâ■■hand and forearm extended upward; and
(c) Stop or decrease speedâ■■hand and arm extended downward.
(2) Any person operating a bicycle may signal a right turn by fully extending the right arm and pointing.

60-6,164.
Stopping, parking, or standing upon a roadway, freeway, or bridge; limitations; duties of driver.
(1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed twenty-four hours.
(2) No person shall stop, park, or leave standing any vehicle on a freeway except in areas designated or unless so directed by a peace officer, except that when a vehicle is disabled or inoperable or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop, or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing, or stopping upon the shoulder of a freeway exceed twelve hours.
(3) No person, except law enforcement, fire department, emergency management, public or private ambulance, or authorized Department of Transportation or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, highway, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.
(4) Whenever a vehicle is disabled or inoperable in a roadway or for any reason obstructs the regular flow of traffic for reasons other than an accident, the driver shall move or cause the vehicle to be moved as soon as practical so as to not obstruct the regular flow of traffic.
(5) This section does not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position until such time as it can be removed pursuant to subsection (4) of this section.

60-6,165.
Persons authorized to remove vehicles; cost of removal; lien.
(1) Whenever any peace officer, or any authorized employee of a law enforcement agency who is employed by a political subdivision of the state and specifically empowered by ordinance to act, finds a vehicle standing upon a highway in violation of any of the provisions of the Nebraska Rules of the Road, such individual may remove the vehicle, have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such highway or from such highway.

(2) The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle.

60-6,166.
Stopping, standing, or parking prohibited; exceptions.
(1) Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:
(a) Stop, stand, or park any vehicle:
(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
(ii) On a sidewalk;
(iii) Within an intersection;
(iv) On a crosswalk;
(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless the Department of Transportation or the local authority indicates a different length by signs or markings;
(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
(vii) Upon any bridge or other elevated structure over a highway or within a highway tunnel;
(viii) On any railroad track; or
(ix) At any place where official signs prohibit stopping;
(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
(i) In front of a public or private driveway;
(ii) Within fifteen feet of a fire hydrant;
(iii) Within twenty feet of a crosswalk at an intersection;
(iv) Within thirty feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;
(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly signposted; or
(vi) At any place where official signs prohibit standing; or
(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
(i) Within fifty feet of the nearest rail of a railroad crossing; or
(ii) At any place where official signs prohibit parking.
(2) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.

60-6,167.
Parking regulations; signs; control by Department of Transportation or local authority.
(1) Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.
(2) Except when otherwise provided by a local authority, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway or its left-hand wheels within twelve inches of the left-hand curb or edge of such roadway.
(3) A local authority may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.
(4) The Department of Transportation or a local authority may prohibit or restrict stopping, standing, or parking on highways under its respective jurisdiction outside the corporate limits of any city or village and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

60-6,168.
Unattended motor vehicles; conditions.
No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first: (1) Stopping the motor of such vehicle; (2) except for vehicles equipped with motor starters that may be actuated without a key, locking the ignition and removing the key from the ignition; (3) effectively setting the brakes thereon; and (4) when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.

60-6,169.

Limitations on backing vehicles.
(1) The driver of a vehicle shall not back such vehicle on any roadway unless such movement can be made with safety and without interfering with other traffic.
(2) The driver of a vehicle shall not back such vehicle upon any roadway or shoulder of any freeway.

60-6,170.
Obedience to signal indicating approach of train or on-track equipment; prohibited acts.
(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances set forth in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely. The requirements of this subsection shall apply when:
(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or on-track equipment;
(b) A crossing gate is lowered or a flagperson gives or continues to give a signal of the approach or passage of a railroad train or on-track equipment;
(c) A railroad train or on-track equipment approaching within approximately one-quarter mile of the highway crossing emits a signal audible from such distance and such railroad train or on-track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard;
(d) An approaching railroad train or on-track equipment is plainly visible and is in hazardous proximity to such crossing;
(e) A stop sign is erected at such crossing; or
(f) A passive warning device is located at or in advance of such crossing and an approaching railroad train or on-track equipment is audible as described in subdivision (c) of this subsection or plainly visible and in hazardous proximity to such crossing. For purposes of this subdivision, passive warning device means the type of traffic control device, including a sign, marking, or other device, located at or in advance of a railroad grade crossing to indicate the presence of such crossing but which does not change aspect upon the approach or presence of a railroad train or on-track equipment.
(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

60-6,171.
Railroad crossing stop signs; jurisdiction.
The Department of Transportation and local authorities on highways under their respective jurisdictions may designate particularly dangerous highway grade crossings of railroads and erect stop signs at the crossings. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

60-6,172.
Buses and school buses required to stop at all railroad grade crossings; exceptions.
(1) The driver of any bus carrying passengers for hire or of any school bus, before crossing at grade any track of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching railroad train or on-track equipment and for signals indicating the approach of a railroad train or on-track equipment, except as otherwise provided in the Nebraska Rules of the Road. The driver shall not proceed until he or she can do so safely. After stopping as required by this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such track and the driver shall not shift gears while crossing such track.
(2) No stop shall be made at any such crossing when a peace officer or a flagperson directs traffic to proceed or at an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position.

60-6,173.
Grade crossings; certain carriers; required to stop; exceptions.
(1) The driver of any vehicle which is required to be placarded pursuant to section75-364, before crossing at a grade any track of a railroad on streets and highways, shall stop such vehicle not more than fifty feet nor less than fifteen feet from the nearest rail or railroad and while stopped shall listen and look in both directions along the track for an approaching railroad train or on-track equipment. The driver shall not proceed until precaution has been taken to ascertain that the course is clear.
(2) The requirements of subsection (1) of this section shall not apply:
(a) When a peace officer or a flagperson directs traffic to proceed;
(b) At an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position; or
(c) At railroad tracks used exclusively for industrial switching purposes within a business district.
(3) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the other requirements contained in the Nebraska Rules of the Road.

60-6,174.
Moving heavy equipment at railroad grade crossings; required to stop.
(1) No person shall operate or move any crawler-type tractor, any steam shovel, any derrick, any roller, or any equipment or structure having a normal operating speed of ten miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any track at a railroad grade crossing without first complying with this section.
(2) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching railroad train or on-track equipment and for signals indicating the approach of a railroad train or on-track equipment. The person shall not proceed until the crossing can be made safely.
(3) No such crossing shall be made while warning is given by an automatic signal, by crossing gates, by a flagperson, or otherwise of the immediate approach of a railroad train or on-track equipment. If a flagperson is provided by the railroad, movement over the crossing shall be under his or her direction.

60-6,175.
School bus; safety requirements; use of stop signal arm; use of warning signal lights; violations; penalty.
(1) Upon meeting or overtaking, from the front or rear, any school bus on which the yellow warning signal lights are flashing, the driver of a motor vehicle shall reduce the speed of such vehicle to not more than twenty-five miles per hour, shall bring such vehicle to a complete stop when the school bus is stopped, the stop signal arm is extended, and the flashing red signal lights are turned on, and shall remain stopped until the flashing red signal lights are turned off, the stop signal arm is retracted, and the school bus resumes motion. This section shall not apply to approaching traffic in the opposite direction on a divided highway or to approaching traffic when there is displayed a sign as provided in subsection (8) of this section directing traffic to proceed. Any person violating this subsection shall be guilty of a Class IV misdemeanor, shall be fined five hundred dollars, and shall be assessed points on his or her motor vehicle operator's license pursuant to section60-4,182.
(2) Except as provided in subsection (8) of this section, the driver of any school bus, when stopping to receive or discharge pupils, shall turn on flashing yellow warning signal lights at a distance of not less than three hundred feet when inside the corporate limits of any city or village and not less than five hundred feet nor more than one thousand feet in any area outside the corporate limits of any city or village from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the bus driver shall bring the school bus to a stop, extend a stop signal arm, and turn on the flashing red signal lights. After receiving or discharging pupils, the bus driver shall turn off the flashing red signal lights, retract the stop signal arm, and then proceed on the route.
(3)(a) Except as provided in subdivision (b) of this subsection, no school bus shall stop to load or unload pupils outside of the corporate limits of any city or village or on any part of the state highway system within the corporate limits of a city or village, unless there is at least four hundred feet of clear vision in each direction of travel.
(b) If four hundred feet of clear vision in each direction of travel is not possible as determined by the school district, a school bus may stop to load or unload pupils if there is proper signage installed indicating that a school bus stop is ahead.
(4) All pupils shall be received and discharged from the right front entrance of every school bus. If such pupils must cross a roadway, the bus driver shall instruct such pupils to cross in front of the school bus and the bus driver shall keep such school bus halted with the flashing red signal lights turned on and the stop signal arm extended until such pupils have reached the opposite side of such roadway.
(5) The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
(6) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high.
(7) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or school-sponsored activities, all markings thereon indicating school bus shall be covered or concealed. The stop signal arm and system of flashing yellow warning signal lights and flashing red signal lights shall not be operable through the usual controls.
(8) When a school bus is (a) parked in a designated school bus loading area which is out of the flow of traffic and which is adjacent to a school site or (b) parked on a roadway which possesses more than one lane of traffic flowing in the same direction and which is adjacent to a school site, the bus driver shall engage only the hazard warning flasher lights when receiving or discharging pupils if a school bus loading area warning sign is displayed. Such signs shall not be directly attached to any school bus but shall be free standing and placed at the rear of a parked school bus or line of parked school buses. No school district shall utilize a school bus loading area warning sign unless such sign complies with the manual. The manual shall include the requirements for size, material, construction, and required wording. The cost of any sign shall be an obligation of the school district.

60-6,177.
Signs relating to overtaking and passing school buses.

The Department of Transportation shall post on highways of the state highway system outside of business and residential districts signs to the effect that it is unlawful to pass school buses stopped to load or unload children. Such signs shall be adequate in size and number to properly inform the public of the provisions relative to such passing.

60-6,178.
Driving upon sidewalk; prohibited; exception.
No person shall drive any vehicle upon a sidewalk except upon a permanent or duly authorized temporary driveway.

60-6,179.
Overloading front seat or obstructing driver; prohibited.
(1) No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.
(2) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of such vehicle.

60-6,179.01.
Use of handheld wireless
communication device; prohibited acts; enforcement; violation; penalty.
(1) This section does not apply to an operator of a commercial motor
vehicle if section60-6,179.02applies.
(2) Except as otherwise provided in subsection (3) of this section,
no person shall use a handheld wireless communication device to read a written
communication, manually type a written communication, or send a written communication
while operating a motor vehicle which is in motion.
(3) The prohibition in subsection (2) of this section does not apply
to:
(a) A person performing his or her official duties as a law enforcement
officer, a firefighter, an ambulance driver, or an emergency medical technician;
or
(b) A person operating a motor vehicle in an emergency situation.
(4) Enforcement of this section by state or local law enforcement agencies
shall be accomplished only as a secondary action when a driver of a motor
vehicle has been cited or charged with a traffic violation or some other offense.
(5) Any person who violates this section shall be guilty of a traffic
infraction. Any person who is found guilty of a traffic infraction under this
section shall be assessed points on his or her motor vehicle operator's license
pursuant to section60-4,182and shall be fined:
(a) Two hundred dollars for the first offense;
(b) Three hundred dollars for a second offense; and
(c) Five hundred dollars for a third and subsequent offense.
(6) For purposes of this section:
(a) Commercial motor
vehicle has the same meaning as in section75-362;
(b)(i) Handheld wireless communication device
means any device that provides for written communication between two or more
parties and is capable of receiving, displaying, or transmitting written communication.
(ii) Handheld wireless communication device includes, but is not limited
to, a mobile or cellular telephone, a text messaging device, a personal digital
assistant, a pager, or a laptop computer.
(iii) Handheld wireless communication device does not include an electronic
device that is part of the motor vehicle or permanently attached to the motor
vehicle or a handsfree wireless communication device; and
(c) Written communication
includes, but is not limited to, a text message, an instant message, electronic
mail, and Internet websites.

60-6,179.02.
Operator of commercial motor
vehicle; operator of certain

passenger motor vehicle; operator of school bus; texting while driving prohibited; exception; use of handheld mobile telephone while driving prohibited; exception; violation; penalty.

(1)(a) Except as otherwise provided in subdivision (1)(b) of this section, no operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, shall engage in texting while driving such vehicle.

(b) Texting while driving is permissible by an operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, when necessary to communicate with law enforcement officials or other emergency services.

(2)(a) Except as otherwise provided in subdivision (2)(b) of this section, no operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, shall use a handheld mobile telephone while driving and no motor carrier shall allow or require its operators to use a handheld mobile telephone while driving such vehicle.

(b) Using a handheld mobile telephone is permissible by an operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, when necessary to communicate with law enforcement officials or other emergency services.

(3)(a) Except as otherwise provided in subdivision (3)(b) of this section, no operator of a school bus shall engage in texting during school bus operations.

(b) Texting while driving is permissible by an operator of a school bus during school bus operations when necessary to communicate with law enforcement officials or other emergency services.

(4)(a) Except as otherwise provided in subdivision (4)(b) of this section, no operator of a school bus shall use a handheld mobile telephone during school bus operations.

(b) Using a handheld mobile telephone is permissible by an operator of a school bus during school bus operations when necessary to communicate with law enforcement officials or other emergency services.

(5) Any person who violates this section shall be guilty of a traffic infraction. Any person who is found guilty of a traffic infraction under this section shall be subject to disqualification as provided in section60-4,168, shall be assessed points on his or her motor vehicle operator's license pursuant to section60-4,182, and shall be fined:

(a) Two hundred dollars for the first offense;

(b) Three hundred dollars for a second offense; and

(c) Five hundred dollars for a third and subsequent offense.

(6) For purposes of this section:

(a) Commercial motor vehicle has the same meaning as in section75-362;

(b) Driving means operating a commercial motor vehicle, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the operator moves the vehicle to the side of, or off, a highway and halts in a location where the vehicle can safely

remain stationary;
(c) Electronic device includes,
but is not limited to, a cellular telephone; a personal digital assistant;
a pager; a computer; or any other device used to input, write, send, receive,
or read text;
(d) Mobile telephone
means a mobile communication device that falls under or uses any commercial
mobile radio service as defined in regulations of the Federal Communications
Commission, 47 C.F.R. 20.3. Mobile telephone does not include two-way or citizens
band radio services;
(e)
School bus operations means the use of a school bus to transport school children
or school personnel;
(f)(i) Texting
means manually entering alphanumeric text into, or reading text from, an electronic
device. This action includes, but
is not limited to, short message service, emailing, instant messaging, a command
or request to access an Internet web page, pressing more than a single button
to initiate or terminate a voice communication using a mobile telephone, or
engaging in any other form of electronic text retrieval or entry for present or future
communication.
(ii) Texting does not include:
(A) Inputting, selecting, or reading information on a global positioning
system or navigation system;
(B) Pressing a single button to initiate or terminate a voice communication
using a mobile telephone; or
(C) Using a device capable of performing multiple functions, including,
but not limited to, fleet management systems, dispatching devices, smartphones,
citizens band radios, and music players, for a purpose other than texting; and
(g) Use a handheld mobile
telephone means:
(i)
Using at least one hand to hold a mobile telephone to conduct a voice communication;
(ii) Dialing or answering
a mobile telephone by pressing more than a single button; or
(iii) Reaching for a
mobile telephone in a manner that requires a driver to maneuver so that he
or she is no longer in a seated driving position and restrained by a seat
belt that is installed in accordance with 49 C.F.R. 393.93 and adjusted in
accordance with the vehicle manufacturer's instructions.

60-6,180.
Opening and closing vehicle doors; restriction.
No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and it can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload property or passengers.

60-6,181.
Traversing defiles, canyons, or mountain highways; audible warning.
The driver of a motor vehicle traversing defiles, canyons, or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with a horn or other device.

60-6,182.
Traveling on a downgrade; gears; position.
The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral.

60-6,183.
Following fire apparatus in response to an alarm; prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

60-6,184.
Restrictions on driving over unprotected fire hose.
No vehicle shall be driven over unprotected hose of a fire department when laid down on any highway or private road or driveway, in use or to be used at any fire or alarm of fire, without the consent of the fire department official in command.

60-6,185.
Basic rule; speed.
No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

60-6,186.
Speed; maximum limits; signs.
(1) Except when a special hazard exists that requires lower speed for compliance with section60-6,185, the limits set forth in this section and sections60-6,187,60-6,188,60-6,305, and60-6,313shall be the maximum lawful speeds unless reduced pursuant to subsection (2) of this section, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:
(a) Twenty-five miles per hour in any residential district;
(b) Twenty miles per hour in any business district;
(c) Fifty miles per hour upon any highway that is gravel or not dustless surfaced;
(d) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system;
(e) Sixty-five miles per hour upon any four-lane divided highway not a part of the state highway system;
(f) Sixty-five miles per hour upon any part of the state highway system other than an expressway, a super-two highway, or a freeway;
(g) Seventy miles per hour upon an expressway or a super-two highway that is part of the state highway system;
(h) Seventy miles per hour upon a freeway that is part of the state highway system but not part of the National System of Interstate and Defense Highways; and
(i) Seventy-five miles per hour upon the National System of Interstate and Defense Highways, except that the maximum speed limit shall be sixty-five miles per hour for:
(i) Any portion of the National System of Interstate and Defense Highways located in Douglas County; and
(ii) That portion of the National System of Interstate and Defense Highways designated as Interstate 180 in Lancaster County and Interstate 129 in Dakota County.
(2) The maximum speed limits established in subsection (1) of this section may be reduced by the Department of Transportation or by local authorities pursuant to section60-6,188or60-6,190.
(3) The Department of Transportation and local authorities may erect and maintain suitable signs along highways under their respective jurisdictions in such number and at such locations as they deem necessary to give adequate notice of the speed limits established pursuant to subsection (1) or (2) of this section upon such highways.

60-6,187.
Special speed limitations; motor vehicle towing a mobile home; motor-driven cycle.
(1) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.
(2)(a) A person may operate any motor-driven cycle at a speed in excess of thirty-five miles per hour upon a roadway at nighttime if such motor-driven cycle is equipped with a headlight or headlights capable of revealing a person or vehicle in such roadway at least three hundred feet ahead and with a taillight on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor-driven cycle.
(b) A person may operate any motor-driven cycle at a speed in excess of twenty-five miles per hour, but not more than thirty-five miles per hour, upon a roadway at nighttime if such motor-driven cycle is equipped with a headlight or headlights capable of revealing a person or vehicle in such roadway at least one hundred feet ahead, but less than three hundred feet ahead, and with a taillight on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor-driven cycle.
(c) A person shall not operate any motor-driven cycle upon a roadway at nighttime if the headlight or headlights do not reveal a person or vehicle in such roadway at least one hundred feet ahead, or the taillight is not visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor-driven cycle.

60-6,188.

Construction zone; signs; Director-State Engineer; authority.
(1) The maximum speed limit through any maintenance, repair, or construction zone on the state highway system shall be thirty-five miles per hour in rural areas and twenty-five miles per hour in urban areas.
(2) Such speed limits shall take effect only after appropriate signs giving notice of the speed limit are erected or displayed in a conspicuous place in advance of the area where the maintenance, repair, or construction activity is or will be taking place. Such signs shall conform to the manual and shall be regulatory signs imposing a legal obligation and restriction on all traffic proceeding into the maintenance, construction, or repair zone. The signs may be displayed upon a fixed, variable, or movable stand. While maintenance, construction, or repair is being performed, the signs may be mounted upon moving Department of Transportation vehicles displaying such signs well in advance of the maintenance zone.
(3) The Director-State Engineer may increase the speed limit through any highway maintenance, repair, or construction zone in increments of five miles per hour if the speed set does not exceed the maximum speed limits established in sections60-6,186,60-6,187,60-6,189,60-6,190,60-6,305, and60-6,313. The Director-State Engineer may delegate the authority to raise speed limits through any maintenance, repair, or construction zone to any department employee in a supervisory capacity or may delegate such authority to a county, municipal, or local engineer who has the duty to maintain the state highway system in such jurisdiction if the maintenance is performed on behalf of the department by contract with the local authority. Such increased speed limit through a maintenance, repair, or construction zone shall be effective when the Director-State Engineer or any officer to whom authority has been delegated gives a written order for such increase and signs posting such speed limit are erected or displayed.
(4) The Department of Transportation shall post signs in maintenance, repair, or construction zones which inform motorists that the fine for exceeding the posted speed limit in such zones is doubled.

60-6,189.
Driving over bridges; maximum speed; determination by Department of Transportation or local authority; effect.
(1) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in subsection (2) of this section.
(2) The Department of Transportation or a local authority may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that such structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the department or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand and shall cause suitable signs stating such maximum speed to be erected and maintained before each end of such structure.
(3) Upon the trial of any person charged with a violation of subsection (1) of this section, proof of such determination of the maximum speed by the department or local authority and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such bridge or structure.

60-6,190.
Establishment of state speed limits; power of Department of Transportation; other than state highway system; power of local authority; signs.
(1) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.
(2) The speed limits set by the department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the department. Certified copies of such authorizations shall be available from the department at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected as provided in subsection (1) of this section.
(3) On county highways which are not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission or a natural resources district and which are outside of the corporate limits of cities and villages, county boards shall have the same power and duty to alter the maximum speed limits as the department if the change is based on an engineering and traffic investigation comparable to that made by the department. The limit outside of a business or residential district shall not be decreased to less than thirty-five miles per hour.
(4) On all highways within their corporate limits, except on state-maintained freeways which are part of the state highway system, incorporated cities and villages shall have the same power and duty to alter the maximum speed limits as the department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in cities and villages under forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be effective without the approval of

the department.
(5) The director of any state institution, the Game and Parks Commission, or a natural resources district, with regard to highways which are not a part of the state highway system, which are within the limits of such institution or area under Game and Parks Commission or natural resources district control, and which are outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the department if the change is based on an engineering and traffic investigation comparable to that made by the department.
(6) Not more than six such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections. The difference between adjacent speed limits along a highway shall not be reduced by more than twenty miles per hour, and there shall be no limit on the difference between adjacent speed limits for increasing speed limits along a highway.
(7) When the department or a local authority determines by an investigation that certain vehicles in addition to those specified in sections60-6,187,60-6,305, and60-6,313cannot with safety travel at the speeds provided in sections60-6,186,60-6,187,60-6,189,60-6,305, and60-6,313or set pursuant to this section or section60-6,188or60-6,189, the department or local authority may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs.

60-6,192.
Speed determination; use of speed measurement devices; requirements; apprehension of driver; when.
(1) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any peace officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such radio microwave, mechanical, or electronic speed measurement device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the state may offer in evidence the results of such radio microwave, mechanical, or electronic speed measurement device for the purpose of establishing the speed of any motor vehicle, the state shall prove the following:
(a) The radio microwave, mechanical, or electronic speed measurement device was in proper working order at the time of conducting the measurement;
(b) The radio microwave, mechanical, or electronic speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
(c) The person operating the radio microwave, mechanical, or electronic speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the radio microwave, mechanical, or electronic speed measurement device; and
(d) The operator conducted external tests of accuracy upon the radio microwave, mechanical, or electronic speed measurement device, within a reasonable time both prior to and subsequent to an arrest being made, and the device was found to be in proper working order.
(2) The driver of any motor vehicle measured by use of a radio microwave, mechanical, or electronic speed measurement device to be driving in excess of the applicable speed limit may be apprehended if the apprehending officer:
(a) Is in uniform and displays his or her badge of authority; and
(b)(i) Has observed the recording of the speed of the motor vehicle by the radio microwave, mechanical, or electronic speed measurement device; or
(ii) Has received a radio message from a peace officer who observed the speed recorded and the radio message (A) has been dispatched immediately after the speed of the motor vehicle was recorded and (B) gives a description of the vehicle and its recorded speed.

60-6,193.
Minimum speed regulation; impeding traffic.
(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
(2) On a freeway no motor vehicle, except emergency vehicles, shall be operated at a speed of less than forty miles per hour or at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for the safe operation of the motor vehicle because of weather, visibility, roadway, or traffic conditions. All vehicles entering or leaving such freeway from an acceleration or deceleration lane shall conform with the minimum speed regulations while they are within the roadway of the freeway. The minimum speed of forty miles per hour may be altered by the Department of Transportation or local authorities on freeways under their respective jurisdictions.
(3) Whenever the department or any local authority within its respective jurisdiction determines on the basis of an engineering and traffic investigation that low speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.
(4) Vehicular, animal, and pedestrian traffic prohibited on freeways by the Nebraska Rules of the Road shall not travel on any other roadway where minimum speed limits of twenty miles per hour or more are posted.
(5) Any minimum speed limit which is imposed under subsection (2) or (3) of this section shall not be effective until appropriate and adequate signs are erected along the roadway affected by such regulation apprising motorists of such limitation.

(6) On any freeway, or other highway providing for two or more lanes of travel in one direction, vehicles shall not intentionally impede the normal flow of traffic by traveling side by side and at the same speed while in adjacent lanes. This subsection shall not be construed to prevent vehicles from traveling side by side in adjacent lanes because of congested traffic conditions.

60-6,194.
Charging violations of speed regulation; summons; burden of proof; elements of offense.
(1) In every charge of violation of any speed regulation in the Nebraska Rules of the Road, the complaint and the summons or notice to appear shall specify the speed at which defendant is alleged to have driven and the maximum speed for the type of vehicle involved applicable within the district or at the location. The speed at which defendant is alleged to have driven and the maximum speed are essential elements of the offense and shall be proved by competent evidence.
(2) The provisions of the rules which set maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

60-6,195.
Racing on highways; violation; penalty.
(1) No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.
(2) For purposes of this section:
(a) Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, each starting at the same point and proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; and
(b) Racing shall mean the use of one or more vehicles in an attempt to outgain or outdistance another vehicle, to prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.
(3) Any person convicted of violating this section shall be guilty of a Class II misdemeanor.

60-6,196.
Driving under influence of alcoholic liquor or drug; penalties.
(1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:
(a) While under the influence of alcoholic liquor or of any drug;
(b) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
(c) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as provided in sections60-6,197.02to60-6,197.08.

60-6,196.01.
Driving under influence of alcoholic
liquor or drug; additional penalty.
In addition to any other penalty provided
for operating a motor vehicle in violation of section60-6,196, if a person
has a prior conviction as defined in section60-6,197.02for a violation punishable
as a felony under section60-6,197.03and is subsequently found to have operated
or been in the actual physical control of any motor vehicle when such person
has (1) a concentration of two-hundredths of one gram or more by weight of
alcohol per one hundred milliliters of his or her blood or (2) a concentration
of two-hundredths of one gram or more by weight of alcohol per two hundred
ten liters of his or her breath, such person shall be guilty of a Class IIIA
misdemeanor.

60-6,197.
Driving under
influence of alcoholic liquor or drugs; implied consent to submit to chemical
test; when test administered; refusal; advisement;
effect; violation; penalty.
(1) Any
person who operates or has in his or her actual physical control a motor vehicle

in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.

(2) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state while under the influence of alcoholic liquor or drugs in violation of section60-6,196.

(3) Any person arrested as described in subsection (2) of this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of section60-6,196, the person shall be subject to the administrative license revocation procedures provided in sections60-498.01to60-498.04and upon conviction be punished as provided in sections60-6,197.02to60-6,197.08. Any person who refuses to submit to such test or tests required pursuant to this section shall be subject to the administrative license revocation procedures provided in sections60-498.01to60-498.04and shall be guilty of a crime and upon conviction punished as provided in sections60-6,197.02to60-6,197.08.

(4) Any person involved in a motor vehicle accident in this state may be required to submit to a chemical test or tests of his or her blood, breath, or urine by any peace officer if the officer has reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle on a public highway in this state while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this state shall not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath, or urine by reason of leaving this state. If the person refuses a test under this section and leaves the state for any reason following an accident, he or she shall remain subject to subsection (3) of this section and sections60-498.01to60-498.04upon return.

(5) Any person who is required to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be advised that refusal to submit to such test or tests is a separate crime for which the person may be charged. Failure to provide such advisement shall not affect the admissibility of the chemical test result in any legal proceedings. However, failure to provide such advisement shall negate the state's ability to bring any criminal charges against a refusing party pursuant to this section.

(6) Refusal to submit to a chemical blood, breath, or urine test or tests pursuant to this section shall be admissible evidence in any action for a violation of section60-6,196or a city or village ordinance enacted in conformance with such section.

60-6,197.01.

Driving while license has been revoked; driving under influence of alcoholic liquor or drug; second and subsequent violations; restrictions on motor vehicles; additional restrictions authorized.

(1) Upon conviction for a violation described in section60-6,197.06or a second or subsequent violation of section60-6,196or60-6,197, the court shall impose either of the following

restrictions:
(a)(i) The court shall order all motor vehicles owned by the person so convicted immobilized at the owner's expense for a period of time not less than five days and not more than eight months and shall notify the Department of Motor Vehicles of the period of immobilization. Any immobilized motor vehicle shall be released to the holder of a bona fide lien on the motor vehicle executed prior to such immobilization when possession of the motor vehicle is requested as provided by law by such lienholder for purposes of foreclosing and satisfying such lien. If a person tows and stores a motor vehicle pursuant to this subdivision at the direction of a peace officer or the court and has a lien upon such motor vehicle while it is in his or her possession for reasonable towing and storage charges, the person towing the vehicle has the right to retain such motor vehicle until such lien is paid. For purposes of this subdivision, immobilized or immobilization means revocation or suspension, at the discretion of the court, of the registration of such motor vehicle or motor vehicles, including the license plates; and
(ii)(A) Any immobilized motor vehicle shall be released by the court without any legal or physical restraints to any registered owner who is not the registered owner convicted of a second or subsequent violation of section60-6,196or60-6,197if an affidavit is submitted to the court by such registered owner stating that the affiant is employed, that the motor vehicle subject to immobilization is necessary to continue that employment, that such employment is necessary for the well-being of the affiant's dependent children or parents, that the affiant will not authorize the use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent violation of section60-6,196or60-6,197, that affiant will immediately report to a local law enforcement agency any unauthorized use of the motor vehicle by any person known by the affiant to have been convicted of a second or subsequent conviction of section60-6,196or60-6,197, and that failure to release the motor vehicle would cause undue hardship to the affiant.
(B) A registered owner who executes an affidavit pursuant to subdivision (1)(a)(ii)(A) of this section which is acted upon by the court and who fails to immediately report an unauthorized use of the motor vehicle which is the subject of the affidavit is guilty of a Class IV misdemeanor and may not file any additional affidavits pursuant to subdivision (1)(a)(ii)(A) of this section.
(C) The department shall adopt and promulgate rules and regulations to implement the provisions of subdivision (1)(a) of this section; or
(b) As an alternative to subdivision (1)(a) of this section, the court shall order the convicted person, in order to operate a motor vehicle, to obtain an ignition interlock permit and install an ignition interlock device on each motor vehicle owned or operated by the convicted person if he or she was sentenced to an operator's license revocation of at least one year. If the person's operator's license has been revoked for at least a one-year period, after a minimum of a forty-five-day no driving period, the person may operate a motor vehicle with an ignition interlock permit and an ignition interlock device pursuant to this subdivision and shall retain the ignition interlock permit and ignition interlock device for not less than a one-year period or the period of revocation ordered by the court, whichever is longer. No ignition interlock permit may be issued until sufficient evidence is presented to the department that an ignition interlock device is installed on each vehicle and that the applicant is eligible for use of an ignition interlock device. If the person has an ignition interlock device installed as required under this subdivision, the person shall not be eligible for reinstatement of his or her operator's license until he or she has had the ignition interlock device installed for the period ordered by the court.
(2) In addition to the restrictions required by subdivision (1)(b) of this section, the court may require a person convicted of a second or subsequent violation of section60-6,196or60-6,197to use a continuous

alcohol monitoring device and abstain from alcohol use for a period of time not to exceed the maximum term of license revocation ordered by the court. A continuous alcohol monitoring device shall not be ordered for a person convicted of a second or subsequent violation unless the installation of an ignition interlock device is also required.

60-6,197.02.
Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; terms, defined; prior convictions; use; sentencing provisions; when applicable.
(1) A violation of section60-6,196or60-6,197shall be punished as provided in sections60-6,196.01and60-6,197.03. For purposes of sentencing under sections60-6,196.01and60-6,197.03:
(a) Prior conviction means a conviction for a violation committed within the fifteen-year period prior to the offense for which the sentence is being imposed as follows:
(i) For a violation of section60-6,196:
(A) Any conviction for a violation of subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197, or60-6,198;
(B) Any conviction for a violation of a city or village ordinance enacted in conformance with section60-6,196or60-6,197; or
(C) Any conviction under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation of subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197, or60-6,198; or
(ii)
For a violation of section60-6,197:
(A) Any conviction for a violation of subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197, or60-6,198;
(B) Any conviction for a violation of a city or village ordinance enacted in conformance with section60-6,196or60-6,197; or
(C) Any conviction under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the person was convicted would have been a violation of subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197, or60-6,198;
(b) Prior conviction includes any conviction under subdivision (3)(b) or (c) of section28-306, subdivision (3)(b) or (c) of section28-394, or section28-1254,60-6,196,60-6,197, or60-6,198, or any city or village ordinance enacted in conformance with section60-6,196or60-6,197, as such sections or city or village ordinances existed at the time of such conviction regardless of subsequent amendments to any of such sections or city or village ordinances; and
(c) Fifteen-year period means the period computed from the date of the prior offense to the date of the offense which resulted in the conviction for which the sentence is being imposed.
(2) In any case charging a violation of section60-6,196or60-6,197, the prosecutor or investigating agency shall use due diligence to obtain the person's driving record from the Department of Motor Vehicles and the person's driving record from other states where he or she is known to have resided within the last fifteen years. The prosecutor shall certify to the court, prior to sentencing, that such action has been taken. The prosecutor shall present as evidence for purposes of sentence enhancement a court-certified copy or an authenticated copy of a prior conviction in another state. The court-certified or authenticated copy shall be prima facie evidence of such prior conviction.
(3) For each conviction for a violation of section60-6,196or60-6,197, the court shall, as part of the judgment of conviction, make a finding on the record as to the number of the convicted person's prior convictions. The convicted person shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.
(4) A person arrested for a violation of section60-6,196or60-6,197before January 1,

2012, but sentenced pursuant to section60-6,197.03for such violation on or after January 1, 2012, shall be sentenced according to the provisions of section60-6,197.03in effect on the date of arrest.

60-6,197.03.

Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; penalties.

Any person convicted of a violation of section60-6,196or60-6,197shall be punished as follows:

(1) Except as provided in subdivision (2) of this section, if such person has not had a prior conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of six months from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to section60-6,211.05for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of sixty days from the date ordered by the court. The court shall order that during the period of revocation the person apply for an ignition interlock permit pursuant to section60-6,211.05. Such order of probation or sentence suspension shall also include, as one of its conditions, the payment of a five-hundred-dollar fine;

(2) If such person has not had a prior conviction and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section60-6,197.01for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section60-6,197.01for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such order of probation or sentence suspension shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for two days or the imposition of not less than one hundred twenty hours of community service;

(3) Except as provided in subdivision (5) of this section, if such person has had one prior conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of eighteen months from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days and that the person apply for an ignition interlock permit and have an ignition interlock device installed on any motor vehicle he or she owns or operates for at least one year. The court shall also issue an order pursuant to subdivision (1)(b) of section60-6,197.01. If the person has an ignition interlock device installed as required under this subdivision, the person shall not be eligible for reinstatement of his or her operator's license until he or she has had the ignition interlock device installed for the period ordered by the court. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of eighteen months from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days and that the person apply for an ignition interlock permit and installation of an ignition interlock device for not less than a one-year period pursuant to section60-6,211.05. The court shall also issue an order pursuant to subdivision (1)(b) of section60-6,197.01. If the person has an ignition interlock device installed as required under this subdivision, the person shall not be eligible for reinstatement of his or her operator's license until he or she has had the ignition interlock device installed for the period ordered by the court. The order of probation or sentence suspension shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for ten days or the imposition of not less than two hundred forty hours of community service;

(4) Except as provided in subdivision (6) of this section, if such person has had two prior convictions, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of at least two years but

not more than fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a one-thousand-dollar fine and confinement in the city or county jail for thirty days;

(5) If such person has had one prior conviction and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath or refused to submit to a test as required under section60-6,197, such person shall be guilty of a Class I misdemeanor, and the court shall, as part of the judgment of conviction, order payment of a one-thousand-dollar fine and revoke the operator's license of such person for a period of at least eighteen months but not more than fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. The court shall also sentence such person to serve at least ninety days' imprisonment in the city or county jail or an adult correctional facility.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of at least eighteen months but not more than fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days and that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device for not less than a one-year period issued pursuant to section60-6,211.05. The court shall also issue an order pursuant to subdivision (1)(b) of section60-6,197.01. If the person has an ignition interlock device installed as required under this subdivision, the person shall not be eligible for reinstatement of his or her operator's license until he or she has had the ignition interlock device installed for the period ordered by the court. The order of probation or sentence suspension shall also include, as conditions, the payment of a one-thousand-dollar fine and confinement in the city or county jail for thirty days;

(6) If such person has had two prior convictions and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath or refused to submit to a test as required under section60-6,197, such person shall be guilty of a Class IIIA felony, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. The court shall also sentence such person to serve at least one hundred eighty days' imprisonment in the city or county jail or an adult correctional facility.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of at least five years but not more than fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a one-thousand-dollar fine, confinement in the city or county jail for sixty days, and, upon release from such confinement, the use of a continuous alcohol monitoring device and abstention from alcohol use at all times for no less than sixty days;

(7) Except as provided in subdivision (8) of this section, if such person has had three prior convictions, such person shall be guilty of a Class IIIA felony, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. The court shall also sentence such person to serve at least one hundred eighty days' imprisonment in the city or county jail or an adult correctional facility.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a two-thousand-dollar fine, confinement in the city or county jail for ninety days, and, upon release from such confinement, the use of a continuous alcohol monitoring device and abstention from alcohol use at all times for no less than ninety days;

(8) If such person has had three prior convictions and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath or refused to submit to a test as required under section60-6,197, such person shall be guilty of a Class IIA felony, with a minimum sentence of one year of imprisonment, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing,

upon final judgment of any appeal or review, or upon the date that any probation is revoked.
If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a two-thousand-dollar fine, confinement in the city or county jail for one hundred twenty days, and, upon release from such confinement, the use of a continuous alcohol monitoring device and abstention from alcohol use at all times for no less than one hundred twenty days;
(9) Except as provided in subdivision (10) of this section, if such person has had four or more prior convictions, such person shall be guilty of a Class IIA felony with a minimum sentence of two years' imprisonment, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such orders shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a two-thousand-dollar fine, confinement in the city or county jail for one hundred eighty days, and, upon release from such confinement, the use of a continuous alcohol monitoring device and abstention from alcohol use at all times for no less than one hundred eighty days; and
(10) If such person has had four or more prior convictions and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath or refused to submit to a test as required under section60-6,197, such person shall be guilty of a Class II felony with a minimum sentence of two years' imprisonment and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of fifteen years from the date ordered by the court. The revocation order shall require that the person not drive for a period of forty-five days, after which the court may order that during the period of revocation the person apply for an ignition interlock permit and installation of an ignition interlock device issued pursuant to section60-6,211.05and shall issue an order pursuant to subdivision (1)(b) of section60-6,197.01. Such order of probation or sentence suspension shall also include, as conditions, the payment of a two-thousand-dollar fine, confinement in the city or county jail for one hundred eighty days, and, upon release from such confinement, the use of a continuous alcohol monitoring device and abstention from alcohol use at all times for no less than one hundred eighty days.

60-6,197.04.
Driving under influence of alcoholic liquor or drugs; preliminary breath test; refusal; penalty.
Any peace officer who has been duly authorized to make arrests for violation of traffic laws of this state or ordinances of any city or village may require any person who operates or has in his or her actual physical control a motor vehicle in this state to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section60-6,196shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

60-6,197.05.
Driving under influence of alcoholic liquor or drugs; implied consent to chemical test; revocation; effect.
Any period of revocation imposed by the court for a violation of section60-6,196or60-6,197shall be reduced by any period of revocation imposed under sections60-498.01to60-498.04, including any period during which a person has a valid ignition interlock permit or 24/7 sobriety program permit, arising from the same incident.

60-6,197.06.
Operating motor vehicle during revocation period; penalties.
(1) Unless otherwise provided by law pursuant to an ignition interlock permit or a 24/7 sobriety program permit, any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to section28-306, section60-698, subdivision (4), (5), (6), (7), (8), (9), or (10) of section60-6,197.03, or section60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section60-6,196or subdivision (4)(c) or (4)(d) of section60-6,197as such subdivisions existed prior to

July 16, 2004, shall be guilty of a Class IV felony, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
(2) If such person has had a conviction under this section or under subsection (6) of section60-6,196or subsection (7) of section60-6,197, as such subsections existed prior to July 16, 2004, and operates a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to such conviction, such person shall be guilty of a Class IIA felony, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for an additional period of fifteen years from the date ordered by the court and shall issue an order pursuant to section60-6,197.01. Such revocation and order shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

60-6,197.07.
Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; city or village ordinances; authorized.
Any city or village may enact ordinances in conformance with sections60-6,196and60-6,197. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of sections60-6,197.02and60-6,197.03with respect to the operator's license of such person shall be applicable the same as though it were a violation of section60-6,196or60-6,197.

60-6,197.08.
Driving under influence of alcoholic liquor or drugs; presentence evaluation.
Any person who has been convicted of driving while intoxicated shall, during a presentence evaluation, submit to and participate in an alcohol assessment by a licensed alcohol and drug counselor. The alcohol assessment shall be paid for by the person convicted of driving while intoxicated. At the time of sentencing, the judge, having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense in addition to any penalties deemed necessary.

60-6,197.09.
Driving
under influence of alcoholic liquor or drugs; not eligible for probation or suspended sentence.
Notwithstanding the provisions of section60-6,197.03, a person who commits
a violation punishable under subdivision (3)(b) or (c) of section28-306or subdivision (3)(b) or (c) of section28-394or a violation of section60-6,196,60-6,197, or60-6,198while participating in criminal proceedings for a violation of section60-6,196,60-6,197, or60-6,198, or a city or village ordinance enacted in accordance
with section60-6,196or60-6,197, or a law of another state if, at the time
of the violation under the law of such other state, the offense for which
the person was charged would have been a violation of section60-6,197, shall
not be eligible to receive a sentence of probation or a
suspended sentence for
either violation committed in this state.

60-6,197.10.
Driving under influence of alcohol
or drugs; public education campaign; Department of Motor Vehicles; duties.
The Department of Motor
Vehicles shall conduct an ongoing public education campaign to inform the residents of this state about the dangers and consequences of driving under the influence of alcohol or drugs in this state. Information shall include, but not be limited to, the criminal and administrative penalties for driving under the influence, any related laws, rules, instructions, and any explanatory matter. The department shall use its best efforts to utilize all available opportunities for making public service announcements on television and radio broadcasts for the public education campaign and to obtain and utilize federal funds for highway safety and other grants in conducting the public education campaign. The information may be included in publications containing information related to other motor vehicle laws and shall be given wide distribution by the department.

60-6,198.
Driving under

influence of alcoholic liquor or drugs; serious bodily injury; violation; penalty.

(1) Any person who, while operating a motor vehicle in violation of section60-6,196or60-6,197, proximately causes serious bodily injury to another person or an unborn child of a pregnant woman shall be guilty of a Class IIIA felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period.

(2) For purposes of this section, serious bodily injury means bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a temporary or protracted loss or impairment of the function of any part or organ of the body.

(3) For purposes of this section, unborn child has the same meaning as in section28-396.

(4) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

60-6,199.

Driving under influence of alcoholic liquor or drugs; test; additional test; refusal to permit; effect; results of test; available upon request.

The peace officer who requires a chemical blood, breath, or urine test or tests pursuant to section60-6,197may direct whether the test or tests shall be of blood, breath, or urine. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests he or she deems appropriate in addition to and following the test or tests administered at the direction of the officer. If the officer refuses to permit such additional test to be taken, then the original test or tests shall not be competent as evidence. Upon the request of the person tested, the results of the test or tests taken at the direction of the officer shall be made available to him or her.

60-6,200.

Driving under influence of alcoholic liquor or drugs; chemical test; consent of person incapable of refusal not withdrawn.

Any person who is unconscious or who is otherwise in a condition rendering him or her incapable of refusal shall be deemed not to have withdrawn the consent provided by section60-6,197and the test may be given.

60-6,201.

Driving under influence of alcoholic liquor or drugs; chemical test; violation of statute or ordinance; results; competent evidence; permit; fee.

(1) Any test made under section60-6,197, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.

(2) Any test made under section60-6,211.02, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution involving operating or being in actual physical control of a motor vehicle in violation of section60-6,211.01.

(3) To be considered valid, tests of blood, breath, or urine made under section60-6,197or tests of blood or breath made under section60-6,211.02shall be performed according to methods approved by the Department of Health and Human Services and by an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed health care facility or health care service which is defined in the Health Care Facility Licensure Act or clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as such act existed on September 1, 2001, or Title XVIII or XIX of the federal Social Security Act, as such act existed on September 1, 2001, to withdraw human blood for scientific or medical purposes, acting at the request of a peace officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to withdraw blood pursuant to such an order. The department may approve satisfactory techniques or methods to perform such tests and may ascertain the qualifications and competence of individuals to perform such tests and issue permits which shall be subject to termination or revocation at the discretion of the department.

(4) A permit fee may be established by regulation by the department which shall not exceed the actual cost of processing the initial permit. Such fee shall be charged annually to each permitholder. The fees shall be used to defray the cost of processing and issuing the permits and other expenses incurred by the department in carrying out this section. The fee shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund as a laboratory service fee.

(5) Relevant evidence shall not be excluded in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels on the ground that the evidence existed or was obtained outside of this state.

60-6,202.
Driving under influence of alcoholic liquor or drugs; blood test; withdrawing requirements; damages; liability; when.
(1) Any physician, registered nurse, other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act, a clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act, as amended, to withdraw human blood for scientific or medical purposes, or a hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a peace officer pursuant to sections60-6,197and60-6,211.02. The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood. The agent shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a peace officer pursuant to such sections except for acts of willful, wanton, or gross negligence of the agent or of persons employed by such agent.
(2) Any person listed in subsection (1) of this section withdrawing a blood specimen for purposes of section60-6,197or60-6,211.02shall, upon request, furnish to any law enforcement agency or the person being tested a certificate stating that such specimen was taken in a medically acceptable manner. The certificate shall be signed under oath before a notary public and shall be admissible in any proceeding as evidence of the statements contained in the certificate. The form of the certificate shall be prescribed by the Department of Health and Human Services and such forms shall be made available to the persons listed in subsection (1) of this section.

60-6,203.
Driving under influence of alcoholic liquor or drug; violation of city or village ordinance; fee for test; court costs.
Upon the conviction of any person for violation of section60-6,196or60-6,211.01or of driving a motor vehicle while under the influence of alcoholic liquor or of any drug in violation of any city or village ordinance, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with section60-6,201, for the test administered and the analysis thereof under the provisions of sections60-6,197and60-6,211.02, if such test was actually made.

60-6,204.
Driving under influence of alcoholic liquor or drugs; test without preliminary breath test; when; qualified personnel.
Any person arrested for any offense involving the operation or actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs shall be required to submit to a chemical test or tests of his or her blood, breath, or urine as provided in section60-6,197without the preliminary breath test if the arresting peace officer does not have available the necessary equipment for administering a breath test or if the person is unconscious or is otherwise in a condition rendering him or her incapable of testing by a preliminary breath test. Only a physician, registered nurse, or other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act or a clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a peace officer, may withdraw blood for the purpose of determining the concentration of alcohol or the presence of drugs, but this limitation shall not apply to the taking of a urine or breath specimen.

60-6,209.
License revocation; reinstatement; conditions; department; Board of Pardons; duties; fee.
(1) Any person whose operator's license has been revoked pursuant to a conviction for a violation of sections60-6,196,60-6,197, and60-6,199to60-6,204for a third or subsequent time for a period of fifteen years may apply to the Department of Motor Vehicles not more often than once per calendar year, on forms prescribed by the department, requesting the department to make a recommendation to the Board of Pardons for reinstatement of his or her eligibility for an operator's license. Upon receipt of the application and a nonrefundable application fee of one hundred dollars, the Director of Motor Vehicles shall review the application and make a recommendation for reinstatement or for denial of reinstatement. The department may recommend reinstatement if such person shows the following:
(a) Such person has completed a state-certified substance abuse program and is recovering or such person has substantially recovered from the dependency on or tendency to abuse alcohol or drugs, as determined by a counselor certified or licensed in this state;
(b) Such person has not been convicted, since the date of the revocation order, of any subsequent violations of section60-6,196or60-6,197or any comparable city or village ordinance and the applicant has not, since the date of the revocation order, submitted to a chemical test under section60-6,197that indicated an alcohol concentration in violation of section60-6,196or refused to submit to a chemical test under section60-6,197;
(c) Such person has not been convicted, since the date of the revocation order, of driving while under suspension, revocation, or impoundment under section60-4,109;

(d) Such person has abstained from the consumption of alcoholic beverages and the consumption of drugs except at the direction of a licensed physician or pursuant to a valid prescription;
(e) Such person's operator's license is not currently subject to suspension or revocation for any other reason; and
(f) Such person has agreed that, if the Board of Pardons reinstates such person's eligibility to apply for an ignition interlock permit, such person must provide proof, to the satisfaction of the department, that an ignition interlock device has been installed and is maintained on one or more motor vehicles such person operates for the duration of the original fifteen-year revocation period and such person must operate only motor vehicles so equipped for the duration of the original fifteen-year revocation period.
(2) In addition, the department may require other evidence from such person to show that restoring such person's privilege to drive will not present a danger to the health and safety of other persons using the highways.
(3) Upon review of the application, the director shall make the recommendation to the Board of Pardons in writing and shall briefly state the reasons for the recommendations. The recommendation shall include the original application and other evidence submitted by such person. The recommendation shall also include any record of any other applications such person has previously filed under this section.
(4) The department shall adopt and promulgate rules and regulations to govern the procedures for making a recommendation to the Board of Pardons.
(5) If the Board of Pardons reinstates such person's eligibility for an operator's license or an ignition interlock permit or orders a reprieve of such person's motor vehicle operator's license revocation, such reinstatement or reprieve may be conditioned for the duration of the original revocation period on such person's continued recovery and, if such person is a holder of an ignition interlock permit, shall be conditioned for the duration of the original revocation period on such person's operation of only motor vehicles equipped with an ignition interlock device. If such person is convicted of any subsequent violation of section60-6,196or60-6,197, the reinstatement of the person's eligibility for an operator's license shall be withdrawn and such person's operator's license will be revoked by the Department of Motor Vehicles for the time remaining under the original revocation, independent of any sentence imposed by the court, after thirty days' written notice to the person by first-class mail at his or her last-known mailing address as shown by the records of the department.
(6) If the Board of Pardons reinstates a person's eligibility for an operator's license or an ignition interlock permit or orders a reprieve of such person's motor vehicle operator's license revocation, the board shall notify the Department of Motor Vehicles of the reinstatement or reprieve. Such person may apply for an operator's license upon payment of a fee of one hundred twenty-five dollars and the filing of proof of financial responsibility. The fees paid pursuant to this section shall be collected by the department and remitted to the State Treasurer. The State Treasurer shall credit seventy-five dollars of each fee to the General Fund and fifty dollars of each fee to the Department of Motor Vehicles Cash Fund.

60-6,210.
Blood sample; results of chemical test; admissible in criminal prosecution; disclosure required.
(1) If the driver of a motor vehicle involved in an accident is transported to a hospital within or outside of Nebraska and a sample of the driver's blood is withdrawn by a physician, registered nurse, qualified technician, or hospital for the purpose of medical treatment, the results of a chemical test of the sample shall be admissible in a criminal prosecution for a violation punishable under subdivision (3)(b) or (c) of section28-306or a violation of section28-305,60-6,196, or60-6,198to show the alcoholic content of or the presence of drugs or both in the blood at the time of the accident regardless of whether (a) a peace officer requested the driver to submit to a test as provided in section60-6,197or (b) the driver had refused a chemical test.
(2) Any physician, registered nurse, qualified technician, or hospital in this state performing a chemical test to determine the alcoholic content of or the presence of drugs in such blood for the purpose of medical treatment of the driver of a vehicle involved in a motor vehicle accident shall disclose the results of the test (a) to a prosecuting attorney who requests the results for use in a criminal prosecution under subdivision (3)(b) or (c) of section28-306or section28-305,60-6,196, or60-6,198and (b) to any prosecuting attorney in another state who requests the results for use in a criminal prosecution for driving while intoxicated, driving under the influence, or motor vehicle homicide under the laws of the other state if the other state requires a similar disclosure by any hospital or person in such state to any prosecuting attorney in Nebraska who requests the results for use in such a criminal prosecution under the laws of Nebraska.

60-6,211.
Lifetime revocation of motor vehicle operator's license; reduction; procedure.
Any person who prior to April 19, 1986, has had his or her motor vehicle operator's license revoked for life pursuant to section60-6,196or60-6,197may submit an application to the court for a reduction of such lifetime revocation. The court in its discretion may reduce such revocation to a period of fifteen years.

60-6,211.01.
Person under twenty-one years of age; prohibited acts.
It shall be unlawful for any person under twenty-one years of age to operate or be in the actual physical control of any motor vehicle:
(1) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of section60-6,196; or

(2) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1)(c) of section60-6,196.

60-6,211.02.
Implied consent to submit to chemical test; when test administered; refusal; penalty.
(1) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath.
(2) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person under twenty-one years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that such person was driving or was in the actual physical control of a motor vehicle in this state in violation of section60-6,211.01. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section60-6,211.01shall be placed under arrest.
(3) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of section60-6,211.01, the person shall be found guilty of a traffic infraction as defined in section60-672and upon conviction shall have his or her operator's license impounded by the court for thirty days for each violation of section60-6,211.01. Any person who refuses to submit to such test or tests required pursuant to this section shall not have the tests taken but shall be found guilty of a traffic infraction as defined in section60-672and upon conviction shall have his or her operator's license impounded by the court for ninety days for refusal to submit to such tests required pursuant to this section.

60-6,211.03.
Impounded operator's license; operation relating to employment authorized.
Any person whose operator's license is impounded pursuant to section60-6,211.02may be allowed by the court to operate a motor vehicle in order to drive to and from his or her place of employment.

60-6,211.04.
Applicability of other laws.
Sections60-6,211.01to60-6,211.03shall not operate to prevent any person, regardless of age, from being prosecuted or having any action taken for a violation of section60-6,196or60-6,197or having his or her operator's license revoked pursuant to sections60-498.01to60-498.04for a violation of section60-6,196or60-6,197or from being prosecuted or having any action taken under any other provision of law. If such person is believed to be under the influence of alcoholic liquor pursuant to section60-6,196or60-6,197, sections60-6,211.01to60-6,211.03shall not operate to prevent prosecution of such person for a violation of section60-6,196or60-6,197even if sections60-6,211.01to60-6,211.03apply.

60-6,211.05.
Ignition interlock device; continuous alcohol monitoring device and abstention from alcohol use; orders authorized; prohibited acts; violation; penalty; costs; Department of Motor Vehicles Ignition Interlock Fund; created; use; investment; prohibited acts relating to tampering with device; hearing.
(1) If an order is granted under section60-6,196or60-6,197and sections60-6,197.02and60-6,197.03, the court may order that the defendant install an ignition interlock device of a type approved by the Director of Motor Vehicles on each motor vehicle operated by the defendant during the period of revocation. Upon sufficient evidence of installation, the defendant may apply to the director for an ignition interlock permit pursuant to section60-4,118.06. The device shall, without tampering or the intervention of another person, prevent the defendant from operating the motor vehicle when the defendant has an alcohol concentration greater than three-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or three-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath. The Department of Motor Vehicles shall issue an ignition interlock permit to the defendant under section60-4,118.06only upon sufficient proof that a defendant has installed an ignition interlock device on any motor vehicle that the defendant will operate during his or her release.
(2) If the court orders installation of an ignition interlock device and issuance of an ignition interlock permit pursuant to subsection (1) of this section, the court may also order the use of a continuous alcohol monitoring device and abstention from alcohol use at all times. The device shall, without tampering or the intervention of another person, test and record the alcohol consumption level of the defendant on a periodic basis and transmit such information to probation authorities.
(3) Any order issued by the court pursuant to this section shall not take effect until the defendant is eligible to operate a motor vehicle pursuant to subsection (8) of section60-498.01. A person shall be eligible to be issued an ignition interlock permit allowing operation of a motor vehicle equipped with an ignition interlock device if he or she is not subject to any other suspension, cancellation, required no-driving period, or period of revocation and has successfully completed the ignition interlock permit application process. The Department of Motor Vehicles shall review its records and the driving record abstract of any person who applies for an ignition interlock permit allowing operation of a motor vehicle equipped with an ignition interlock device to

determine (a) the applicant's eligibility for an ignition interlock permit, (b) the applicant's previous convictions under section60-6,196,60-6,197, or60-6,197.06or any previous administrative license revocation, if any, and (c) if the applicant is subject to any required no-drive periods before the ignition interlock permit may be issued.

(4)(a) If the court orders an ignition interlock device or the Board of Pardons orders an ignition interlock device under section83-1,127.02, the court or the Board of Pardons shall order the defendant to apply for an ignition interlock permit as provided in section60-4,118.06which indicates that the defendant is only allowed to operate a motor vehicle equipped with an ignition interlock device.

(b) Such court order shall remain in effect for a period of time as determined by the court not to exceed the maximum term of revocation which the court could have imposed according to the nature of the violation and shall allow operation by the defendant of only an ignition-interlock-equipped motor vehicle.

(c) Such Board of Pardons order shall remain in effect for a period of time not to exceed any period of revocation the applicant is subject to at the time the application for a reprieve is made.

(5) Any person restricted to operating a motor vehicle equipped with an ignition interlock device, pursuant to a Board of Pardons order, who operates upon the highways of this state a motor vehicle without such device or if the device has been disabled, bypassed, or altered in any way, shall be punished as provided in subsection (3) of section83-1,127.02.

(6) If a person ordered to use a continuous alcohol monitoring device and abstain from alcohol use pursuant to a court order as provided in subsection (2) of this section violates the provisions of such court order by removing, tampering with, or otherwise bypassing the continuous alcohol monitoring device or by consuming alcohol while required to use such device, he or she shall have his or her ignition interlock permit revoked and be unable to apply for reinstatement for the duration of the revocation period imposed by the court.

(7) The director shall adopt and promulgate rules and regulations regarding the approval of ignition interlock devices, the means of installing ignition interlock devices, and the means of administering the ignition interlock permit program.

(8)(a) The costs incurred in order to comply with the ignition interlock requirements of this section shall be paid directly to the ignition interlock provider by the person complying with an order for an ignition interlock permit and installation of an ignition interlock device.

(b) If the Department of Motor Vehicles has determined the person to be indigent and incapable of paying for the cost of installation, removal, or maintenance of the ignition interlock device in accordance with this section, such costs shall be paid out of the Department of Motor Vehicles Ignition Interlock Fund if such funds are available, according to rules and regulations adopted and promulgated by the department. Such costs shall also be paid out of the Department of Motor Vehicles Ignition Interlock Fund if such funds are available and if the court or the Board of Pardons, whichever is applicable, has determined the person to be indigent and incapable of paying for the cost of installation, removal, or maintenance of the ignition interlock device in accordance with this section. The Department of Motor Vehicles Ignition Interlock Fund is created. Money in the Department of Motor Vehicles Ignition Interlock Fund may be used for transfers to the General Fund at the direction of the Legislature. On October 1, 2017, or as soon thereafter as administratively possible, the State Treasurer shall transfer twenty-five thousand dollars from the Department of Motor Vehicles Ignition Interlock Fund to the Violence Prevention Cash Fund. On October 1, 2018, or as soon thereafter as administratively possible, the State Treasurer shall transfer twenty-five thousand dollars from the Department of Motor Vehicles Ignition Interlock Fund to the Violence Prevention Cash Fund. Any money in the Department of Motor Vehicles Ignition Interlock Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(9)(a)(i) An ignition interlock service facility shall notify the appropriate district probation office or the appropriate court, as applicable, of any evidence of tampering with or circumvention of an ignition interlock device, or any attempts to do so, when the facility becomes aware of such evidence. Failure of the facility to provide notification as provided in this subdivision is a Class V misdemeanor.

(ii) An ignition interlock service facility shall notify the Department of Motor Vehicles, if the ignition interlock permit is issued pursuant to sections60-498.01to60-498.04, of any evidence of tampering with or circumvention of an ignition interlock device, or any attempts to do so, when the facility becomes aware of such evidence. Failure of the facility to provide notification as provided in this subdivision is a Class V misdemeanor.

(b) If a district probation office receives evidence of tampering with or circumvention of an ignition interlock device, or any attempts to do so, from an ignition interlock service facility, the district probation office shall notify the appropriate court of such violation. The court shall immediately schedule an evidentiary hearing to be held within fourteen days after receiving such evidence, either from the district probation office or an ignition interlock service facility, and the court shall cause notice of the hearing to be given to the person operating a motor vehicle pursuant to an order under subsection (1) of this section. If the person who is the subject of such evidence does not appear at the hearing and show cause why the order made pursuant to subsection (1) of this section should remain in effect, the court shall rescind the original order. Nothing in this subsection shall apply to an order made by the Board of Pardons pursuant to section83-1,127.02.

(10) Notwithstanding any other provision of law, the issuance of an ignition interlock permit by the Department of Motor Vehicles under section60-498.01or an order for the installation of an ignition interlock device and ignition interlock permit made pursuant to subsection (1) of this section as part of a conviction, as well as the administration of such court order by the Office of Probation Administration for the installation, maintenance, and removal of such device, as applicable, shall not be construed to create an order of probation when an order of probation has not been issued.

60-6,211.06.
Implied consent to submit to chemical test violation; court and department records; expungement; when authorized.
(1) An abstract of the court record of every person whose license has been impounded pursuant to section60-6,211.02shall be transmitted to the Department of Motor Vehicles. This violation shall become part of the person's record maintained by the department for a period of not longer than ninety days. After ninety days, the department shall expunge the violation from the person's record.
(2) Any person whose license has been impounded pursuant to section60-6,211.02and who refused to submit to a chemical test or tests required pursuant to such section shall have the violation become part of the person's record maintained by the department for a period of not longer than one hundred twenty days. After one hundred twenty days, the department shall expunge the violation from the person's record.

60-6,211.07.
Implied consent to submit to chemical test violation; impounded license; return; prohibited act; effect.
(1) At the end of the impoundment period under section60-6,211.02, the operator's license shall be returned by the court to the licensee.
(2) Any person who unlawfully operates a motor vehicle during the period of impoundment shall be subject to section60-4,108.

60-6,211.08.
Open alcoholic beverage container;
consumption of alcoholic beverages; prohibited acts; applicability of section to certain passengers of limousine or bus.
(1) For purposes of this section:
(a) Alcoholic beverage means (i) beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of not less than one-half of one percent of alcohol by volume, or (iii) distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts not readily consumable as a beverage;
(b) Highway means a road or street including the entire area within the right-of-way;
(c) Limousine means a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver seat from the passenger compartment. Limousine does not include taxicabs, hotel or airport buses or shuttles, or buses;
(d) Open alcoholic beverage container, except as provided in subsection (3) of section53-123.04and subdivision (1)(c) of section53-123.11, means any bottle, can, or other receptacle:
(i) That contains any amount of alcoholic beverage; and
(ii)(A) That is open or has a broken seal or (B) the contents of which are partially removed; and
(e) Passenger area means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
(2) Except as otherwise provided in this section, it is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.
(3) Except as provided in section53-186or subsection (4) of this section, it is unlawful for any person to consume an alcoholic beverage (a) in a public parking area or on any highway in this state or (b) inside a motor vehicle while in a public

parking area or on any highway in this state.
(4) This section does
not apply to persons who are passengers of, but not drivers of, a limousine
or bus being used in a charter or special party service as defined by rules
and regulations adopted and promulgated by the Public Service Commission and
subject to Chapter 75, article 3. Such passengers may possess open alcoholic
beverage containers and may consume alcoholic beverages while such limousine
or bus is in a public parking area or on any highway in this state if (a)
the driver of the limousine or bus is prohibited from consuming alcoholic
liquor and (b) alcoholic liquor is not present in any area that is readily
accessible to the driver while in the driver's seat, including any compartments
in such area.

60-6,211.09.
Continuous alcohol monitoring devices; Office of Probation Administration; duties.
The Office of Probation Administration shall adopt and promulgate rules and regulations to approve the use of continuous alcohol monitoring devices by individuals sentenced to probation for violating section60-6,196or60-6,197.

60-6,211.11.
Ignition interlock device; 24/7 sobriety program permit; prohibited acts; violations; penalties.
(1) Except as provided in subsection (2) of this section, any person ordered by a court or the Department of Motor Vehicles to operate only motor vehicles equipped with an ignition interlock device is guilty of a Class I misdemeanor if he or she (a) tampers with or circumvents and then operates a motor vehicle equipped with an ignition interlock device installed under the court order or Department of Motor Vehicles order while the order is in effect or (b) operates a motor vehicle which is not equipped with an ignition interlock device in violation of the court order or Department of Motor Vehicles order.
(2) Any person ordered by a court or the Department of Motor Vehicles to operate only motor vehicles equipped with an ignition interlock device is guilty of a Class IV felony if he or she (a)(i) tampers with or circumvents and then operates a motor vehicle equipped with an ignition interlock device installed under the court order or Department of Motor Vehicles order while the order is in effect or (ii) operates a motor vehicle which is not equipped with an ignition interlock device in violation of the court order or Department of Motor Vehicles order and (b) operates the motor vehicle as described in subdivision (a)(i) or (ii) of this subsection when he or she has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
(3) Any person who otherwise operates a motor vehicle equipped with an ignition interlock device in violation of the requirements of the court order or Department of Motor Vehicles order under which the device was installed shall be guilty of a Class III misdemeanor.
(4) Any person who has applied for and received a 24/7 sobriety program permit and operates a motor vehicle when the person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's blood or a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or who refuses a chemical test, shall be guilty of a Class III misdemeanor.

60-6,212.
Careless driving, defined.
Any person who drives any motor vehicle in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

60-6,213.
Reckless driving, defined.
Any person who drives any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be guilty of reckless driving.

60-6,214.
Willful reckless driving, defined.
Any person who drives any motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be guilty of willful reckless driving.

60-6,215.
Reckless driving; first offense; penalty.
Every person convicted of reckless driving shall, upon a first conviction, be guilty of a Class III misdemeanor.

60-6,216.

Willful reckless driving; first offense; penalty.
Every person convicted of willful reckless driving shall, upon a first conviction, be guilty of a Class III misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not less than thirty days nor more than one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

60-6,217.
Reckless driving or willful reckless driving; second offense; penalty.
Upon a second conviction of any person for either reckless driving or willful reckless driving, the person shall be guilty of a Class II misdemeanor, and the court shall order the person so convicted, as part of the judgment of conviction, not to drive a motor vehicle for any purpose for a period of not less than sixty days nor more than two years from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.
If the motor vehicle which such person was operating in such reckless or willful reckless manner is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the court for a period of not less than two months nor more than one year at the expense and risk of the owner thereof, except that any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the purpose of foreclosing and satisfying the lien.

60-6,218.
Reckless driving or willful reckless driving; third and subsequent offenses; penalty.
Upon a third or subsequent conviction of any person for either reckless driving or willful reckless driving, the person shall be guilty of a Class I misdemeanor. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. The revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

60-6,219.
Motor vehicle; autocycle or motorcycle; lights; requirements; prohibited acts.
(1) Every motor vehicle upon a highway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead shall be equipped with lighted headlights and taillights as respectively required in this section for different classes of vehicles.
(2) Every motor vehicle, other than an autocycle, a motorcycle, a road roller, or road machinery, shall be equipped with two or more headlights, at the front of and on opposite sides of the motor vehicle. The headlights shall comply with the requirements and limitations set forth in sections60-6,221and60-6,223.
(3) Every motor vehicle and trailer, other than an autocycle, a motorcycle, a road roller, or road machinery, shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet to the rear of such vehicle.
(4) Every autocycle or motorcycle shall be equipped with at least one and not more than two headlights and with a taillight exhibiting a red light visible from a distance of at least five hundred feet to the rear of such autocycle or motorcycle. The headlights shall comply with the requirements and limitations set forth in sections60-6,221and60-6,223.
(5) The requirement in this section as to the distance from which lights must render obstructions visible or within which lights must be visible shall apply during the time stated in this section upon a straight, level, unlighted highway under normal atmospheric conditions.
(6) It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a highway unless:
(a) The condition of the lights and electric circuit is such as to give substantially normal light output;
(b) Each taillight shows red directly to the rear, the lens covering each taillight is unbroken, each taillight is securely fastened, and the electric circuit is free from grounds or shorts;
(c) There is no more than one spotlight except for law enforcement personnel, government employees, and public utility employees;
(d) There are no more than two auxiliary driving lights and every such auxiliary light meets the requirements for auxiliary driving lights provided in section60-6,225;
(e) If equipped with any lighting device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower, such lighting device meets the requirements of subsection (4) of section60-6,225; and
(f) If equipped with side cowl or fender lights, there are no more than two such lights and each such side cowl or fender light emits an amber or white light.

60-6,220.
Lights; vehicle being driven; vehicle parked on freeway.

Whenever a motor vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in section60-6,219, such vehicle shall be equipped with one or more lights which shall exhibit a light in such color as designated by the Department of Motor Vehicles on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that a local authority may provide by ordinance that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or obstruction within a distance of five hundred feet upon such highway.
Any lighted headlights upon a parked vehicle shall be depressed or dimmed and turnsignals shall not be flashed on one side only. On a freeway, the operator of any parked vehicle shall also turn on its interior lights if operable and vehicles equipped with an emergency switch for flashing all directional turnsignals simultaneously shall exhibit such turnsignals.

60-6,221.
Headlights; construction; adjustment; requirements.
(1) The headlights of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (2) of this section, they will at all times mentioned in section60-6,219produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but the headlights shall not project a glaring or dazzling light to persons in front of such headlights.
(2) Headlights shall be deemed to comply with the provisions prohibiting glaring and dazzling lights if none of the main bright portion of the headlight beam rises above a horizontal plane passing through the light centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

60-6,222.
Violations; penalty.
Any person who violates any provision of section60-6,219or60-6,221shall be guilty of a Class III misdemeanor. In the event of such conviction, as a part of the judgment of conviction, the trial judge shall direct the person to produce in court or submit to the prosecuting attorney, before such person again operates the motor vehicle upon a highway, satisfactory proof showing that the light equipment involved in such person's conviction has been made to conform with the requirements of such sections. The failure, refusal, or neglect of such convicted person to abide by such direction in the judgment of conviction shall be deemed an additional offense for which such person shall be prosecuted.

60-6,223.
Acetylene headlights; number; construction; requirements.
Motor vehicles may be equipped with two acetylene headlights of approximately equal candlepower when equipped with clear, plain glass fronts, bright six-inch spherical mirrors, and standard acetylene five-eighths-foot burners, no more and no less.

60-6,224.
Headlights; glare; duty of operator; penalty.
Notwithstanding any other provision of the Nebraska Rules of the Road:
(1) Whenever any person operating a motor vehicle on any highway in this state meets another person operating a motor vehicle, proceeding in the opposite direction and equipped with headlights constructed and adjusted to project glaring or dazzling light to persons in front of such headlights, upon signal of either person, the other shall dim the headlights of his or her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward so as not to blind or confuse the vision of the operator in front of such headlights; and
(2) Whenever any person operating a motor vehicle on any highway in this state follows another vehicle within two hundred feet to the rear, he or she shall dim the headlights of his or her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward.
Any person who violates any provision of this section shall be guilty of a Class V misdemeanor.

60-6,225.
Spotlights; auxiliary driving lights; signal lights; other devices; intensity and direction.
(1) Any motor vehicle may be equipped with spotlights as specified in section60-6,219, and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.
(2) Any motor vehicle may be equipped with not to exceed two auxiliary driving lights mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving light shall meet the requirements and limitations set forth in section60-6,221. The restrictions on mounting height provided in this subsection shall not apply to any motor vehicle equipped with a blade, plow, or any other device designed for the movement of snow. Auxiliary driving lights shall be turned off at the same time the motor vehicle's headlights are required to be dimmed when approaching another vehicle from either the front or the rear.
(3) Whenever a motor vehicle is equipped with a signal light, the signal light shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred feet to the rear of the vehicle but shall

not project a glaring or dazzling light.
(4) Any device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle.

60-6,226.
Brake and turnsignal light requirements; exceptions; signaling requirements.
(1) Any motor vehicle having four or more wheels which is manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, any autocycle, or any trailer, in use on a highway, shall be equipped with brake and turnsignal lights in good working order.
(2) Motorcycles other than autocycles, motor-driven cycles, motor scooters, bicycles, electric personal assistive mobility devices, vehicles used solely for agricultural purposes, vehicles not designed and intended primarily for use on a highway, and, during daylight hours, fertilizer trailers as defined in section60-326and implements of husbandry designed primarily or exclusively for use in agricultural operations shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

60-6,228.
Vehicle proceeding in forward motion; backup lights on; prohibited; violation; penalty.
No vehicle shall be operated while proceeding in a forward motion with the backup lights on when the vehicle is being operated on the highways. Any person who violates this section shall be guilty of a Class III misdemeanor.

60-6,229.
Lights, red or green, in front of vehicle prohibited; exceptions.
Except as provided in sections60-6,230to60-6,233, it shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police or fire department or fire patrol vehicles or school buses.

60-6,230.
Lights; rotating or flashing; colored lights; when permitted.
(1) Except as provided in this section and sections60-6,231to60-6,233, no person shall operate any motor vehicle or any equipment of any description on any highway in this state with any rotating or flashing light.
(2) Except for stop lights and directional signals, which may be red, yellow, or amber, no person shall display any color of light other than red on the rear of any motor vehicle or any equipment of any kind on any highway within this state.
(3) Amber rotating or flashing lights shall be displayed on vehicles of the Military Department for purpose of convoy control when on any state emergency mission.
(4) A single flashing white light may be displayed on the roof of school transportation vehicles during extremely adverse weather conditions.
(5) Blue and amber rotating or flashing lights may be displayed on (a) vehicles when operated by the Department of Transportation or any local authority for the inspection, construction, repair, or maintenance of highways, roads, or streets or (b) vehicles owned and operated by any public utility for the construction, maintenance, and repair of utility infrastructure on or near any highway.

60-6,231.
Flashing or rotating lights; authorized emergency vehicles; colors permitted.
A flashing or rotating red light or red and white light shall be displayed on any authorized emergency vehicle whenever operated in this state. A blue light may also be displayed with such flashing or rotating red light or red and white light. For purposes of this section, an authorized emergency vehicle shall include funeral escort vehicles.

60-6,232.
Rotating or flashing amber light; when permitted.
A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state on or near any highway in the process of delivering mail.
A rotating or flashing amber light or lights may be displayed

on (1) any vehicle of the Military Department while on any state emergency mission, (2) any motor vehicle being operated by any public utility, vehicle service, or towing service or any publicly or privately owned construction or maintenance vehicle while performing its duties on or near any highway, (3) any motor vehicle being operated by any member of the Civil Air Patrol, (4) any pilot vehicle escorting an overdimensional load, (5) any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (2)(f) of section60-6,288, (6) any motor vehicle owned by or operated on behalf of a railroad carrier that is stopped to load or unload passengers, or (7) any motor vehicle operated by or for an emergency management worker as defined in section81-829.39or a storm spotter as defined in section81-829.67who is activated by a local emergency management organization.

60-6,233.

Rotating or flashing red light or red and blue lights; when permitted; application; permit; expiration.

(1)(a) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle operated by any volunteer firefighter, peace officer, or physician medical director anywhere in this state while actually en route to the scene of a fire or other emergency requiring his or her services as a volunteer firefighter, peace officer, or physician medical director, but only after its use has been authorized in writing by the county sheriff and, with respect to a physician medical director, such person has successfully completed an emergency vehicle operator course.

(b) Application for a permit to display such light shall be made in writing to the sheriff on forms to be prescribed and furnished by the Superintendent of Law Enforcement and Public Safety. The application shall be accompanied by a statement that the applicant is a volunteer firefighter, peace officer, or physician medical director and is requesting issuance of the permit. The statement shall be signed by the applicant's superior.

(c) The permit shall be carried at all times in the vehicle named in the permit. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued.

(d) The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the applicant's superior that the holder thereof is no longer an active volunteer firefighter, peace officer, or physician medical director. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.

(2) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a city of the metropolitan or primary class, but only after its use has been authorized in writing by the county sheriff. Applications shall be made and may be revoked in the same manner as for volunteer firefighters as provided in subsection (1) of this section.

(3) For purposes of this section, physician medical director has the same meaning as in section38-1210.

60-6,234.

Rotating or flashing lights; violation; penalty.

Any person who violates any provision of sections60-6,230to60-6,233shall be guilty of a Class III misdemeanor and shall also be ordered to remove from any vehicle or equipment any light found to be in violation of such sections.

60-6,235.

Clearance lights; requirements; substitution; violations; penalty.

Every vehicle, including road rollers, road machinery, combines, farm machinery, wagons, racks, and farm tractors, (1) having a width, including load, of eighty inches or more or (2) having any part thereof or having any load thereupon which extends forty inches or more to the left of the center of the chassis shall display, when driven, pulled, operated, or propelled upon any highway during the period from sunset to sunrise and at all other times when there is not sufficient light to render such vehicle clearly discernible, two clearance lights on the left side of such vehicle.

One clearance light shall be located at the front and display an amber light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the front of such vehicle. The other clearance light shall be located at the rear and display a red light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the rear of the vehicle. The light at the rear shall be so located as not to be confused with the taillight by those approaching from the rear.

Such lights shall be located on a line with the extreme outer point of such vehicle or the load on the vehicle. The installation of the lights shall be made in such a manner that no hazard will be created by their use on the highway.

Suitable reflectors of like color and equal visibility may be substituted for such clearance lights.

Any person who violates any provision of this section shall be guilty of a Class III misdemeanor. In the event of such a conviction, as part of the judgment of conviction, the trial judge shall direct the person to produce in court or submit to the prosecuting attorney,

before such person again operates the vehicle upon a highway, satisfactory proof showing that the light equipment involved in the person's conviction has been made to conform with the requirements of this section. The failure, refusal, or neglect of the convicted person to abide by such direction in the judgment of conviction shall be deemed an additional offense for which the person shall be prosecuted.

60-6,236.
Vehicles required to have clearance lights; flares; reflectors; when required as equipment.
Any vehicle required by section60-6,235to have clearance lights, while operating on the highways during the period from sunset to sunrise, shall at all times be equipped with at least three portable flares, or red emergency reflectors referred to in section60-6,237, which may be plainly visible for a distance of five hundred feet.

60-6,237.
Vehicles required to have clearance lights; flares; reflectors; how and when displayed.
The operator of any vehicle required by section60-6,235to have clearance lights shall, immediately upon bringing his or her vehicle to a stop upon or immediately adjacent to the traveled portion of the highway at any time during the period from sunset to sunrise, (1) place one lighted flare or one red emergency reflector at the side of such vehicle just inside the white line marking the center of paved highways and near the center of dirt or gravel highways, (2) place one lighted flare or one red emergency reflector approximately one hundred feet to the rear of such vehicle, and (3) place one lighted flare or one red emergency reflector approximately one hundred feet to the front of such vehicle. The operator shall maintain such lighted flares or red emergency reflectors in such positions during the time such vehicle remains parked, except that motor vehicles transporting flammables shall be required to use two flares or two red emergency reflectors to be placed as described in this section to the front and rear but shall not be permitted to place open flame flares adjacent to such vehicles.

60-6,238.
Vehicles; red flags; red emergency reflectors; when required as equipment; how and when displayed.
(1) Except as provided in subsection (2) of this section, between one-half hour before sunrise and one-half hour after sunset, any vehicle described in section60-6,236shall be equipped with two red flags, and when the vehicle is parked, one flag shall be placed one hundred feet behind and the other one hundred feet ahead of such vehicle and in such position as to be visible to all approaching traffic during the daylight hours.
(2) In lieu of the requirements of subsection (1) of this section, such a vehicle may be equipped with three red emergency reflectors. One of the reflectors shall be placed alongside the vehicle on the traffic side and within ten feet of the front or rear of the vehicle. When there is two-way traffic, one reflector shall be placed one hundred feet ahead of the vehicle and one shall be placed one hundred feet behind the vehicle. When there is only one-way traffic, one reflector shall be placed one hundred feet and one two hundred feet behind the vehicle.

60-6,239.
Clearance lights, flares, and reflector requirements; violations; penalty.
Any person who violates any provision of sections60-6,236to60-6,238shall be guilty of a Class V misdemeanor.

60-6,240.
Removing flares or flags; penalty.
Any person who willfully removes any flares or red flags placed upon the highways under the provisions of sections60-6,236to60-6,238before the driver of such vehicle is ready to proceed immediately on the highway shall be guilty of a Class V misdemeanor.

60-6,241.
Vehicles; slow moving; emblem required; when used.
(1) It shall be unlawful for any person to operate on the roadway of any highway any slow-moving vehicle or equipment, any animal-drawn vehicle, or any other machinery, designed for use at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagperson or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in and displayed as provided in subsection (2) of this section. The requirement of such emblem shall be in addition to any lighting devices required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any highway.
(2) The emblem shall be of substantial construction and shall be a base-down equilateral triangle of fluorescent yellow-orange film with a base of fourteen inches and an altitude of twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. The emblem shall comply with the current standards and specifications for slow-moving vehicle emblems of the American Society of Agricultural Engineers. Such emblem shall be mounted on the rear of such vehicle at a height of two to six feet above the roadway and shall be maintained in a clean, reflective condition. This section shall not apply to an

electric personal assistive mobility device.

60-6,242.
Vehicles; slow moving; equipped with bracket.
All vehicles, equipment, or machinery sold in this state and required to display the emblem provided for in section60-6,241shall be equipped with a bracket on which such emblem may be mounted.

60-6,243.
Load projecting to rear; red flag or red light required.
Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between sunset and sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

60-6,244.
Motor vehicles; brakes; requirements.
(1) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.
(2) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as follows:
(a) Two-wheel brakes, maximum stopping distance, forty feet;
(b) Four or more wheel brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, thirty feet;
(c) Four or more wheel brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;
(d) All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and
(e) All hand, parking, or emergency brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.
(3) All braking distances specified in this section shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.
(4) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.
(5) For purposes of this section, motorcycle does not include an autocycle.

60-6,245.
Violations; penalties.
Any person who violates any provision of section60-6,244shall be guilty of a Class III misdemeanor. In the event of such conviction, as a part of the judgment of conviction, the trial judge shall direct the person so convicted to produce in court or submit to the prosecuting attorney, before such person again operates the motor vehicle upon a highway, satisfactory proof showing that the brake equipment involved in the person's conviction has been made to conform with the requirements of such section. The failure, refusal, or neglect of the convicted person to abide by such direction in the judgment of conviction shall be deemed an additional offense for which the person shall be prosecuted.

60-6,246.
Trailers; brake requirements; safety chains; when required.
(1) All commercial trailers with a carrying capacity of more than ten thousand pounds and semitrailers shall be equipped on each wheel with brakes that can be operated from the driving position of the towing vehicle.
(2) Cabin trailers and recreational trailers having a gross loaded weight of three thousand pounds or more but less than six thousand five hundred pounds shall be equipped with brakes on at least two wheels, and such trailers with a gross loaded weight of six thousand five hundred pounds or more shall be equipped with brakes on each wheel. The brakes shall be operable from the driving position of the towing vehicle. Such trailers shall also be equipped with a breakaway, surge, or impulse switch on the trailer so that the trailer brakes are activated if the trailer becomes disengaged from the towing vehicle.
(3) Cabin trailers, recreational trailers, and utility trailers, when being towed upon a highway, shall be securely connected to the towing vehicle by means of two safety chains or safety cables in addition to the hitch or other primary connecting device. Such safety chains or safety cables shall be so attached and shall be of sufficient breaking load strength so as to prevent any portion of such trailer drawbar from touching the roadway if the hitch or other primary connecting device becomes disengaged from the towing vehicle.

(4) For purposes of this section:
(a) Recreational trailer means a vehicular unit without motive power primarily designed for transporting a motorboat as defined in section37-1204or a vessel as defined in section37-1203; and
(b) Utility trailer has the same meaning as in section60-358.

60-6,247.
Trucks and buses; brake requirements; violation; penalty.
It shall be unlawful for any person to operate or cause to be operated on the highways in the State of Nebraska buses or trucks having a gross weight of the truck and load exceeding twelve thousand pounds unless such bus or truck is equipped with power brakes, auxiliary brakes, or some standard booster brake equipment. Any person who violates this section shall be guilty of a Class V misdemeanor.

60-6,248.
Hydraulic brake fluids; requirements; violation; penalty.
In order to promote highway safety by providing the public with safe and efficient hydraulic fluids for motor vehicle braking systems, it shall be unlawful for any person to sell, offer to sell, or display for sale any hydraulic fluids for use in motor vehicle braking systems that do not equal or exceed the specifications for types SAE 70R1 or SAE 70R3 brake fluids as set forth in 49 C.F.R. 571.116.
Any person who violates this section shall be guilty of a Class V misdemeanor.

60-6,249.
Pneumatic tires; when required.
The wheels of all vehicles, including trailers, except vehicles operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

60-6,250.
Tires; requirements; cleats or projections prohibited; exceptions; permissive uses; special permits; exceptions.
(1) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
(2) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:
(a) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;
(b) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and
(c) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.
(3) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer (a) having any metal tire in contact with the roadway or (b) equipped with solid rubber tires, except that this subsection shall not apply to farm vehicles having a gross weight of ten thousand pounds or less or to implements of husbandry.
(4) The Department of Transportation and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

60-6,251.
Pneumatic tires; regrooving prohibited; exception.
(1) No person shall alter the traction surface of pneumatic tires by regrooving.
(2) No person shall knowingly operate on any highway in this state any motor vehicle on which the traction surface of any pneumatic tire thereof has been regrooved. No person shall sell, exchange, or offer for sale or exchange such a tire.
(3) This section shall not apply to regrooved commercial vehicle tires which are designed and constructed in such a manner that any regrooving complies with the parts, subparts, and sections of Title 49 of the Code of Federal Regulations adopted pursuant to section75-363.

60-6,252.
Tire condition; requirements.
(1) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with subsection (2) of this section.
(2) A tire shall be considered unsafe if it has:
(a) Any bump, bulge, or knot affecting the tire structure;

(b) A break which exposes a tire body cord or is repaired with a boot or patch;
(c) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire or, on those tires with tread wear indicators, been worn to the point that the tread wear indicators contact the road in any two thread grooves at three locations equally spaced around the circumference of the tire, except that this subdivision shall not apply to truck tires with ten or more cord plies which are mounted on dual wheels; or
(d) Such other conditions as may be reasonably demonstrated to render the tire unsafe.
(3) No tire shall be used on any motor vehicle which is driven or moved on any highway in this state if such tire was designed or manufactured for nonhighway use.
(4) No person shall destroy, alter, or deface any marking on a new or usable tire which indicates whether the tire has been manufactured for highway or nonhighway use.
(5) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with this section.

60-6,253.
Trucks; rearview mirror.
Each truck shall be equipped with a rearview mirror which shall be kept clean, repaired, and installed.

60-6,254.
Operator; view to rear required; outside mirrors; camera monitor system; authorized.
(1)(a) No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with the following that are so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle:
(i) A right-side and a left-side outside mirror; or
(ii) A camera monitor system that is compliant with the Federal Motor Carrier Safety Administration.
(b) Temporary outside mirrors and attachments used when towing a vehicle shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer.
(2) For purposes of this section, motorcycle does not include an autocycle.

60-6,255.
Windshield and windows; nontransparent material prohibited; windshield equipment; requirements.
(1) Every motor vehicle registered pursuant to the Motor Vehicle Registration Act, except motorcycles, shall be equipped with a front windshield.
(2) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.
(3) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
(4) For purposes of this section, motorcycle does not include an autocycle.

60-6,256.
Objects placed or hung to obstruct
or interfere with view of operator; unlawful; enforcement; penalty.
(1) It shall be unlawful for
any person to operate a motor vehicle with any object placed or hung in or
upon the motor vehicle, except
required or permitted equipment of the motor vehicle,
in such a manner as to significantly
and materially obstruct or interfere with the view of the operator
through the windshield or to prevent the operator from having a clear and
full view of the road and condition of traffic behind the
motor vehicle. Any sticker or identification authorized or required
by the federal government or any agency thereof or the State of Nebraska or
any political subdivision thereof may be placed upon the windshield of the motor vehicle without
violating this
section.
(2) Enforcement of this
section by state or local law enforcement agencies shall be accomplished only

as a secondary action when a driver of a motor vehicle has been cited or charged with a traffic violation or some other offense.
(3) Any person who violates this section is guilty of a traffic infraction. Any person who is found guilty of a traffic infraction under this section shall be assessed points on his or her motor vehicle operator's license pursuant to section60-4,182and shall be fined:
(a) Fifty dollars for the first offense;
(b) One hundred dollars for a second offense; and
(c) One hundred fifty dollars for a third and subsequent offense.

60-6,257.
Windshield and windows; tinting; sunscreening; prohibited acts; terms, defined.
(1) It shall be unlawful for a person to drive a motor vehicle required to be registered in this state upon a highway:
(a) If the windows in such motor vehicle are tinted so that the driver's clear view through the windshield or side or rear windows is reduced or the ability to see into the motor vehicle is substantially impaired;
(b) If the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;
(c) If the front side windows have any sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than thirty-five percent;
(d) If the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than twenty percent except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or
(e) If the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 C.F.R. 571.205.
(2) For purposes of this section and sections60-6,258and60-6,259:
(a) AS-1 line shall mean a line extending from the letters AS-1, found on most motor vehicle windshields, running parallel to the top of the windshield or shall mean a line five inches below and parallel to the top of the windshield, whichever is closer to the top of the windshield;
(b) Camper shall mean a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle with motive power for the purpose of providing shelter for persons;
(c) Glass-plastic glazing material shall mean a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle;
(d) Light transmission shall mean the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;
(e) Luminous reflectance shall mean the ratio of the amount of total light, expressed in percentages, which is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;
(f) Motor home shall mean a multipurpose passenger vehicle that provides living accommodations;
(g) Multipurpose vehicle shall mean a motor vehicle designed to carry ten or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use;
(h) Pickup cover shall mean a camper having a roof and sides but without a floor designated to be mounted on and removable from the cargo area of a truck by the user;
(i) Slide-in camper shall mean a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user; and
(j) Sunscreening material shall mean a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

60-6,258.
Windshield and windows; violations; penalty.
Any person owning or operating a motor vehicle in violation of section60-6,257shall be guilty of a Class V misdemeanor.

60-6,259.
Windshield and windows; applicator; prohibited acts; penalty.
Any person who applies a sunscreening material or a glass-plastic glazing material in a manner which results in a motor vehicle having a window which violates the requirements prescribed in subsection (1) of section60-6,257shall be guilty of a Class III misdemeanor.

60-6,260.

Windshield and windows; waiver of standards; conditions.
The Nebraska State Patrol or local law enforcement agency may grant a waiver of the standards in section60-6,257for reasons of safety or security or for medical reasons based on an affidavit signed by a licensed physician. Such waiver shall be in writing and shall include the date issued, the vehicle identification number, the registration number, or other description to clearly identify the motor vehicle to which the waiver applies, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver will be effective, and the signature of the head of the law enforcement agency granting the waiver. Such agency shall keep a copy of the waiver until the waiver expires.

60-6,261.
Windshield and windows; funeral vehicles; exception.
Sections60-6,257to60-6,259shall not apply to the side or rear windows of funeral coaches, hearses, or other vehicles operated in the normal course of business by a funeral establishment licensed under section38-1419.

60-6,262.
Safety glass, defined.
For purposes of section60-6,263, safety glass shall mean any product composed of glass or such other or similar products as will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time and is so manufactured, fabricated, or treated as substantially to prevent or reduce in comparison with ordinary sheet glass or plate glass, when struck or broken, the likelihood of injury to persons.

60-6,263.
Safety glass; requirements; vehicles built after January 1, 1935; motorcycle windshield; requirements; violation; penalty.
(1) It shall be unlawful to operate on any highway in this state any motor vehicle, other than a motorcycle, manufactured or assembled, whether from a kit or otherwise, after January 1, 1935, which is designed or used for the purpose of carrying passengers unless such vehicle is equipped in all doors, windows, and windshields with safety glass. Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.
(2) For purposes of this section, motorcycle does not include an autocycle.
(3) The owner or operator of any motor vehicle operated in violation of this section shall be guilty of a Class III misdemeanor.

60-6,264.
Violation by common carrier; permit revoked or suspended.
In case of any violation of section60-6,263by any common carrier or person operating a motor vehicle under a permit issued by the Director of Motor Vehicles, the Public Service Commission, or any other authorized body or officer, such permit shall be revoked or, in the discretion of such authorized department, commission, body, or officer, suspended until the provisions of such section are satisfactorily complied with.

60-6,265.
Occupant protection system and three-point safety belt system, defined.
For purposes of sections60-6,266to60-6,273:
(1) Occupant protection system means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (a) restrains drivers and passengers and (b) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 571.210, as such standards existed on January 1, 2024, or, as a minimum standard, to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year; and
(2) Three-point safety belt system means a system utilizing a combination of a lap belt and a shoulder belt installed in a motor vehicle which restrains drivers and passengers.

60-6,266.
Occupant protection system; 1973 year model and later motor vehicles; requirements; three-point safety belt system; violation; penalty.
(1) Every motor vehicle designated by the manufacturer as 1973 year model or later operated on any highway, road, or street in this state, except farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations, autocycles, motorcycles, motor-driven cycles, mopeds, and buses, shall be equipped with an occupant protection system of a type which:
(a) Meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 as such regulations currently exist or as the regulations existed when the occupant protection system was originally installed by the manufacturer; or
(b) If the occupant protection system has been replaced, meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 that applied to the originally installed occupant protection system or of a more recently issued version of such regulations. The purchaser of any such vehicle may designate the make or brand of or furnish such occupant protection system to be installed.
(2) Every autocycle shall be equipped with a three-point safety belt system.

(3) Any person selling a motor vehicle in this state not in compliance with this section shall be guilty of a Class V misdemeanor.

60-6,267.
Use of restraint system, occupant protection system, or three-point safety belt system; when; information and education program.
(1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children up to eight years of age being transported by such vehicle (a) use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, and which is correctly installed in such vehicle and (b) occupy a seat or seats, other than a front seat, if such seat or seats are so equipped with such passenger restraint system and such seat or seats are not already occupied by a child or children under eight years of age. In addition, all children up to two years of age shall use a rear-facing child passenger restraint system until the child outgrows the child passenger restraint system manufacturer's maximum allowable height or weight.
(2) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children eight years of age and less than eighteen years of age being transported by such vehicle use an occupant protection system.
(3) Subsections (1) and (2) of this section apply to autocycles and to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.
(4) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) or (2) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.
(5) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) or (2) of this section when operating such authorized emergency vehicles pursuant to their employment.
(6) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) or (2) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.
(7) The Department of Transportation shall develop and implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.
(8) All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system or a three-point safety belt system.
(9) For purposes of this section, motorcycle does not include an autocycle.

60-6,268.
Use of restraint system or occupant
protection system; violations; penalty; enforcement; when.
(1)
A person violating any provision of subsection (1) or (2) of section60-6,267shall be guilty of an infraction as defined in section29-431and shall be fined twenty-five dollars for each violation. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in such subsection, shall not be treated as a separate offense.
(2) Enforcement of subsection (2)
or (8) of
section60-6,267shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

60-6,269.
Violation of child passenger restraint requirements; how construed.
Violations of the provisions of sections60-6,267and60-6,268shall not constitute prima facie evidence of negligence nor shall compliance with such sections constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. Violation of such sections by a driver shall not constitute a defense for another person to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident.

60-6,270.
Occupant protection system; three-point safety belt system; use required; when; exceptions.
(1) Except as provided in subsection (2) or (3) of this section, no driver shall operate a motor vehicle upon a highway or street in this state unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened.
(2) Except as otherwise provided in subsection (3) of this section, no driver shall operate an autocycle upon a highway or street of this state unless the driver is wearing a three-point safety belt system and it is properly adjusted and fastened.
(3) The following persons shall not be required to wear an occupant protection system or a three-point safety belt system:
(a) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system or a three-point safety belt system for medical reasons;
(b) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and
(c) A member of an emergency medical service while involved in patient care.
(4) For purposes of this section, motor vehicle means a vehicle required by section60-6,266to be equipped with an occupant protection system or a three-point safety belt system.

60-6,271.
Enforcement of occupant protection system requirements; when.
Enforcement of section60-6,270by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.

60-6,272.
Occupant protection system; three-point safety belt system; violation; penalty.
Any person who violates section60-6,270shall be guilty of a traffic infraction and shall be fined twenty-five dollars, but no court costs shall be assessed against him or her nor shall any points be assessed against the driving record of such person. Regardless of the number of persons in such vehicle not wearing an occupant protection system or a three-point safety belt system pursuant to such section, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such section is found.

60-6,273.
Occupant protection system; three-point safety belt system; violation; evidence; when admissible.
Evidence that a person was not wearing an occupant protection system or a three-point safety belt system at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five percent.

60-6,274.
Terms, defined.
For purposes of sections60-6,274to60-6,277:
(1) Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
(2) Possession shall mean to have a radar transmission device in a motor vehicle if such device is not (a) disconnected from all power sources and (b) in the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and
(3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

60-6,275.
Radar transmission device; operation; possession; unlawful; violation; penalty.
It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any highway in this state. Any person who violates this section shall be guilty of a Class IIIA misdemeanor.

60-6,276.
Authorized devices.
Section60-6,275shall not apply to (1) any transmitter, transceiver, or receiver of radio waves which has been lawfully licensed by the Federal Communications Commission or (2) any device being used by law enforcement officials in their official duties.

60-6,277.

Prohibited device; seizure; disposal.
Any device prohibited by sections60-6,275and60-6,276found as the result of an arrest made under such sections shall be seized, and when no longer needed as evidence, such device shall, if the owner was convicted of an offense under such sections, be considered as contraband and disposed of pursuant to section29-820.

60-6,278.
Legislative findings.
The Legislature hereby finds and declares that head injuries that occur to motorcyclists and moped operators which could be prevented or lessened by the wearing of helmets are a societal problem and that the financial and emotional costs of such injuries cannot be viewed solely on a personal level. It is the intent of the Legislature to prevent injuries and fatalities which occur due to motorcycle and moped accidents and to prevent the subsequent damage to society which results due to the cost of caring for injured people, the pain and suffering which accompanies such injuries and fatalities, and the loss of productive members of society from such injuries.

60-6,279.
Protective helmets; eye protection; required; when.
(1) A person shall not operate a motorcycle or moped on any highway in this state unless such person is:
(a) Wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on the user's head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets; or
(b)(i) At least twenty-one years of age; and
(ii)(A) Has a Nebraska Class M license and received such Class M license prior to May 1, 2024, and has completed the Motorcycle Safety Foundation three-hour Basic eCourse and submitted proof of such completion to the Department of Motor Vehicles. Proof of such completion shall be in a manner approved by the department;
(B) Has a Nebraska Class M license and received such Class M license on or after May 1, 2024, and has completed the basic motorcycle safety course as provided in the Motorcycle Safety Education Act and submitted proof of such completion to the Department of Motor Vehicles. Proof of such completion shall be in a manner approved by the department; or
(C) Has a license to operate a motorcycle issued by another state.
(2) A person shall not be a passenger on a motorcycle or moped on any highway in this state unless:
(a) Such person is wearing a protective helmet described in subdivision (1)(a) of this section; or
(b)(i) Such person is at least twenty-one years of age; and
(ii) The person operating the motorcycle or moped is a person described in subdivision (1)(b) of this section.
(3) The Department of Motor Vehicles shall modify the existing system of the department by January 1, 2024, to allow the date of completion of such course to be recorded on the person's record provided for in section60-483.
(4) A person shall not operate a motorcycle or moped on any highway in this state unless such person employs one of the following forms of eye protection: (a) Glasses that cover the orbital region of the person's face, (b) a protective face shield attached to a protective helmet, (c) goggles, or (d) a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions.

60-6,280.
Approved protective helmets.
The Department of Motor Vehicles shall publish a list of approved protective helmets which meet the requirements of section60-6,279. Such list shall not be inclusive. Any person wearing a protective helmet which meets the requirements established pursuant to such section shall be deemed to be in compliance with such section.

60-6,281.
Protective helmets; conformance with federal standards; effect.
Any person using a protective helmet purchased prior to July 9, 1988, which is labeled to show that it conforms with applicable federal motor vehicle safety standards shall be deemed to be in compliance with section60-6,279.

60-6,282.
Violation; penalty; enforcement.
(1) A person violating any provision of subsection (1), (2), or (4) of section60-6,279shall be guilty of an infraction as defined in section29-431and shall be fined two hundred fifty dollars for each violation.
(2) Enforcement of subsection (1), (2), or (4) of section60-6,279shall be accomplished only as a secondary action when an operator of a motorcycle or moped has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding on any portion of the motorcycle or moped not designed or intended for the use of passengers

when the motorcycle or moped is in motion.

60-6,283.
Splash aprons; requirements.
Every new motor vehicle or semitrailer purchased after January 1, 1956, and operated on any highway in this state shall be equipped with fenders, covers, or devices, including flaps or splash aprons, unless the body of the vehicle affords adequate protection to effectively minimize the spray or splash of water or mud to the rear of the motor vehicle or semitrailer.

60-6,284.
Towing; drawbars or other connections; length; red flag required, when.
The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other, except a vehicle being towed with a connection device that is an integral component of the vehicle and is designed to attach to a lead unit with construction in such a manner as to allow articulation at the attachment point on the chassis of the towed vehicle but not to allow lateral or side-to-side movement. Such connecting device shall meet the safety standards for towbar failure or disconnection in the parts, subparts, and sections of Title 49 of the Code of Federal Regulations adopted pursuant to section75-363and shall have displayed at approximately the halfway point between the towing vehicle and the towed vehicle on the connecting mechanism a red flag or other signal or cloth not less than twelve inches both in length and width that shall be at least five feet and not more than ten feet from the level of the paving and shall be displayed along the outside line on both sides of the towing and towed vehicles. Whenever such connection consists of a chain, rope, or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width.

60-6,285.
Horn; requirements; prohibited acts.
Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this section, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

60-6,286.
Muffler or noise-suppressing system; prevention of fumes and smoke; requirements.
Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any motor vehicle upon a highway.
The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

60-6,287.
Television set; equipping motor vehicle with screen visible to driver; unlawful; penalty.
It shall be unlawful to operate upon any public highway in this state a motor vehicle which is equipped with or in which is located a television set so placed that the viewing screen is visible to the driver while operating such vehicle. Any person violating this section shall be guilty of a Class V misdemeanor.

60-6,287.01.
Nitrous oxide use prohibited.
It is unlawful to use nitrous oxide in any motor vehicle operated on any highway in this state.

60-6,288.
Vehicles; width limit; exceptions; conditions; Director-State Engineer; powers.
(1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.
(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:
(a) Farm equipment in temporary movement, during daylight hours or during hours of darkness when the clearance light requirements of section60-6,235are fully complied with, in the normal course of farm operations;

(b) Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section60-6,235are fully complied with;
(c) Combines in excess of eighteen feet in width, while in the normal course of farm operations, while being driven during daylight hours for distances of twenty-five miles or less on highways and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of section60-6,235are fully complied with;
(d) Combines and vehicles used in transporting combines or other implements of husbandry, and only when transporting combines or other implements of husbandry, to be engaged in harvesting or other agricultural work, while being transported into or through the state during daylight hours, when the total width including the width of the combine or other implement of husbandry being transported does not exceed fifteen feet, except that vehicles used in transporting combines or other implements of husbandry may, when necessary to the harvesting operation or other agricultural work, travel unloaded for distances not to exceed twenty-five miles, while the combine or other implement of husbandry to be transported is engaged in a harvesting operation or other agricultural work;
(e) Farm equipment dealers or their representatives as authorized under section60-6,382driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours;
(f) Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section60-6,305;
(g) During daylight hours only, vehicles en route to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load if any, may be twelve feet in width;
(h) Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours;
(i) Self-propelled specialized mobile equipment with a fixed load when:
(i) The self-propelled specialized mobile equipment will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city;
(ii) The city in which the self-propelled specialized mobile equipment is intended to be transported has authorized a permit pursuant to section60-6,298for the transportation of the self-propelled specialized mobile equipment, specifying the route to be used and the hours during which the self-propelled specialized mobile equipment can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the self-propelled specialized mobile equipment as determined by the Department of Transportation;
(iii) The self-propelled specialized mobile equipment's gross weight does not exceed ninety-four thousand pounds if the self-propelled specialized mobile equipment has four axles or seventy-two thousand pounds if the self-propelled specialized mobile equipment has three axles; and
(iv) If the self-propelled specialized mobile equipment has four axles, the maximum weight on each set of tandem axles does not exceed forty-seven thousand pounds, or if the self-propelled specialized mobile equipment has three axles, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-seven thousand pounds;
(j) Vehicles which have been issued a permit pursuant to section60-6,299; or
(k) A motor home or travel trailer, as those terms are defined in section71-4603, which may exceed one hundred and two inches if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. For purposes of this subdivision, the term appurtenance includes (i) an awning and its support hardware and (ii) any appendage that is intended to be an integral part of a motor home or travel trailer and that is installed by the manufacturer or dealer. The term appurtenance does not include any item that is temporarily affixed or attached to the exterior of the motor home or travel trailer for purposes of transporting the vehicular unit from one location to another. Appurtenances shall not be considered in calculating the gross trailer area as defined in section71-4603.
(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following:
(a) Highways with traffic lanes of ten feet or less;
(b) Highways upon which are located narrow bridges; and
(c) Highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not in the opinion of the Director-State Engineer safely accommodate vehicles of more than ninety-six inches in width.

60-6,288.01.
Person moving certain buildings or objects; notice required; contents; violation; penalty.
(1) Any person moving a building or an object that, in combination with the transporting vehicle, is over fifteen feet six inches high or wider than the roadway on a county or township road shall notify the local authority and the electric utility responsible for the infrastructure, including poles, wires, substations, and underground residential distribution cable boxes adjacent to or crossing the roadway along the route over which such building or object is being transported. Notification shall be made at least ten days prior to the move. Notification shall specifically describe the transporting vehicle, the width, length, height, and weight of the building or

object to be moved, the route to be used, and the date and hours during which the building or object will be transported. Complying with the notification requirement of this section does not exempt the person from complying with any other federal, state, or local authority permit or notification requirements.
(2) Proof of the notification required under subsection (1) of this section must be carried by any person moving a building or an object as described in this section.
(3) Any person who fails to comply with the notification requirements of this section shall be guilty of a Class II misdemeanor.

60-6,289.
Vehicles;
height; limit; height of structure; damages.
(1) No vehicle
unladen or with load shall exceed a height of fourteen feet, six inches, except:
(a) Combines or vehicles used in transporting combines, to be engaged
in harvesting within or without the state, moving into or through the state
during daylight hours when the overall height does not exceed fifteen feet,
six inches;
(b) Livestock forage vehicles with or without load that comply with
subsection (2) of section60-6,305;
(c) Farm equipment or implements of husbandry being driven, picked up,
or delivered during daylight hours by farm equipment dealers or their representatives as authorized under section60-6,382shall
not exceed fifteen feet, six inches;
(d) Self-propelled specialized mobile equipment with a fixed load when
the requirements of subdivision (2)(i) of section60-6,288are met;
(e) Vehicles which have been issued a permit pursuant to section60-6,299;
or
(f) Vehicles with a baled livestock forage load that comply with subsection
(4) of section60-6,305when the overall height does not exceed fifteen feet,
six inches.
(2) No person shall be required to raise, alter, construct, or reconstruct
any underpass, bridge, wire, or other structure to permit the passage of any
vehicle having a height, unladen or with load, in excess of twelve feet, six
inches. The owners, lessees, and operators, jointly and severally, of vehicles
exceeding twelve feet, six inches, in height shall assume the risk of loss
to the vehicle or its load and shall be liable for any damages that result
to overhead obstructions from operation of a vehicle exceeding twelve feet,
six inches, in height.

60-6,290.
Vehicles; length; limit; exceptions.
(1)(a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that:
(i) A bus or a motor home, as defined in section71-4603, may exceed the forty-foot limitation but shall not exceed a length of forty-five feet;
(ii) A truck-tractor may exceed the forty-foot limitation;
(iii) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation;
(iv) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load;
(v) A semitrailer operating in a truck-tractor single semitrailer combination, while transporting baled livestock forage, may exceed the forty-foot limitation but shall not exceed a length of fifty-nine feet six inches including load;
(vi) An articulated bus vehicle operated by a transit authority established under the Transit Authority Law or regional metropolitan transit authority established pursuant to section18-804may exceed the forty-foot limitation. For purposes of this subdivision (vi), an articulated bus vehicle shall not exceed sixty-five feet in length; and
(vii) A truck may exceed the forty-foot limitation but shall not exceed a length of forty-five feet.
(b) No combination of vehicles shall exceed a length of sixty-five feet, extreme overall dimensions, inclusive of front and rear bumpers and including load, except:
(i) One truck and one trailer, loaded or unloaded, used in transporting implements of husbandry to be engaged in harvesting, while being transported into or through the state during daylight hours if the total length does not exceed seventy-five feet including load;
(ii) A truck-tractor single semitrailer combination;

(iii) A truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices;
(iv) A driveaway saddlemount vehicle transporter combination and driveaway saddlemount with fullmount vehicle transporter combination, but the total overall length shall not exceed ninety-seven feet;
(v) A stinger-steered automobile transporter, but the total overall length shall not exceed eighty feet, inclusive of a front overhang of less than four feet and a rear overhang of less than six feet. For purposes of this subdivision, automobile transporter means any vehicle combination designed and used for the transport of assembled highway vehicles, including truck camper units. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it is in compliance with weight limitations for a truck-tractor and semitrailer combination; and
(vi) A towaway trailer transporter combination, but the total overall length shall not exceed eighty-two feet. For purposes of this subdivision, towaway trailer transporter combination means a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers with a total weight that does not exceed twenty-six thousand pounds, and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.
(c) A truck shall be construed to be one vehicle for the purpose of determining length.
(d) A trailer shall be construed to be one vehicle for the purpose of determining length.
(2) Subsection (1) of this section shall not apply to:
(a) Extra-long vehicles which have been issued a permit pursuant to section60-6,292;
(b) Vehicles which have been issued a permit pursuant to section60-6,299;
(c) The temporary moving of farm machinery during daylight hours in the normal course of farm operations;
(d) The movement of unbaled livestock forage vehicles, loaded or unloaded;
(e) The movement of public utility or other construction and maintenance material and equipment at any time;
(f) Farm equipment dealers or their representatives as authorized under section60-6,382driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return;
(g) The overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof;
(h) The overhang of a combine to be engaged in harvesting, while being transported into or through the state driven during daylight hours by a truck-tractor semitrailer combination, but the length of the semitrailer, including overhang, shall not exceed sixty-three feet and the maximum semitrailer length shall not exceed fifty-three feet;
(i) Any self-propelled specialized mobile equipment with a fixed load when the requirements of subdivision (2)(i) of section60-6,288are met; or
(j) One truck-tractor two trailer combination or one truck-tractor semitrailer trailer combination used in transporting equipment utilized by custom harvesters under contract to agricultural producers to harvest wheat, soybeans, or milo during the months of April through November but the length of the property-carrying units, excluding load, shall not exceed eighty-one feet six inches.
(3) The length limitations of this section shall be exclusive of safety and energy conservation devices such as rearview mirrors, turnsignal lights, marker lights, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.

60-6,291.
Violations; penalty.
Except as provided in subsection (3) of section60-6,288.01, any person who violates any provision of sections60-6,288to60-6,290or who drives, moves, causes, or knowingly permits to be moved on any highway any vehicle or vehicles which exceed the limitations as to width, length, or height as provided in such sections for which a penalty is not elsewhere provided shall be guilty of a Class III misdemeanor.

60-6,292.
Extra-long vehicle combinations; permit; conditions; fee; rules and regulations; violation; penalty.
(1) The Department of Transportation may issue permits for the use of extra-long vehicle combinations. Such permits shall allow the extra-long vehicle combinations to operate only on the National System of Interstate and Defense Highways and only if such vehicles are empty and are being delivered for the manufacturer or retailer, except that a highway located not more than six miles from the National System of Interstate and Defense Highways may also be designated in such permits if it is determined by the Director-State Engineer that such designation is necessary for the permitholder to have access to the National System of Interstate and Defense Highways. An annual permit for such use may be issued to each qualified carrier company or individual. The carrier company or individual shall maintain a copy of such annual permit in each truck-tractor operating as a part of an extra-long vehicle combination. The fee for such permit shall be two hundred fifty dollars per year.
(2) The permit shall allow operation of the following extra-long vehicle combinations of not more than three cargo units and not fewer than six axles nor more than nine axles:

(a) A truck-tractor, a semitrailer, and two trailers having an overall combination length of not more than one hundred five feet. Semitrailers and trailers shall be of approximately equal lengths;
(b) A truck-tractor, semitrailer, and single trailer having an overall length of not more than one hundred five feet. Semitrailers and trailers shall be of approximately equal lengths; and
(c) A truck-tractor, semitrailer, or single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet long nor less than twenty-six feet long, and the entire combination of which is not more than ninety-five feet long. The shorter trailer shall be operated as the rear trailer.
For purposes of this subsection, a semitrailer used with a converter dolly shall be considered a trailer.
(3) The department shall adopt and promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operations, weather conditions, road conditions, and safety considerations.
(4) Any person who violates this section shall be guilty of a Class IV misdemeanor.

60-6,293.
Truck-trailer combination; warning decal, when.
A warning decal shall be attached to every truck-trailer combination, except trailers subject to section60-6,243, having a connection device between such vehicles which is more than twelve feet in length. Such decal shall be made of red reflectorized material and contain the words:
LONG VEHICLE
PASS WITH CARE
The letters shall be of white reflectorized material and shall be not less than three inches in height.
The decal shall be affixed to the sides and rear parts of the trailer at a height of not less than forty-eight inches nor more than seventy-four inches from the ground level.

60-6,294.
Vehicles; weight limit; further restrictions by Department of Transportation, when authorized; axle load; load limit on bridges; overloading; liability.
(1) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles shall comply with subsections (2) and (3) of this section except as provided in sections60-6,294.01,60-6,297, and60-6,383. The limitations imposed by this section shall be supplemental to all other provisions imposing limitations upon the size and weight of vehicles.
(2) No wheel of a vehicle or trailer equipped with pneumatic or solid rubber tires shall carry a gross load in excess of ten thousand pounds on any highway nor shall any axle carry a gross load in excess of twenty thousand pounds on any highway. An axle load shall be defined as the total load transmitted to the highway by all wheels the centers of which may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the vehicle.
(3) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer pursuant to section60-6,295authorizes a greater weight.
Distance in feetMaximum load in pounds carriedbetween theon any group of two or moreextremes ofconsecutive axlesany group oftwo or more
consecutiveTwoThreeFourFiveSixSevenaxlesAxlesAxlesAxlesAxlesAxlesAxles434,000534,000634,000734,000834,00042,000939,00042,500
(4) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one-half foot, the next larger whole number shall be used, except that:
(a) Any group of three axles shall be restricted to a maximum load of thirty-four thousand pounds unless the distance between the extremes of the first and third axles is at least ninety-six inches in fact; and
(b) The maximum gross load on any group of two axles, the distance between the extremes of which is more than eight feet but less than eight feet six inches, shall be thirty-eight thousand pounds.
(5) The limitations of subsections (2) through (4) of this section shall apply as stated to all main, rural, and intercity highways but shall not be construed as inhibiting heavier axle loads in metropolitan areas, except on the National System of Interstate and Defense Highways, if such loads are not prohibited by city ordinance.
(6) The weight limitations of wheel and axle loads as defined in subsections (2) through (4) of this section shall be restricted to the extent deemed necessary by the Department of Transportation for a reasonable period when road subgrades or pavements are weak or are materially weakened by climatic conditions.
(7) Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet except as provided in section60-6,297. Such vehicles shall be subject to section60-6,301.
(8) If any vehicle crosses a bridge with a total gross load in excess of the posted capacity of such bridge and as a result of such crossing any damage results to the bridge, the owner of such vehicle shall be responsible for all of such damage.
(9) Vehicles equipped with a greater number of axles than provided in the table in subsection (3) of this section shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, and

the total gross weight, or any of such weights as provided in subsections (2) and (3) of this section.
(10) Subsections (1) through (9) of this section shall not apply to a vehicle which has been issued a permit pursuant to section60-6,299, self-propelled specialized mobile equipment with a fixed load when the requirements of subdivision (2)(i) of section60-6,288are met, or an emergency vehicle when the requirements of subdivision (1)(a)(v) of section60-6,298are met.
(11) Any two consecutive axles the centers of which are more than forty inches and not more than ninety-six inches apart, measured to the nearest inch between any two adjacent axles in the series, shall be defined as tandem axles, and the gross weight transmitted to the road surface through such series shall not exceed thirty-four thousand pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.
(12) Dummy axles shall be disregarded in determining the lawful weight of a vehicle or vehicle combination for operation on the highway. Dummy axle shall mean an axle attached to a vehicle or vehicle combination in a manner so that it does not articulate or substantially equalize the load and does not carry at least the lesser of eight thousand pounds or eight percent of the gross weight of the vehicle or vehicle combination.
(13) The maximum gross weight limit and the axle weight limit for any vehicle or combination of vehicles equipped with idle reduction technology may be increased by an amount necessary to compensate for the additional weight of the idle reduction technology as provided in 23 U.S.C. 127(a)(12), as such section existed on October 1, 2012. The additional amount of weight allowed by this subsection shall not exceed five hundred fifty pounds and shall not be construed to be in addition to the five-percent-in-excess-of-maximum-load provision of subdivision (1) of section60-6,301.
(14)(a) The maximum gross weight for any vehicle or combination of vehicles (i) operated on the National System of Interstate and Defense Highways, including adjoining portions of the state highway system for reasonable access to terminals and facilities for food, fuel, repairs, and rest, as designated by the Department of Transportation, and (ii) powered (A) by an engine fueled primarily by natural gas or (B) primarily by means of electric battery power, may exceed the gross weight limitations provided in subsections (2), (3), (4), (7), (9), and (11) of this section in an amount that:
(b)(i) Is up to a maximum of two thousand pounds; and
(ii) Does not exceed eighty-two thousand pounds.
(15) For purposes of this subsection, emergency vehicle means a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. An emergency vehicle may exceed the gross load limitations provided in subsections (2), (3), (4), (7), (9), and (11) of this section on the National System of Interstate and Defense Highways, including adjoining portions of the state highway system for reasonable access to terminals and facilities for food, fuel, repairs, and rest, as designated by the Department of Transportation, up to a gross vehicle weight of eighty-six thousand pounds, and that does not exceed:
(a) Twenty-four thousand pounds on a single steering axle;
(b) Thirty-three thousand five hundred pounds on a single drive axle;
(c) Sixty-two thousand pounds on a tandem axle; or
(d) Fifty-two thousand pounds on a tandem rear drive steer axle.

60-6,294.01.
Agricultural floater-spreader implements; weight limit; exception; speed limit.
(1) The Legislature finds that highway and roadway travel by agricultural floater-spreader implements is incidental to their designed purpose and use and that their use is essential to the agricultural industry of the State of Nebraska.
(2) Agricultural floater-spreader implement means self-propelled equipment which is designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops and which has a gross laden weight of forty-eight thousand pounds or less and is equipped with floatation tires.
(3) Subsections (2) and (3) of section60-6,294shall not apply to agricultural floater-spreader implements. This exemption does not include travel upon the National System of Interstate and Defense Highways.
(4) When operated upon any highway, an agricultural floater-spreader implement shall not be operated at a speed in excess of forty miles per hour.

60-6,295.
National System of Interstate and Defense Highways; Director-State Engineer; authorize weight limits.
Upon finding that no loss to the state of federal highway-user funds would result therefrom, the Director-State Engineer may authorize the carrying on the National System of Interstate and Defense Highways of the weights set forth in the table of weights in section60-6,294or such part thereof as would result in no loss to the state of such funds.

60-6,296.
Motor vehicles; trailers; overloading; violation; penalty.
(1) Any person operating any motor vehicle, semitrailer, or trailer, when the weight of the vehicle and load is in violation of the provisions of section60-6,294and the vehicle and load do not qualify for the exceptions permitted by section60-6,301, shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined:
(a) Twenty-five dollars for carrying a gross load of five percent or less over the maximum;
(b) One hundred dollars for carrying a gross load of more than five percent but not more than ten percent over the maximum;

(c) Two hundred dollars for carrying a gross load of more than ten percent but not more than fifteen percent over the maximum;
(d) Three hundred fifty dollars for carrying a gross load of more than fifteen percent but not more than twenty percent over the maximum;
(e) Six hundred dollars for carrying a gross load of more than twenty percent but not more than twenty-five percent over the maximum;
(f) One thousand dollars for carrying a gross load of more than twenty-five percent over the maximum;
(g) Twenty-five dollars for carrying a load on a single axle or a group of axles of five percent or less over the maximum;
(h) Seventy-five dollars for carrying a load on a single axle or a group of axles of more than five percent but not more than ten percent over the maximum;
(i) One hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten percent but not more than fifteen percent over the maximum;
(j) Three hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen percent but not more than twenty percent over the maximum;
(k) Five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty percent but not more than twenty-five percent over the maximum;
(l) Seven hundred fifty dollars for carrying a load on a single axle or group of axles of more than twenty-five percent but not more than thirty percent over the maximum;
(m) Nine hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty percent but not more than thirty-five percent over the maximum;
(n) One thousand one hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty-five percent but not more than forty percent over the maximum;
(o) Fifteen hundred fifty dollars for carrying a load on a single axle or group of axles of more than forty percent but not more than forty-five percent over the maximum;
(p) Two thousand dollars for carrying a load on a single axle or group of axles of more than forty-five percent but not more than fifty percent over the maximum; and
(q) Twenty-five hundred dollars for carrying a load on a single axle or group of axles of more than fifty percent over the maximum.
(2) No person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.

60-6,297.
Disabled vehicles; length, load, width, height limitations; exception; special single trip permit; liability.
(1) Subdivision (1)(b) of section60-6,290and subsections (2) and (3) of section60-6,294shall not apply to a vehicle or combination of vehicles disabled or wrecked on a highway or right-of-way when the vehicle or combination of vehicles is towed to a place of secure safekeeping by any wrecker or tow truck performing a wrecker or towing service.
(2) Subdivision (1)(b) of section60-6,290and subsections (2) and (3) of section60-6,294shall not apply to a single vehicle that is disabled or wrecked when the single vehicle is towed by any wrecker or tow truck to a place for repair or to a point of storage or is being transported by a covered heavy-duty tow and recovery vehicle.
(3)(a) Section60-6,288, subsection (1) of section60-6,289, subdivision (1)(b) of section60-6,290, and subsections (2) and (3) of section60-6,294shall not apply to a vehicle or combination of vehicles permitted by the Department of Transportation for overwidth, overheight, overlength, or overweight operation that is disabled or wrecked on a highway or right-of-way when the vehicle or combination of vehicles is towed if the vehicle or combination of vehicles is towed by any wrecker or tow truck performing a wrecker or towing service to the first or nearest place of secure safekeeping off the traveled portion of the highway that can accommodate the parking of such disabled vehicle or combination of vehicles.
(b) After the vehicle or combination of vehicles has been towed to a place of secure safekeeping, such vehicle or combination of vehicles shall then be operated in compliance with section60-6,288, subsection (1) of section60-6,289, subdivision (1)(b) of section60-6,290, and subsections (2) and (3) of section60-6,294, or the vehicle or combination of vehicles shall acquire a special single trip permit from the department for the movement of the overwidth, overheight, overlength, or overweight vehicle or combination of vehicles beyond the first or nearest place of secure safekeeping to its intended destination.
(4) The owners, lessees, and operators of any wrecker or tow truck exceeding the width, height, length, or weight restrictions while towing a disabled or wrecked vehicle or combination of vehicles shall be jointly and severally liable for any injury or damages that result from the operation of the wrecker or tow truck while exceeding such restrictions.
(5) If a disabled or wrecked vehicle or combination of vehicles is towed, the wrecker or tow truck shall be connected with the air brakes and brake lights of the towed vehicle or combination of vehicles.
(6) For purposes of this section:
(a) Covered heavy-duty tow and recovery vehicle means a vehicle that (i) is transporting a disabled vehicle on the National System of Interstate and Defense Highways from the place where the vehicle became disabled to the nearest appropriate repair facility, including such segments of highways off the National System of Interstate and Defense Highways that connect the nearest appropriate repair facility to the National System of Interstate and Defense Highways and adjoining portions of the state highway system for reasonable access to terminals and facilities for food, fuel, repairs, and rest, as designated by the Department of Transportation, and (ii) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being

transported;
(b) Place of secure safekeeping means a location off the traveled portion of the highway that can accommodate the parking of the disabled or wrecked vehicle or combination of vehicles in order for the vehicle or combination of vehicles to be repaired or moved to a point of storage; and
(c) Wrecker or tow truck means an emergency commercial vehicle equipped, designed, and used to assist or render aid and transport or tow a disabled vehicle or combination of vehicles from a highway or right-of-way to a place of secure safekeeping.

60-6,298.
Vehicles; size; weight; load; overweight; special, continuing, or continuous permit; issuance discretionary; conditions; penalty; continuing permit; fees.
(1)(a) The Department of Transportation or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special, continuing, or continuous permit in writing authorizing the applicant or his or her designee:
(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:
(A) To further the national defense or the general welfare;
(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or
(C) Because of an emergency, an unusual circumstance, or a very special situation;
(ii) To operate vehicles, for a distance up to one hundred twenty miles, loaded up to fifteen percent greater than the maximum weight specified by law, or up to ten percent greater than the maximum length specified by law, or both, except that any combination with two or more cargo-carrying units, not including the truck-tractor, also known as a longer combination vehicle, may only operate for a distance up to seventy miles loaded up to fifteen percent greater than the maximum weight specified by law, or up to ten percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile or farm storage to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. The distance limitation may be waived for vehicles when carrying dry beans or dry peas and lentils from the field where harvested to storage or market when dry beans or dry peas and lentils are not normally stored, purchased, or used within the permittee's local area and must be transported more than one hundred twenty miles to an available marketing or storage destination. No permit shall authorize a weight greater than twenty thousand pounds on any single axle;
(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except that the permit shall not allow transport on holidays;
(iv) To operate one or more recreational vehicles, as defined in section71-4603, exceeding the maximum width specified by law if movement of the recreational vehicles is prior to retail sale and the recreational vehicles comply with subdivision (2)(k) of section60-6,288;
(v) To operate an emergency vehicle for purposes of sale, demonstration, exhibit, or delivery, if the applicant or his or her designee is a manufacturer or sales agent of the emergency vehicle. No permit shall be issued for an emergency vehicle which weighs over sixty thousand pounds on the tandem axle; or
(vi) To transport during daylight hours divisible loads of livestock forage in bale form which do not exceed twelve feet in width, except that the permit shall not allow transport on holidays.
(b) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.
(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous or continuing operation. The permit shall include a signed affirmation under oath that, for any load sixteen feet high or higher, the applicant has contacted any and all electric utilities that have high voltage conductors and infrastructure that cross over the roadway affected by the move and made arrangements with such electric utilities for the safe movement of the load under any high voltage conductors owned by such electric utilities.
(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuous or continuing permit for use on all highways, including the National System of Interstate and Defense Highways. The permits are subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local

authority may otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety. The department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed twenty-five dollars, except that:

(a) The fee for a continuous or continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of this section shall be twenty-five dollars. Permits issued pursuant to such subdivision shall be valid for thirty days and shall be renewable four times for a total number of days not to exceed one hundred fifty days per calendar year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section60-3,147or60-3,198for the maximum gross vehicle weight that is permitted pursuant to section60-6,294before a permit shall be issued.

60-6,299.

Permit to move building; limitations; application; Department of Transportation; rules and regulations; violation; penalty.

(1) The Department of Transportation may issue permits for vehicles moving a building or objects requiring specialized moving dollies. Such permits shall allow the vehicles transporting buildings or objects requiring specialized dollies to operate on highways under the jurisdiction of the department, excluding any portion of the National System of Interstate and Defense Highways. Such permit shall specify the maximum allowable width, length, height, and weight of the building to be transported, the route to be used, and the hours during which such building or object may be transported. Such permit shall clearly state that the applicant is not authorized to manipulate overhead high voltage lines or conductors or other such components, including electric utility poles, and that the applicant shall be guilty of a Class II misdemeanor for any violation of this section or of the notification requirements of section60-6,288.01. Any vehicle moving a building or object requiring specialized moving dollies shall be escorted by another vehicle or vehicles in the manner determined by the department. Such vehicles shall travel at a speed which is not in excess of five miles per hour when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five percent. The permit shall not be issued for travel on a state highway containing a bridge or structure which is structurally inadequate to carry such building or object as determined by the department. The department may prescribe conditions of operation of such vehicle when necessary to assure against damage to the road foundations, surfaces, or structures and require such security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(2) The application for any such permit shall (a) specifically describe the vehicle, (b) specifically describe the load to be moved, (c) include a signed affirmation under oath that, for any load sixteen feet high or higher, the applicant has contacted any and all electric utilities that have high voltage conductors and infrastructure that cross over the roadway affected by the move and made arrangements with such electric utilities for the safe movement of the load under any high voltage conductors owned by such electric utilities, and (d) whenever possible, describe the particular highways for which the permit is requested. The company or individual shall maintain a copy of the permit in each vehicle moving a building or object requiring specialized moving dollies which shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. The fee for such permit shall be ten dollars.

(3) The department shall adopt and promulgate rules and regulations governing the issuance of the permits. Such rules and regulations shall include, but not be limited to, driver qualifications, equipment selection, hours of operation, weather conditions, road conditions, determination of any damage caused to highways or bridges, cutting or trimming of trees, removal or relocation of

signs or other property of the state, raising or lowering of electric supply and communication lines, and such other safety considerations as the department deems necessary.
(4) Any person who violates the terms of a permit issued pursuant to this section or otherwise violates this section shall be guilty of a Class II misdemeanor.

60-6,300.
Vehicles; excess load prohibited;
exception; violation; penalty.
(1) It shall be unlawful to operate upon the
public highways of this state any truck, truck-tractor, or trailer that weighs
in excess of the gross weight for which the registration fee on such vehicle
has been paid plus one thousand pounds, but this section shall not apply to
any truck, truck-tractor, or trailer being operated under a special permit
issued pursuant to section60-6,298if
the vehicle is properly registered pursuant to such section.
(2)(a) Any person operating any truck,
truck-tractor, or trailer in violation of this section shall be
guilty of a traffic infraction and shall, upon conviction, be fined twenty-five
dollars for each one thousand pounds or fraction thereof in excess of the
weight allowed to be carried under this section with tolerance.
(b) In lieu of issuing
a citation to an operator under subdivision (2)(a) of this section, the Superintendent
of Law Enforcement and Public Safety may assess the owner of the vehicle a
civil penalty for each violation of this section in an amount equal to twenty-five
dollars for each one thousand pounds or fraction thereof in excess of the
gross weight for which the registration fee on such vehicle has been paid
plus one thousand pounds. The superintendent shall issue an order imposing
a penalty under this subdivision in the same manner as an order issued under
section75-369.04and any rules and regulations adopted and promulgated under
section75-368and any applicable federal rules and regulations.

60-6,301.
Vehicles; overload; reduce or shift load; exceptions; permit fee; warning citation; when.
When any motor vehicle, semitrailer, or trailer is operated upon the highways of this state carrying a load in excess of the maximum weight permitted by section60-6,294, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, except that:
(1) If any motor vehicle, semitrailer, or trailer exceeds the maximum load on only one axle, only one tandem axle, or only one group of axles when (a) the distance between the first and last axle of such group of axles is twelve feet or less, (b) the excess axle load is no more than five percent in excess of the maximum load for such axle, tandem axle, or group of axles permitted by such section, while the vehicle or combination of vehicles is within the maximum gross load, and (c) the load on such vehicle is such that it can be shifted or the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum permissible limit for such axle, tandem axle, or group of axles, such shift or change of configuration may be made without penalty;
(2) Any motor vehicle, semitrailer, or trailer carrying only a load of livestock may exceed the maximum load as permitted by such section on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by such section;
(3) With a permit issued by the Department of Transportation or the Nebraska State Patrol, a truck with an enclosed body and a compacting mechanism, designed and used exclusively for the collection and transportation of garbage or refuse, may exceed the maximum load as permitted by such section by no more than twenty percent on only one axle, only one tandem axle, or only one group of axles when the vehicle is laden with garbage or refuse if the vehicle is within the maximum gross load as permitted by such section. There shall be a permit fee of ten dollars per month or one hundred dollars per year. The permit may be issued for one or more months up to one year, and the term of applicability shall be stated on the permit;
(4) Any motor vehicle, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five percent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator; and
(5) Any motor vehicle, semitrailer, or trailer carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile or farm storage to market or

factory up to seventy miles with a load that exceeds the maximum load permitted by section60-6,294by fifteen percent on any tandem axle, group of axles, and gross weight. Any truck with no more than a single rear axle carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile or farm storage to market or factory up to seventy miles with a load that exceeds the maximum load permitted by section60-6,294by fifteen percent on any single axle and gross weight. The owner or a representative of the owner of the agricultural product shall furnish the driver of the loaded vehicle a signed statement of origin and destination.
Nothing in this section shall be construed to permit to be operated on the National System of Interstate and Defense Highways any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system as contained in section60-6,294.
If the maximum legal gross weight or axle weight of any vehicle is exceeded by five percent or less and the arresting peace officer or carrier enforcement officer has reason to believe that such excessive weight is caused by snow, ice, or rain, the officer may issue a warning citation to the operator.

60-6,302.
Connection device; unlawful repositioning; violation; penalty.
Except for fifth-wheel repositioning done pursuant to section60-6,301, it shall be unlawful to reposition the fifth-wheel connection device of a truck-tractor and semitrailer combination while such combination is carrying cargo and on the state highway system. Any person violating this section shall be guilty of a Class IV misdemeanor.

60-6,303.
Vehicles; overloading; powers of peace officer or carrier enforcement officer; violation; penalty.
Any peace officer or carrier enforcement officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the vehicle and load. Upon weighing a vehicle and load, if the officer determines that the weight on any axle exceeds the lawful weight, that the weight on any group of two consecutive axles exceeds their lawful weight, or that the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section60-6,294, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under such section. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver. For purposes of this section, lawful weight shall mean the maximum weight permitted by section60-6,294.
Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing or who refuses, when directed by a peace officer or carrier enforcement officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section shall be guilty of a Class III misdemeanor.

60-6,304.
Load; contents; requirements; vehicle that contained livestock; spill prohibited; violation; penalty.
(1)(a) Except as provided in subsection (2) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.
(b) Except as provided in subsection (2) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.
(c) Except as provided in subsection (3) of this section for commercial motor vehicles and commercial trailers, no person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.
(d) Any person who violates any provision of this subsection is guilty of a Class IV misdemeanor.
(2)(a) No person operating any vehicle that contained livestock, but still contains the manure or urine of livestock, on any highway located within the corporate limits of a city of the metropolitan class, shall spill manure or urine from the vehicle.
(b) Any person who violates this subsection is guilty of a Class IV misdemeanor and shall be assessed a minimum fine of at least two hundred fifty dollars.
(3)(a) No person shall drive or move a commercial motor vehicle or commercial trailer upon any highway unless the cargo or contents carried by the commercial motor vehicle or commercial trailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the commercial motor vehicle or commercial trailer or in the distributing or securing of the cargo or contents carried by the commercial motor vehicle or commercial trailer shall be secured to prevent cargo or contents falling from the vehicle. The structures, systems,

parts, and components used to secure the cargo or contents shall be in proper working order with no damaged or weakened components that affect performance so as to cause the cargo or contents to fall from the commercial motor vehicle or commercial trailer. The means of securement to the commercial motor vehicle or commercial trailer shall be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to ensure that cargo or contents will not fall from the commercial motor vehicle or commercial trailer.
(b)(i) Violation of this subsection is an infraction, and the person driving or moving a commercial motor vehicle or commercial trailer in violation of this subsection shall be fined two hundred dollars for the first offense and five hundred dollars for a second or subsequent offense.
(ii) In addition to the issuance of a citation to an operator under subdivision (b)(i) of this subsection, the Superintendent of Law Enforcement and Public Safety may assess the owner of the vehicle a civil penalty for each violation of this subsection of one thousand dollars. The superintendent shall issue an order imposing a penalty under this subdivision in the same manner as an order issued under section75-369.04and any rules and regulations adopted and promulgated under section75-368and any applicable federal rules and regulations.
(c) For purposes of this subsection:
(i) Commercial motor vehicle has the same meaning as in section60-316; and
(ii) Commercial trailer has the same meaning as in section60-317.

60-6,305.
Livestock forage vehicle; restrictions; permit; fee.
(1) For purposes of this section, livestock forage vehicle shall mean a vehicle with chassis which has a special implement bolted, mounted, or attached thereto for loading, unloading, and moving livestock forage.
(2) All livestock forage vehicles shall:
(a) Not exceed a length of sixty-five feet, extreme overall dimensions inclusive of bumpers and load;
(b) Not exceed a width of eighteen feet;
(c) Not exceed a height of eighteen feet, either for equipment alone or for equipment and load combined. Such vehicles shall comply with subsection (2) of section60-6,289; and
(d) Only be operated during hours of daylight.
(3) No person shall operate a livestock forage vehicle which carries unbaled livestock forage at a speed in excess of the following limits:
(a) Twenty-five miles per hour in any residential district;
(b) Twenty miles per hour in any business district; and
(c) Fifty miles per hour while upon any highway other than a freeway outside a business or residential district.
The speed limits provided in this section may be altered as provided in section60-6,190.
(4) The load of baled livestock forage shall be securely fastened to the vehicle at all times while it is on a highway. Any person who transports unbaled or baled livestock forage shall be responsible for all damages occurring to other persons or property as a result of his or her negligence during the transportation of the livestock forage and shall also be responsible for cleaning a highway of unbaled or baled livestock forage which falls or is dropped from the load onto a highway during the moving of the livestock forage.
(5) Any person who uses equipment which exceeds the length, width, and height provisions set forth in subsection (2) of this section shall first obtain a permit from the county sheriff of the county in which he or she resides. The permit shall be valid to carry loads twenty feet wide in such county and in adjacent counties. Such permit shall be furnished to the sheriff's office by the Department of Motor Vehicles and shall be valid for one calendar year. The fee for such permit shall be ten dollars. Any person securing such a permit shall keep a record of all activity covered by such permit, which record shall be available to the issuing sheriff, his or her deputies and agents, or members of the Nebraska State Patrol at all times. The record shall include dates, items moved, route, and other pertinent information.

60-6,306.
Nebraska Rules of the Road; applicability to persons operating motorcycles.
(1) Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under the Nebraska Rules of the Road except for special motorcycle regulations in the rules and except for those provisions of the rules which by their nature can have no application.
(2) For purposes of this section, motorcycle does not include an autocycle.

60-6,307.
Restrictions on operating motorcycles.
(1) Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached to the motorcycle. A person operating a motorcycle shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.
(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.
(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him or her from

keeping both hands on the handlebars.
(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the motorcycle or the view of the operator.
(5) Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
(6) No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.
(7) For purposes of this section, motorcycle does not include an autocycle.

60-6,308.
Operating motorcycles on roadways laned for traffic; prohibited acts.
(1) A motorcycle shall be entitled to full use of a traffic lane of any highway, and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane, except that motorcycles may be operated two abreast in a single lane.
(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.
(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
(4) Motorcycles shall not be operated more than two abreast in a single lane.
(5) Subsections (2) and (3) of this section shall not apply to peace officers in the performance of their official duties.
(6) No person who rides upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway.
(7) For purposes of this section, motorcycle does not include an autocycle.

60-6,309.
Moped; statutes; applicable.
Mopeds, their owners, and their operators shall be subject to the Motor Vehicle Operator's License Act, but shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act.

60-6,310.
Moped; operation;
license required.
No person shall operate a moped upon a
highway unless such person has a valid operator's license.

60-6,311.
Moped; operator; Nebraska Rules of the Road; applicable.
(1) Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.
(2) Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the Department of Transportation or a local authority for the use of mopeds.

60-6,312.
Moped; restrictions on operation.
(1) Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.
(2) A person shall ride upon a moped only while sitting astride the seat, facing forward.
(3) No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.
(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the moped or the view of the operator.
(5) Any moped which carries a passenger shall be equipped with footrests for such passenger.
(6) No person shall operate any moped with handlebars more than fifteen inches above the mounting point of the handlebars.

60-6,313.
Operating mopeds on roadways laned for traffic; prohibited acts.
(1) A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of forty-five miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.
(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.
(3) Mopeds shall not be operated more than two abreast in a single lane.
(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour shall ride

as near to the right side of the roadway as practicable and shall not ride more than single file.
(5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.
(6) Mopeds shall not be operated on the National System of Interstate and Defense Highways or on sidewalks.
(7) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section60-6,186, no person shall operate any moped at a speed in excess of thirty miles per hour.
(8) For purposes of this section, motorcycle does not include an autocycle.

60-6,314.
Nebraska Rules of the Road; applicability to persons operating bicycles.
(1) Any person who operates a bicycle upon a highway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Nebraska Rules of the Road except for special bicycle regulations in the rules, except for those provisions of the rules which by their nature can have no application, and except as provided in section60-6,142.
(2) Regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside by the Department of Transportation or a local authority for the exclusive use of bicycles.

60-6,315.
Riding of bicycles; prohibited acts.
(1) Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
(2) Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.
(3) Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.
(4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

60-6,316.
Bicycles; clinging to vehicles; prohibited.
Any person who rides upon any bicycle shall not attach himself, herself, or the bicycle to any vehicle upon a roadway.

60-6,317.
Bicycles on roadways and bicycle paths; general rules; regulation by local authority.
(1)(a) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:
(i) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
(ii) Preparing for a left turn onto a private road or driveway or at an intersection;
(iii) Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
(iv) Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
(v) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in section60-6,142.
(b) Any person who operates a bicycle upon a roadway with a posted speed limit of thirty-five miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable.
(c) Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right-of-way to all other vehicles.
(2) No bicyclist shall suddenly leave a curb or other place of safety and walk or ride into the path of a vehicle which is so close that it is impossible for the driver to stop.
(3) Any person who operates a bicycle upon a highway shall not ride more than single file except on paths or parts of highways set aside for the exclusive use of bicycles.
(4) A bicyclist riding a bicycle on a sidewalk or across a roadway or shoulder in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances but shall yield the right-of-way to pedestrians. Nothing in this subsection relieves the bicyclist or the driver of a vehicle from the duty to exercise care.
(5) A local authority may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.

60-6,318.
Equipment on bicycles; lights; brakes.
(1) When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type which is approved by the Department of Motor Vehicles or a local authority and which is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when

directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.
(2) Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within twenty-five feet of the point of braking when moving at a speed of ten miles per hour on dry, level, clean pavement.

60-6,319.
Bicycles; reflective device or material; retail sale; requirements; violation; penalty.
No commercial dealer shall sell or offer to sell at retail any bicycle unless such bicycle is equipped with pedals which display a white or amber reflective device or material on both the front and rear surfaces of the pedal and such reflective surface is visible during the hours of darkness from four hundred feet when viewed from the front or rear under low beam headlights of a motor vehicle under normal atmospheric conditions.
All bicycles shall also be equipped with tires bearing a white or silver retroreflective material on each side or a wide-angle reflector mounted on the spokes of each wheel. Such retroreflective material shall be at least three-sixteenths of an inch wide, shall be affixed as an integral part of the tire or wheel, and shall remain effective for the life of the tire or wheel. The spoke-mounted, wide-angle reflector devices shall have a reflective surface of at least two square inches and shall be clear, amber, or red in color. Both the retroreflective tires and wide-angle spoke reflectors shall be visible during the hours of darkness from four hundred feet when viewed under low beam headlights of a motor vehicle under normal atmospheric conditions when the bicycle is traveling at a ninety degree right angle to the direction of travel of the motor vehicle and is directly in front of such motor vehicle. Such reflective devices shall remain visible when the bicycle is turned forty degrees in either direction from such angle and crosses directly in front of such motor vehicle at a distance of four hundred feet.
No commercial dealer shall sell or offer to sell at retail any bicycle which does not comply with this section. Any person who violates this section shall be guilty of a Class V misdemeanor.

60-6,320.
Snowmobiles; operate, defined.
For purposes of sections60-6,320to60-6,346, operate means to ride in or on and control the operation of a snowmobile.

60-6,334.
Snowmobile operation; Game and Parks Commission; rules and regulations.
The Game and Parks Commission shall establish rules and regulations for:
(1) The operation of snowmobiles upon designated state-controlled or state-operated lakes within the State of Nebraska during the period of time when the lake is frozen and safe for the use of snowmobiles; and
(2) The operation of snowmobiles on established snowmobile courses or trails within public parks or on public land in this state owned or leased by the state.

60-6,335.
Snowmobile operation; regulation; equipment; permission of landowner.
(1) No person shall operate a snowmobile upon any highway except as provided in sections60-6,320to60-6,346. Subject to regulation by the Department of Transportation and by local authorities, in their respective jurisdictions, a snowmobile may be operated on the roadway of any highway, on the right-hand side of such roadway and in the same direction as the highway traffic, except that no snowmobile shall be operated at any time within the right-of-way of any controlled-access highway within this state.
(2) A snowmobile may make a direct crossing of a highway at any hour of the day if:
(a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
(b) The snowmobile is brought to a complete stop before crossing the shoulder or roadway of the highway;
(c) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;
(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
(e) When the crossing is made between sunset and sunrise or in conditions of reduced visibility, both the headlights and taillights are on.
(3) No snowmobile shall be operated upon a highway unless equipped with at least one headlight and one taillight, with reflector material of a minimum area of sixteen square inches mounted on each side forward of the handlebars, and with brakes.
(4) A snowmobile may be operated upon a highway other than as provided by subsection (2) of this section in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
(5) Unless otherwise provided in sections60-6,320to60-6,346, all other provisions of Chapter 60 shall apply to the operation of snowmobiles upon highways except for those relating to required equipment and those which by their nature have no application.
(6) No person shall operate a snowmobile upon any private lands without first having obtained permission of the owner, lessee, or operator of such lands.

60-6,336.
Snowmobile contests; requirements.

Nothing in sections60-6,320to60-6,346shall prohibit the use of snowmobiles within the right-of-way of any highway in any international or other sponsored contest. When the proposed use of the right-of-way of any highway is for an international or other sponsored contest:
(1) The sponsoring person or organization shall obtain prior written permission from the governing body having jurisdiction over the highway when such highway is not part of the state highway system; and
(2) The sponsoring person or organization shall comply with subsection (2) of section39-1359when such highway is part of the state highway system.

60-6,337.
Snowmobiles; prohibited acts.
It shall be unlawful for any person to drive or operate any snowmobile on any public land, ice, snow, park, right-of-way, trail, or course in the following unsafe or harassing ways:
(1) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
(3) While under the influence of alcoholic liquor or of any drug;
(4) Without a lighted headlight and taillight when required for safety; and
(5) In any tree nursery or planting in a manner which damages or destroys growing stock.

60-6,338.
Snowmobiles; political subdivisions; regulation; notice; restrictions.
(1) A county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county highway if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.
(2) Any county, city, or village may regulate the operation of snowmobiles on public lands, waters, and property under its jurisdiction and on highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice. Such resolutions or ordinances shall not be inconsistent with other provisions of law or with sections60-6,320to60-6,346and rules and regulations promulgated thereunder, and no such governmental unit may adopt an ordinance which (a) imposes a fee for the use of public land or water under the jurisdiction of either the state or any agency of the state or for the use of any access thereto owned by the state, a county, a city, or a village or (b) requires a snowmobile operator to possess an operator's license while operating a snowmobile.

60-6,339.
Snowmobile; operation; muffler, when required.
Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound.
This section shall not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land, or (2) public lands, with the consent of the public agency owning the land.

60-6,340.
Operation by person under twelve years of age; operation by person under sixteen years of age; restrictions; snowmobile safety certificate.
(1) No person under the age of twelve years shall operate a snowmobile in this state unless accompanied by a parent, guardian, or other person over eighteen years of age.
(2) No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile in this state unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person fourteen years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of eighteen years.
(3) The operator of a snowmobile shall not be required to hold an operator's license.

60-6,341.
Snowmobile safety certificate; application; contents; when issued.
(1) Application for a snowmobile safety certificate shall be made on uniform blanks prepared by the Director of Motor Vehicles.
(2) Such application shall contain all information and questions deemed necessary by the director to insure that the applicant is qualified and possesses reasonable ability to operate a snowmobile.
(3) No snowmobile safety certificate shall be issued until the applicant has appeared before an examiner and satisfied the examiner that the applicant possesses adequate vision and physical ability to operate a snowmobile.
(4) For purposes of this section, examiner shall refer to an examiner of the Department of Motor Vehicles.

60-6,342.

Snowmobiles; carrying firearms; hunting; unlawful.
It shall be unlawful for any person to shoot, take, hunt, or kill or attempt to shoot, take, hunt, or kill any wild animal or bird from or with a snowmobile or for any person to carry or possess any shotgun or rimfire rifle while operating or riding on a snowmobile, or for any person to carry or possess any firearm, bow and arrow, or other projectile device on a snowmobile unless such bow and arrow or projectile device is enclosed in a car carrying case or such firearm is unloaded and enclosed in a carrying case.

60-6,343.
Snowmobiles; violations; penalty.
(1) Any person who violates any provision of sections60-6,320to60-6,346or any rule or regulation promulgated pursuant to such sections shall be guilty of a Class III misdemeanor, and if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.
(2) Any violation of such sections which is also a violation under any other provision of Chapter 60 may be punished under the penalty provisions thereof.

60-6,344.
Snowmobile owner; prohibited acts.
It shall be unlawful for the owner of a snowmobile to permit such snowmobile to be operated contrary to the provisions of sections60-6,320to60-6,346or for purposes of carrying a shotgun or rifle thereon unless such shotgun or rifle is unloaded and encased.

60-6,345.
Snowmobile; confiscation; sale; proceeds; disposition.
A peace officer shall seize any snowmobile used for the purpose of gaining access to property for the purpose of committing a felony thereon. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which such felony was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of by public auction which shall be conducted by the sheriff of the county in which such conviction occurred. The proceeds from the sale of a confiscated snowmobile shall be remitted to the State Treasurer for credit to the permanent school fund.

60-6,346.
Snowmobile operation; accident; requirements.
(1) The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.
(2) When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such snowmobile shall within ten days file with the Director of Motor Vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

60-6,347.
Minibikes; exemptions from certain requirements.
Minibikes, their owners, and their operators shall be exempt from the requirements of the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act.

60-6,348.
Minibikes
and off-road designed vehicles; use; emergencies; parades.
Minibikes and all off-road designed vehicles not authorized by
law for use on a highway, including, but not limited to, go-carts, riding lawnmowers, garden
tractors, and snowmobiles, shall be exempt from the provisions of sections60-678,60-6,351to60-6,353,60-6,380, and60-6,381during any
public emergency or while being used in parades by regularly organized units
of any recognized charitable, social, educational, or community service organization.

60-6,349.
Minibikes
and similar vehicles; sale; notice.
All minibikes
and similar two-wheeled, three-wheeled, and four-wheeled miniature vehicles
offered for sale in this state shall bear the following notice to the customer
and user: This vehicle as manufactured or sold is for off-road use only. This
section shall not apply to a golf

car vehicle or a low-speed vehicle, as applicable to its design,
or to an electric personal assistive mobility device.

60-6,350.
Moving across streets or a turnaround; authorized.
Nothing in sections60-678and60-6,348to60-6,351shall prohibit occasional necessary movement of vehicles described in section60-6,349on streets for purposes of moving the vehicle across streets or a turnaround on the streets. All such vehicles when used under this section shall be exempt from all motor vehicle legal requirements.

60-6,351.
Legislative intent.
It is the intent of the Legislature to remove from street use and operation minibikes and similar two-wheeled, three-wheeled, or four-wheeled miniature vehicles, the visibility, power, and equipment of which are inadequate for mixing with normal vehicular traffic upon streets and highways. This section shall not apply to an electric personal assistive mobility device.

60-6,352.
Violations; penalty.
It shall be unlawful for any person to operate a minibike on any state highway except as permitted pursuant to section60-6,353. Any person who violates this section shall be guilty of a Class III misdemeanor.

60-6,353.
Operation; rules and regulations; violations; penalty.
Any department, board, or commission of the State of Nebraska with jurisdiction over state parks and state recreation areas as defined in section37-338and state wayside areas as described in section81-711, in which motor vehicles of any type are permitted, may adopt and promulgate rules and regulations permitting and controlling the operation of minibikes and designating the place, time, and manner of such operation in the public recreation area under its control. In designating the manner of such operation within a specific location and during a specific time, the department, board, or commission may establish speed limits and restrictions on the age of the operator, noise emission levels, and number of minibikes permitted to be operated within a specific area at the same time. The other provisions of the Nebraska Rules of the Road not inconsistent with sections60-678and60-6,347to60-6,353shall apply to the public area.
Such department, board, or commission may further authorize the supervising official of any area under its ownership or control to prohibit operation of any minibike in emergency situations by personal or posted notice.
Any person operating a minibike in a place, at a time, or in a manner not permitted by the department, board, or commission having control over the area shall be guilty of a Class III misdemeanor.
Any political subdivision of the State of Nebraska with jurisdiction over highways may adopt and promulgate rules, regulations, ordinances, or resolutions in conformity with such sections.

60-6,354.
Coaster, roller skates, sled, skis, or toy vehicle; prohibited acts.
Any person who rides upon any coaster, roller skates, sled, skis, or toy vehicle shall not attach such or himself or herself to any vehicle upon a roadway.

60-6,355.
All-terrain
vehicle, defined; utility-type vehicle, defined.
(1)
For purposes of sections60-6,355to60-6,362:
(a) All-terrain vehicle means any motorized off-highway vehicle
which (i) is fifty inches or less in width, (ii) has a dry weight of twelve hundred pounds or less, (iii) travels
on three or more nonhighway tires, and (iv) is designed for operator
use only with no passengers or is specifically designed by the original manufacturer
for the operator and one passenger.
(b)(i) Utility-type vehicle means any motorized off-highway
vehicle which (A) is seventy-four inches in width or less, (B) is not more
than one hundred eighty inches, including the bumper, in length, (C) has a
dry weight of two thousand pounds or less, (D) travels on four
or more nonhighway tires.
(ii) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.
(2) All-terrain vehicles and utility-type vehicles which have
been modified or retrofitted

with after-market parts to include additional equipment not required by sections60-6,357and60-6,358shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act.

60-6,356.

All-terrain vehicle; utility-type vehicle; operation; restrictions; city or village ordinance; county board resolution.

(1) An all-terrain vehicle or a utility-type vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes. The crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted except as provided in subsections (9) and (10) of this section. Subsections (2), (3), and (5) through (8) of this section authorize and apply to operation of an all-terrain vehicle or a utility-type vehicle only on a highway other than a controlled-access highway with more than two marked traffic lanes.

(2) An all-terrain vehicle or a utility-type vehicle may be operated in accordance with the operating requirements of subsection (3) of this section:

(a) Outside the corporate limits of a city, village, or unincorporated village if incidental to the vehicle's use for agricultural purposes;

(b) Within the corporate limits of a city or village if authorized by the city or village by ordinance adopted in accordance with this section; or

(c) Within an unincorporated village if authorized by the county board of the county in which the unincorporated village is located by resolution in accordance with this section.

(3) An all-terrain vehicle or a utility-type vehicle may be operated as authorized in subsection (2) of this section when such operation occurs only between the hours of sunrise and sunset. Any person operating an all-terrain vehicle or a utility-type vehicle as authorized in subsection (2) of this section shall have a valid Class O operator's license or a farm permit as provided in section60-4,126, shall have liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a highway, and shall not operate such vehicle at a speed in excess of thirty miles per hour. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. When operating an all-terrain vehicle or a utility-type vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles and utility-type vehicles may be operated without complying with subsection (3) of this section on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) The crossing of a highway other than a controlled-access highway with more than two marked traffic lanes shall be permitted by an all-terrain vehicle or a utility-type vehicle without complying with subsection (3) of this section only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(6) All-terrain vehicles and utility-type vehicles may be operated outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of the vehicle pursuant to this subsection need not be limited to the hours between sunrise and sunset.

(7) A city or village may adopt an ordinance authorizing the operation of all-terrain vehicles and utility-type vehicles within the corporate limits of the city or village if the operation is in accordance with subsection (3) of this section. The city or village may place other restrictions on the operation of all-terrain vehicles and utility-type vehicles within its corporate limits.

(8) A county board may adopt a resolution authorizing the operation of all-terrain vehicles and utility-type vehicles within any unincorporated village within the county if the operation is in accordance with subsection (3) of this section. The county may place other restrictions on the operation of all-terrain vehicles and utility-type vehicles within the unincorporated village.

(9) Except as provided in subsection (10) of this section, the crossing of a controlled-access highway with more than two marked traffic lanes shall be permitted by a utility-type vehicle if the operation is in accordance with the operation requirements of subsection (3) of this section and if the following requirements are met:

(a) The crossing is made at an intersection that:

(i) Is controlled by a traffic control signal; or

(ii) For any intersection located outside the corporate limits of a city or village, is controlled by stop signs;

(b) The crossing at such intersection is made in compliance with the traffic control signal or stop signs; and

(c) The crossing at such intersection is specifically authorized as follows:

(i) If such intersection is located within the corporate limits of a city or village, by ordinance of such city or village;

(ii) If such intersection is located within an unincorporated village, by resolution of the county board of the county in which such

unincorporated village is located; or
(iii) If such intersection is located outside the corporate limits of a city or village and outside any unincorporated village, by resolution of the county board of the county in which such intersection is located.
(10) When the use of the all-terrain vehicle or utility-type vehicle is for an agricultural purpose, the crossing of a controlled-access highway with more than two marked traffic lanes shall be permitted if such vehicle is operated in accordance with subsection (3) of this section.

60-6,357.
All-terrain
vehicle; utility-type vehicle; lights
required; when.
Every all-terrain vehicle and utility-type vehicle shall
display a lighted headlight and taillight during the period of time from sunset
to sunrise and at any time when visibility is reduced due to insufficient
light or unfavorable atmospheric conditions.

60-6,358.
All-terrain
vehicle; utility-type vehicle; equipment
required.
Every all-terrain vehicle and utility-type vehicle shall
be equipped with:
(1) A brake system maintained in good operating condition;
(2) An adequate muffler system in good working condition;
and
(3) A United States Forest Service qualified spark arrester.

60-6,359.
Modification
of all-terrain vehicle or utility-type
vehicle; prohibited.
No person shall:
(1) Equip the exhaust system of an all-terrain vehicle or a utility-type vehicle with
a cutout, bypass, or similar device;
(2) Operate an all-terrain vehicle or a utility-type vehicle with an exhaust system
so modified; or
(3) Operate an all-terrain vehicle or a utility-type vehicle with the spark arrester
removed or modified except for use in closed-course competition events.

60-6,360.
All-terrain
vehicle; utility-type vehicle; competitive
events; exemptions.
All-terrain vehicles and utility-type vehicles participating
in competitive events may be exempted from sections60-6,357to60-6,359at
the discretion of the Director of Motor Vehicles.

60-6,361.
All-terrain
vehicle; utility-type vehicle; accident;
report required.
If an accident results in the
death of any person or in the injury of any person which requires the treatment
of the person by a physician, the operator of each all-terrain vehicle or utility-type vehicle involved
in the accident shall give notice of the accident in the same manner as provided
in section60-699.

60-6,362.
Violations; penalty.
(1) Any person who violates sections60-6,356to60-6,361shall be guilty of a Class III misdemeanor, except that if such person is

convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.
(2) Any violation of such sections which is also a violation under any other provision of Chapter 60 may be punished under the penalty provisions of such chapter.

60-6,363.
Terms, defined.
For purposes of sections60-6,363to60-6,374:
(1) Diesel-powered motor vehicle shall mean a self-propelled vehicle which is designed primarily for transporting persons or property on a highway and which is powered by an internal combustion engine of the compression ignition type;
(2) Motor vehicle shall mean a self-propelled vehicle with a gross unloaded vehicle weight of ten thousand pounds or more or any combination of vehicles of a type subject to registration which is towed by such a vehicle;
(3) Smoke shall mean the solid or liquid matter, except water, discharged from a motor vehicle engine which obscures the transmission of light;
(4) Smokemeter shall mean a full-flow, light-extinction smokemeter of a type approved by the Department of Environment and Energy and operating on the principles described in the federal standards;
(5) Opacity shall mean the degree to which a smoke plume emitted from a diesel-powered motor vehicle engine will block the passage of a beam of light expressed as a percentage; and
(6) Smoke control system shall mean a system consisting of one or more devices and adjustments designed to control the discharge of smoke from diesel-powered motor vehicles.

60-6,364.
Applicability of sections.
Sections60-6,363to60-6,374shall apply to all diesel-powered motor vehicles operated within this state with the exception of the following:
(1) Emergency vehicles operated by federal, state, and local governmental authorities;
(2) Vehicles which are not required to be registered in accordance with the Motor Vehicle Registration Act;
(3) Vehicles used for research and development which have been approved by the Director of Environment and Energy;
(4) Vehicles being operated while undergoing maintenance;
(5) Vehicles operated under emergency conditions;
(6) Vehicles being operated in the course of training programs which have been approved by the director; and
(7) Other vehicles expressly exempted by the director.

60-6,365.
Diesel-powered motor vehicle; smoke; shade, density, or opacity.
No one shall operate a diesel-powered motor vehicle on any highway in this state in such a manner that smoke discharged from the exhaust is of a shade or density equal to or darker than that designated as Number 1 of the Ringelmann Chart or equivalent opacity of twenty percent for ten consecutive seconds or longer.

60-6,366.
Smoke control system; removal or change; prohibited; exception.
No one shall intentionally make a change or other alteration to any diesel-powered motor vehicle equipped by its manufacturer with a smoke control system, including the basic fuel system, that may limit the ability of the system to control smoke, and no one shall remove such a smoke control system except for repair or installation of a proper replacement.

60-6,367.
Enforcement of sections; citations; use of smokemeter; results; admissible as evidence.
(1) Officials of the Department of Environment and Energy and local enforcement officials shall have the authority to issue citations to suspected violators of sections60-6,363to60-6,374on the basis of their visual evaluation of the smoke emitted from a diesel-powered motor vehicle. A citation shall give the suspected violator a reasonable time to furnish evidence to the department that such alleged violation has been corrected or else such suspected violator shall be subject to the penalties set out in section60-6,373. A suspected violator may demand that the suspected vehicle be tested by an approved smokemeter prior to a trial on the alleged violation.
(2) Smokemeter tests shall be conducted (a) by or under the supervision of a person or testing facility authorized by the Director of Environment and Energy to conduct such tests and (b) by installing an approved smokemeter on the exhaust pipe and operating the suspected vehicle at engine revolutions per minute equivalent to the engine revolutions per minute at the time of the alleged violation.
(3) The results of smokemeter tests run in accordance with this section and after the alleged violation shall be admissible as evidence in legal proceedings.

60-6,368.

Director of Environment and Energy; powers; rules and regulations; control of noise or emissions.
(1) The Director of Environment and Energy shall have the power, after public hearings on due notice, to adopt and promulgate, consistent with and in furtherance of the provisions of sections60-6,363to60-6,374, rules and regulations in accordance with which he or she will carry out his or her responsibilities and obligations under such sections.
(2) Any rules or regulations promulgated by the director shall be consistent with the provisions of the federal standards, if any, relating to control of emissions from the diesel-powered motor vehicles affected by such rules and regulations. The director shall not require, as a condition for the sale of any diesel-powered motor vehicle covered by sections60-6,363to60-6,374, the inspection, certification, or other approval of any feature or equipment designed for the control of noise or emissions from such diesel-powered motor vehicles if such feature or equipment has been certified, approved, or otherwise authorized pursuant to laws or regulations of any federal governmental body as sufficient to make lawful the sale of any diesel-powered motor vehicle covered by such sections.

60-6,369.
Noise; restrictions.
No person shall sell, or offer for sale, a new motor vehicle with a gross vehicle weight of ten thousand pounds or more that produces a maximum noise exceeding a noise limit of 80dB(A) at a distance of fifty feet from the centerline of travel under test procedures established by section60-6,372.

60-6,370.
Operation; noise; limitation.
No person shall operate within the speed limits specified in this section either a motor vehicle with a gross vehicle weight of ten thousand pounds or more or any combination of vehicles of a type subject to registration, towed by such motor vehicle, at any time or under any condition of grade, load, acceleration, or deceleration in such manner as to exceed the following noise limit based on a distance of not less than fifty feet from the centerline of travel under test procedures established by section60-6,372: When the posted speed limit is thirty-five miles per hour or less, the noise limit shall not exceed 86dB(A), and when the posted speed limit is more than thirty-five miles per hour, the noise limit shall not exceed 90dB(A). This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of sections60-6,363to60-6,374relating to motor vehicle mufflers for noise control.

60-6,371.
Exhaust or intake muffler; change; increase of noise; prohibited.
No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this section shall be those used to establish compliance of a new motor vehicle with the requirements of sections60-6,363to60-6,374.

60-6,372.
Noise measurement tests; manner conducted; conditions; enumerated.
(1) Noise measurements shall be made at a test site which is adjacent to and includes a portion of a roadway. A microphone target point shall be established on the centerline of the roadway, and a microphone location point shall be established on the ground surface at a distance of fifty feet from the microphone target point and on a line that is perpendicular to the centerline of the roadway and that passes through the microphone target point. The microphone shall be placed such that it is at a height of not less than two feet and not more than six feet above the plane of the roadway surface. The test area shall include an open site within a fifty-foot radius of both the microphone target point and the microphone location point. The test site shall be essentially free of large sound-reflecting objects.
(2) Noise measurement conditions shall be as follows:
(a) Noise measurements may only be made if the measured average wind velocity is twelve miles per hour or less. Gust wind measurements of up to twenty miles per hour shall be allowed;
(b) Measurements shall be prohibited under any condition of precipitation, but measurements may be made with snow on the ground. The ground surface within the measurement area shall be free of standing water; and
(c) Road conditions shall be such that they would not cause a motor vehicle to emit irregular tire, body, or chassis-impact noise.
(3) In accordance with this section, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled portion of the highway within the test site, regardless of the highway grade, load, acceleration, or deceleration. The sound level generated by the motor vehicle shall be the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area.

60-6,373.
Standards; violations; penalty.
Every person who operates a diesel-powered or other motor vehicle in this state in violation of the standards established by sections60-6,363to60-6,374shall be guilty of a Class V misdemeanor, and every day that the diesel-powered or other motor vehicle is so operated shall be deemed to be a separate offense.

60-6,374.
Sections; exclusive treatment.
The provisions of sections60-6,363to60-6,374shall be exclusive and prevail over other provisions of law in this state or any of its subdivisions applied to smoke from diesel-powered motor vehicles.

60-6,375.
Electric personal assistive mobility device; exemptions from certain requirements.
An electric personal assistive mobility device, its owner, and its operator shall be exempt from the requirements of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act.

60-6,376.
Electric personal assistive mobility device; operation; violation; penalty.
(1) Any person who operates an electric personal assistive mobility device on a highway shall have all of the rights and shall be subject to all of the duties applicable to the operator of a vehicle under the Nebraska Rules of the Road except (a) as provided in special electric personal assistive mobility device regulations adopted pursuant to the Nebraska Rules of the Road, (b) any provisions of the Nebraska Rules of the Road which by their nature can have no application, and (c) as provided in section60-6,142with respect to operating an electric personal assistive mobility device on a shoulder of a highway.
(2) An electric personal assistive mobility device may be operated on any highway, alley, sidewalk, bike trail, path, or any other area where persons travel, except as provided by the Department of Transportation or local authority. Regulations applicable to an electric personal assistive mobility device shall apply whenever an electric personal assistive mobility device is so operated.
(3) An operator of an electric personal assistive mobility device shall yield to pedestrian traffic and any human-powered or animal-powered vehicle at all times. An operator of an electric personal assistive mobility device shall give an audible signal before overtaking and passing any pedestrian or human-powered or animal-powered vehicle. A person violating this subsection shall be fined ten dollars for the first offense. A person violating this subsection shall have his or her electric personal assistive mobility device impounded for up to thirty days for each subsequent offense.

60-6,377.
Electric personal assistive mobility device; operation at nighttime.
When in use at nighttime, an electric personal assistive mobility device or the operator of an electric personal assistive device shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type which is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.

60-6,378.
Stopped authorized emergency vehicle or road assistance vehicle; driver; duties; violation; penalty.
(1)(a) A driver in a vehicle on a controlled-access highway approaching or passing a stopped authorized emergency vehicle or road assistance vehicle which makes use of proper audible or visual signals shall proceed with due care and caution as described in subdivision (b) of this subsection.
(b) On a controlled-access highway with at least two adjacent lanes of travel in the same direction on the same side of the highway where a stopped authorized emergency vehicle or road assistance vehicle is using proper audible or visual signals, the driver of the vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stopped authorized emergency vehicle or road assistance vehicle unless directed otherwise by a peace officer or other authorized emergency personnel. If moving into another lane is not possible because of weather conditions, road conditions, or the immediate presence of vehicular or pedestrian traffic or because the controlled-access highway does not have two available adjacent lanes of travel in the same direction on the same side of the highway where such a stopped authorized emergency vehicle or road assistance vehicle is located, the driver of the approaching or passing vehicle shall reduce his or her speed, maintain a safe speed with regard to the location of the stopped authorized emergency vehicle or road assistance vehicle, the weather conditions, the road conditions, and vehicular or pedestrian traffic, and proceed with due care and caution or proceed as directed by a peace officer or other authorized emergency personnel or road assistance personnel.
(c) Any person who violates this subsection is guilty of a traffic infraction for a first offense and Class IIIA misdemeanor for a second or subsequent offense.
(2) The Department of Transportation shall erect and maintain or cause to be erected and maintained signs giving notice of subsection (1) of this section along controlled-access highways.
(3) Enforcement of subsection (1) of this section shall not be accomplished using simulated situations involving an authorized emergency vehicle or a road assistance vehicle.
(4) This section does not relieve the driver of an authorized emergency vehicle or a road assistance vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(5) For purposes of this section, road assistance vehicle includes a vehicle operated by the Nebraska Department of Transportation, a Nebraska State Patrol motorist assistance vehicle, a United States Department of Transportation registered towing or roadside assistance vehicle, and a utility service vehicle operated by a utility company. A road assistance vehicle shall emit a warning signal utilizing properly displayed emergency indicators such as strobe, rotating, or oscillating lights when stopped along a highway.

60-6,378.01.
Duties of drivers approaching stopped vehicle or towing, maintenance, solid waste collection, or other vehicles.
A driver in a vehicle on any roadway other than a controlled-access highway who is approaching (1) a stopped authorized emergency vehicle using flashing or rotating lights as provided in section60-6,231or (2) a vehicle operated by a towing or vehicle recovery service, a Nebraska State Patrol motorist assistance vehicle, a publicly or privately owned utility maintenance vehicle, a highway maintenance vehicle, or a vehicle operated by a solid waste or recycling collection service, which is stopped and displaying strobe or flashing red, yellow, or amber lights, shall, unless otherwise directed by a law enforcement officer, proceed with due care and caution and:
(a) Reduce speed to a reasonable speed below the posted speed limit, move into another lane that is at least one moving lane apart from the stopped vehicle if possible under existing traffic and safety conditions, and be prepared to stop; or
(b) If such a lane change is impossible, unsafe, or prohibited by law, reduce speed to a reasonable speed below the posted speed limit and be prepared to stop.

60-6,379.
Minitrucks; former military vehicles; restrictions on use.
(1) A minitruck or a former military vehicle shall not be operated on the National System of Interstate and Defense Highways, on expressways, or on freeways.
(2) A minitruck or a former military vehicle shall be operated with its headlights and taillights on.

60-6,380.
Low-speed vehicle; restrictions on use.
A low-speed vehicle may be operated on any highway on which the speed limit is not more than thirty-five miles per hour. A low-speed vehicle may cross a highway on which the speed limit is more than thirty-five miles per hour. Nothing in this section shall prevent a county, city, or village from adopting more stringent ordinances governing low-speed vehicle operation if the governing body of the county, city, or village determines that such ordinances are necessary in the interest of public safety. Any person operating a low-speed vehicle as authorized under this section shall have a valid Class O operator's license and shall have liability insurance coverage for the low-speed vehicle. The Department of Transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

60-6,381.
Golf car vehicles; city, village, or county; operation authorized; restrictions; liability insurance.
(1)(a) A city or village may adopt an ordinance authorizing the operation of golf car vehicles within the corporate limits of the city or village if the operation is on streets adjacent and contiguous to a golf course.
(b) A county board may adopt an ordinance pursuant to section23-187authorizing the operation of golf car vehicles within the county if the operation is on roads adjacent and contiguous to a golf course.
(c) Any person operating a golf car vehicle as authorized under this subsection shall have a valid Class O operator's license, and the owner of the golf car vehicle shall have liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request.
(d) The restrictions of subsection (2) of this section do not apply to ordinances adopted under this subsection.
(2)(a) A city or village may adopt an ordinance authorizing the operation of golf car vehicles on streets within the corporate limits of the city or village if the operation is (i) between sunrise and sunset and (ii) on streets with a posted speed limit of thirty-five miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street as directed in subsection (3) of this section. A city or village may, as part of such ordinance, implement standards for operation of golf car vehicles that are more stringent than the restrictions of this subsection for the safety of the operator and the public.
(b) A county board may adopt an ordinance pursuant to section23-187authorizing the operation of golf car vehicles on roads within the county if the operation is (i) between sunrise and sunset and (ii) on roads with a posted speed limit of thirty-five miles per hour or less. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such highway in order to cross a portion of the highway system which intersects a road as directed in subsection (3) of this section. A county may, as part of such ordinance, implement standards for operation of golf car vehicles that are more stringent than the restrictions of this subsection for the safety of the operator and the public.
(c) Any person operating a golf car vehicle as authorized under this subsection shall have a valid Class O operator's license, and the

owner of the golf car vehicle shall have liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.
(3) The crossing of a highway shall be permitted by a golf car vehicle only if:
(a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
(b) The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and
(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.
(4) For purposes of this section:
(a) Road means a public way for the purposes of vehicular travel, including the entire area within the right-of-way; and
(b) Street means a public way for the purposes of vehicular travel in a city or village and includes the entire area within the right-of-way.

60-6,382.
Farm equipment dealers; farm equipment haulers act as representative; conditions; signed statement; contents.
Farm equipment dealers may allow farm equipment haulers to act as their representative when hauling farm equipment to or from the dealer's place of business. Farm equipment haulers shall carry in the motor vehicle hauling the farm equipment a signed statement from the farm equipment dealer stating that they are acting as a representative of the farm equipment dealer. The statement shall be dated and valid for ninety days and shall be subject to inspection by any peace officer. The statement shall indicate the name of the farm equipment dealer, the name of the hauler, and that the dealer authorizes the hauler to act as its representative for purposes of complying with width, height, and length limitations. Nothing in this section shall require farm equipment dealers to provide insurance coverage for farm equipment haulers.

60-6,383.
Implement of husbandry; weight and load limitations; operation restrictions.
(1) An implement of husbandry being operated on any highway of this state, except the National System of Interstate and Defense Highways, shall be exempt from the weight and load limitations of subsections (2), (3), and (4) of section60-6,294but shall be subject to any ordinances or resolutions enacted by local authorities pursuant to section60-681.
(2) An implement of husbandry being operated on any highway of this state shall not cross any culvert with a span of more than sixty inches or any bridge if the vehicle axle, axle groupings, or gross weight exceeds the limits established in subsections (2), (3), and (4) of section60-6,294or weight limits established by bridge postings.
(3) For purposes of this section, an implement of husbandry includes (a) a farm tractor with or without a towed farm implement, (b) a self-propelled farm implement, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil or crops, (d) an agricultural floater-spreader implement as defined in section60-303, (e) a fertilizer spreader, nurse tank, or truck permanently mounted with a spreader used for spreading or injecting water, dust, or liquid fertilizers or agricultural chemicals, (f) a truck mounted with a spreader used or manufactured to spread or inject animal manure, and (g) a mixer-feed truck owned and used by a livestock-raising operation designed for and used for the feeding of livestock.

60-701.
Act, how cited.
Sections60-701to60-706shall be known and may be cited as the 24/7 Sobriety Program Act.

60-702.
Legislative findings and declarations; 24/7 sobriety program; coordination.
(1) The Legislature finds and declares that there are many different approaches to assist individuals who struggle with substance abuse. Alternatives to incarceration should be considered in order to reduce the cost to the taxpayers, successfully rehabilitate offenders, ensure public safety, and minimize risk to society. Ignition interlock devices, which are required to be installed for those who are charged with or have been convicted of certain offenses, while effective, may be a financial burden to those who cannot afford the costs of installation or maintenance of such devices. In this state, ignition interlock devices have been proven to be an effective means of preventing drivers from operating motor vehicles while under the influence of alcohol. Other states have

implemented 24/7 sobriety programs. States that implement 24/7 sobriety programs have seen success with such programs in that participants have higher rates of maintaining sobriety, have lower rates of recidivism, are more likely to become productive members of society, and are less likely to be a continued public risk. Therefore, it is in the best interests of the State of Nebraska to establish 24/7 sobriety programs.
(2) A 24/7 sobriety program shall coordinate efforts among various state and local governmental agencies for finding and implementing alternatives to incarceration for offenses that involve operating a motor vehicle under the influence of alcohol or other drugs.

60-703.
Terms, defined.
For purposes of the 24/7 Sobriety Program Act:
(1) 24/7 sobriety program means a program that, as a condition of bail as ordered by a court, requires an individual who was arrested to:
(a) Totally abstain from alcohol and drugs for a specified period of time;
(b) Be subject to at least twice daily testing for alcohol according to best practice standards; and
(c) Be subject to drug testing if indicated by best practices;
(2) Department means the Department of Motor Vehicles;
(3) Director means the Director of Motor Vehicles; and
(4) Testing means a method to determine the presence of alcohol or drugs.

60-704.
24/7 sobriety program; county participation; requirements; sanctions; fees and testing costs; accounting.
(1) Each county, through its county sheriff, may participate in a 24/7 sobriety program. If a sheriff is unwilling or unable to participate in a 24/7 sobriety program, the sheriff may designate an entity willing to provide the service.
(2) A 24/7 sobriety program shall meet at least the following minimum program requirements:
(a) Testing shall occur twice a day every day at a testing location or locations established by the county sheriff or a designated entity or continuously with a continuous alcohol monitoring device or similar technology;
(b) Participants shall enter into a participation agreement with the sheriff or designated entity; and
(c) Participants shall not consume alcohol or any drug not prescribed by a physician.
(3) If a test reveals a violation of the 24/7 sobriety program, sanctions imposed shall be immediate and certain and in accordance with best practices, as set forth in the participation agreement. A sixth sanction against a participant charged with an alcohol-related offense shall be removal from the 24/7 sobriety program and the participant shall be ineligible for further participation in the program for that case. Sanctions for new drug use may be more severe and shall be outlined in the participation agreement.
(4) The sheriff or designated entity shall establish a reasonable fee to cover the setup and operation of a 24/7 sobriety program for all participants. Reasonable program and testing fees may be charged. Testing costs may vary by participant depending on the technology employed. Testing costs may be higher if the participant is involved in the program due to a nonalcohol, drug-related offense. All fees and costs charged pursuant to this subsection shall be set forth in the participation agreement. Such costs and fees may be waived by the court if the participant has made a showing to the court of an inability to pay.
(5) Each sheriff or designated entity shall separately account for all fees and costs collected by a 24/7 sobriety program.
(6) Nothing in the 24/7 Sobriety Program Act shall be construed to limit the ability of a court to utilize any form of technology to (a) detect the use or presence of alcohol or drugs or (b) comply with other forms of supervision deemed appropriate by the court.

60-705.
24/7 sobriety program permit; issuance; requirements; revocation; grounds; court order.
(1) If an individual has been arrested for a violation of section60-6,196or60-6,197or a city or village ordinance enacted in conformance with such sections and is participating in a 24/7 sobriety program, such individual may petition the court for an order allowing the individual to apply for a 24/7 sobriety program permit as set forth in section60-706. A 24/7 sobriety program permit shall only be issued if the individual's operator's license has been revoked pursuant to section60-498.01for the pending offense.
(2) The court shall only issue an order under subsection (1) of this section if the court has sufficient proof the individual is enrolled in a 24/7 sobriety program and has gone at least thirty consecutive days without any sanctions being imposed.
(3) If, after the issuance of an order allowing an individual to apply for a 24/7 sobriety program permit, the individual withdraws or is terminated from the 24/7 sobriety program, the court shall immediately issue an order revoking the 24/7 sobriety program permit and cause a copy of the order to be sent to the director.
(4) The holder of a commercial driver's license under the Motor Vehicle Operator's License Act is not eligible for a 24/7 sobriety program permit.
(5) A person shall be eligible to be issued a 24/7 sobriety program permit allowing operation of a motor vehicle if he or she is not subject to any other suspension, cancellation, required no-driving period, or period of revocation and has successfully completed the application for a 24/7 sobriety program permit.

60-706.

24/7 sobriety program permit; application; availability; revocation.
(1) Upon receipt by the director of (a) a certified copy of a court order issued under subsection (1) of section60-705, (b) sufficient evidence that the individual has surrendered the individual's operator's license to the department, and (c) payment of the fee provided in section60-4,115, such individual may apply for a 24/7 sobriety program permit. All permits issued pursuant to this section shall indicate that the permit is not valid for the operation of a commercial motor vehicle.
(2) A 24/7 sobriety program permit shall only be available to a holder of a Class M or O operator's license.
(3) The director shall revoke a 24/7 sobriety program permit issued under this section upon receipt of an (a) abstract of conviction indicating that the individual's operating privileges have been revoked or (b) order from a court revoking the individual's 24/7 sobriety program permit.

60-1301.
Weighing stations; portable scales; purpose; location; effect as evidence of weight determination; reweighing, when required; pickup trucks; exception; Nebraska State Patrol; rules and regulations.
In order to promote public safety, to preserve and protect the state highways and bridges and prevent immoderate and destructive use of the same, and to enforce the motor vehicle registration laws, the Department of Transportation shall have the responsibility to construct, maintain, provide, and contract with the Nebraska State Patrol for the operation of weighing stations and provide the funding for the same. The Nebraska State Patrol shall operate the weighing stations, including portable scales, for the weighing and inspection of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles. Each of the weighing stations shall be located near, on, or adjacent to a state highway upon real estate owned by the State of Nebraska or upon real estate acquired for that purpose. Weights determined on such weighing stations and portable scales shall be presumed to be accurate and shall be accepted in court as prima facie evidence of a violation of the laws relating to the size, weight, load, and registration of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles. The owner or driver of a vehicle found to be in violation of such laws by the use of portable scales shall be advised by the officer operating the portable scale that he or she has the right to demand an immediate reweighing at his or her expense at the nearest permanent state-approved scale capable of weighing the vehicle, and if a variance exists between the weights of the permanent and portable scales, then the weights determined on the permanent scale shall prevail. Sections60-1301to60-1309shall not apply to pickup trucks with a factory-rated capacity of one ton or less, except as may be provided by rules and regulations of the Nebraska State Patrol, or to recreational vehicles as defined in section71-4603. The Nebraska State Patrol may adopt and promulgate rules and regulations concerning the weighing of pickup trucks with a factory-rated capacity of one ton or less which tow vehicles. Such rules and regulations shall require trucks towing vehicles to comply with sections60-1301to60-1309when it is necessary to promote the public safety and preserve and protect the state highways and bridges.

60-1302.
Eminent domain; procedure.
The Department of Transportation is hereby authorized to take, hold, and acquire by eminent domain so much real estate as may be necessary and convenient to carry out the provisions of section60-1301. The procedure to condemn property shall be exercised in the manner set forth in sections76-704to76-724.

60-1303.
Weighing stations; portable scales; operation; carrier enforcement division; rules and regulations.
(1) The Nebraska State Patrol is hereby designated as the agency to operate the weighing stations and portable scales and to perform carrier enforcement duties.
(2)(a) On and after July 20, 2002, officers of the Nebraska State Patrol appointed to operate the weighing stations and portable scales and to perform carrier enforcement duties shall be known as the carrier enforcement division. The Superintendent of Law Enforcement and Public Safety shall appoint officers of the Nebraska State Patrol to the carrier enforcement division, including officers as prescribed in sections81-2001to81-2009, and carrier enforcement officers as prescribed in sections60-1301to60-1309.
(b) The employees within the Nebraska State Patrol designated to operate the weighing stations and portable scales and to perform carrier enforcement duties before July 20, 2002, and not authorized to act under subdivisions (1) through (8) of section81-2005shall be known as carrier enforcement officers.
(3) All carrier enforcement officers shall be bonded or insured as required by section11-201. Premiums shall be paid from the money appropriated for the construction, maintenance, and operation of the state weighing stations.
(4) All employees of the Nebraska State Patrol who are carrier enforcement officers and who are not officers of the Nebraska State Patrol with the powers and duties prescribed in sections81-2001to81-2009shall be members of the State Employees Retirement System of the State of Nebraska. Officers of the Nebraska State Patrol who are carrier enforcement officers on July 20, 2002, who subsequently become officers of the Nebraska State Patrol with the powers and duties prescribed in sections81-2001to81-2009, and who elect to remain members of the State Employees Retirement System of the State of Nebraska shall continue to participate in the State Employees Retirement System of the State of Nebraska. Carrier enforcement officers shall not receive any expense allowance as provided for by section81-2002.
(5) The Nebraska State Patrol and the Department of Transportation shall have the duty, power, and authority to contract with one another for the staffing and operation of weighing stations and portable scales and the performance of carrier enforcement duties to

ensure that there is adequate personnel in the carrier enforcement division to carry out the duties specified in sections60-1301to60-1309. Through June 30, 2005, the number of full-time equivalent positions funded pursuant to such contract shall be limited to eighty-eight officers, including carrier enforcement officers as prescribed in sections60-1301to60-1309and officers of the Nebraska State Patrol as prescribed in sections81-2001to81-2009assigned to the carrier enforcement division. Pursuant to such contract, command of the personnel involved in such carrier enforcement operations shall be with the Nebraska State Patrol. The Department of Transportation may use any funds at its disposal for its financing of such carrier enforcement activity in accordance with such contract as long as such funds are used only to finance those activities directly involved with the duties specified in sections60-1301to60-1309. The Nebraska State Patrol shall account for all appropriations and expenditures related to the staffing and operation of weighing stations and portable scales and the performance of carrier enforcement duties in a budget program that is distinct and separate from budget programs used for non-carrier-enforcement-division-related activities.
(6) The Nebraska State Patrol may adopt, promulgate, and enforce rules and regulations consistent with statutory provisions related to carrier enforcement necessary for (a) the collection of fees, as outlined in sections60-3,177and60-3,179to60-3,182and the International Fuel Tax Agreement Act, (b) the inspection of licenses and permits required under the motor fuel laws, and (c) weighing and inspection of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

60-1304.
Carrier enforcement officers; transfer; retirement options.
(1) Carrier enforcement officers described in subdivision (2)(b) of section60-1303who, on or after July 20, 2002, are transferred to the Nebraska State Patrol and become officers of the Nebraska State Patrol with the powers and duties prescribed in sections81-2001to81-2009shall, within ninety days of transfer, elect to participate in the Nebraska State Patrol Retirement System or elect to remain members of the State Employees Retirement System of the State of Nebraska.
(2) An officer who elects to become a member of the Nebraska State Patrol Retirement System pursuant to this section shall (a) receive eligibility and vesting credit pursuant to subsection (3) of section81-2016for his or her years of participation in the State Employees Retirement System of the State of Nebraska, (b) be vested in the employer account with the State Employees Retirement System of the State of Nebraska regardless of his or her period of participation in the State Employees Retirement System, and (c) be treated for all other purposes of the Nebraska State Patrol Retirement Act as a new member of the Nebraska State Patrol Retirement System.
(3) Transferring participation from the State Employees Retirement System of the State of Nebraska to the Nebraska State Patrol Retirement System pursuant to this section does not constitute a termination for purposes of the State Employees Retirement Act.

60-1305.
Carrier enforcement officers; uniform; badge.
When the carrier enforcement officers are on duty as such, they shall be dressed in a distinctive uniform and display a distinctive badge of office. The superintendent of the Nebraska State Patrol shall issue a distinctive badge of office, with a seal of this state in the center thereof and with the designation of the officer thereon. Every such badge shall be serially numbered.

60-1306.
Carrier enforcement officers; powers; funding of firearms.
The carrier enforcement officers shall have the power (1) of peace officers solely for the purpose of enforcing the International Fuel Tax Agreement Act and the provisions of law relating to the size, weight, and load and the Motor Vehicle Registration Act pertaining to buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles, (2) when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration issued for the vehicle and submit to an inspection of such vehicle, the license plates, the registration thereon, and licenses and permits required under the motor fuel laws, (3) to make arrests upon view and without warrant for any violation committed in their presence of the provisions of the Motor Vehicle Operator's License Act or of any other law regulating the operation of vehicles or the use of the highways while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections60-1308,60-1309, and75-362to75-369.07, (4) to make arrests upon view and without warrant for any violation committed in their presence which is a misdemeanor or felony under the laws of this state while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections60-1308,60-1309, and75-362to75-369.07, and (5) to make arrests on warrant for any violation which is a misdemeanor or felony under the laws of this state while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections60-1308,60-1309, and75-362to75-369.07.
Any funds used to arm carrier enforcement officers shall be paid solely from the Carrier Enforcement Cash Fund. The amount of funds shall be determined by the Superintendent of Law Enforcement and Public Safety.

60-1307.
Size, weight, load, and registration violations; summons; hearing; promise to appear; violation; penalty; nonresidents, personal appearance required; motor vehicle; seizure and detention; when; release.
(1) Whenever any person is arrested at one of the state weighing stations or portable scales for a violation of the laws relating to the trip permit provided in section66-1418, the Motor Vehicle Registration Act, or the laws relating to the size, weight, and load of buses, trucks, truck-tractors, semitrailers, trailers, or towed vehicles, the arresting officer shall take the name and address of such

person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested demands an earlier hearing. Such person shall, if he or she desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour. The hearing shall be before a magistrate within the county in which the offense was committed. Such officer shall, upon such person giving a written promise to appear at such time and place, release him or her from custody. Such person arrested and released shall not be permitted to operate the motor vehicle concerned until it is in compliance with the Motor Vehicle Registration Act and section60-6,301. Any person refusing to give such written promise to appear shall be immediately taken by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates a written promise to appear given in accordance with this section shall be guilty of a Class III misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.
(2) Subsection (1) of this section shall not apply to any person not a resident of the State of Nebraska. The arresting officer shall take such person forthwith before the nearest or most accessible magistrate.
(3)(a) The arresting officer shall seize and detain the motor vehicle concerned until the motor vehicle is in compliance with section60-6,294or in conformity with the exceptions permitted by section60-6,301, and unless all the violations pending before the magistrate relating to section60-6,294have been the subject of a conviction, acquittal, or dismissal and all related fines and costs have been paid, the arresting officer may detain the motor vehicle concerned when the officer has reasonable grounds to believe that (i) the accused will refuse to respond to the citation, (ii) the accused has no ties to the jurisdiction reasonably sufficient to assure his or her appearance in court, or (iii) the accused has previously failed to appear in response to a citation.
(b) If a motor vehicle detained pursuant to this section is transporting livestock, procedures and precautions shall be taken if necessary to ensure the health and welfare of such livestock while the motor vehicle is detained.
(c) A motor vehicle detained pursuant to this subsection shall be released upon execution of a bond with such surety or sureties as the court deems proper or, in lieu of such surety or sureties and at the option of the accused, a cash deposit, conditioned upon his or her appearance before the proper court to answer the offense for which he or she may be charged and to appear at such times thereafter as the court so orders. Such bond shall be in an amount as set forth in the schedule adopted pursuant to section29-901.05and shall be administered, subject to review and forfeiture, in the same manner as bail bonds, except that for violations of section60-6,294, such bond or cash deposit shall be in an amount not less than the sum of costs together with the appropriate fine prescribed in section60-6,296.
(d) In addition to the operator, any owner or lessee of the motor vehicle may execute the bond or make the cash deposit required by this section. Upon execution of the bond or cash deposit, the arresting or custodial officer shall release the motor vehicle and cargo to the person who executed the bond or deposited the cash or to the designee of such person.
(e) Towing and storage charges, if any, shall be paid by the person to whom the motor vehicle is released prior to the release of the motor vehicle. Such charges shall be assessed as costs in any action for the forfeiture of the recognizance.
(4) Nothing in this section shall (a) prevent the owner or the owner's representative of such motor vehicle or the cargo on the motor vehicle from taking possession of the cargo and transferring it to another vehicle or taking possession of the cargo and the trailer, if the trailer can be separated from the power unit, or (b) create any liability for the state arising out of damage to such motor vehicle and its cargo.

60-1308.
Failure to stop at weighing station or portable scale; violation; penalty.
The driver of any motor truck, truck-tractor, semitrailer, trailer, or towed vehicle who fails to obey any sign, message board, or in-cab signal from any state weighing station or portable scale or who knowingly passes or bypasses any state weighing station or portable scale, when the station or scale is open and being operated by an officer of the Nebraska State Patrol, is guilty of a Class III misdemeanor.

60-1309.
Resisting arrest; disobeying order; violation; penalty.
Any person who fails or refuses to obey any lawful order of a carrier enforcement officer or who resists lawful arrest by any such officer shall be deemed guilty of a Class III misdemeanor.

60-1401.
Act, how cited; applicability of amendments.
Sections60-1401to60-1441shall be known and may be cited as the Motor Vehicle Industry Regulation Act.
Any amendments to the act shall apply to franchises subject to the act which are entered into, amended, altered, modified, renewed, or extended after the date of the amendments to the act except as otherwise specifically provided in the act.
All amendments to the act shall apply upon the issuance or renewal of a dealer's or manufacturer's license.

60-1401.01.
Legislative
findings and declaration.
(1) The Legislature finds and declares that

the distribution and sales of motor vehicles, motorcycles, and trailers in the State of Nebraska vitally affects the general economy of the state, the public interest, the public welfare, and public safety and that in order to promote the public interest and the public welfare and in the exercise of its police power, it is necessary to regulate motor vehicle, motorcycle, and trailer dealers, manufacturers, distributors, and their representatives doing business in the State of Nebraska.

(2) The Legislature further finds that the sales of motor vehicles, motorcycles, and trailers are involved to a large extent in a franchise system established between manufacturers and dealers and hereby declares that the sale of motor vehicles, motorcycles, and trailers to the public in the state under the franchise system includes more than the mere transfer of title, being a continuing obligation of the manufacturer, distributor, and dealer to the buying public affecting the public interest; that the termination or failure of the established relationship between the manufacturer, distributor, and dealer without cause or good faith denies to the general buying public its right to availability of continuing post-sale mechanical and operational services and precludes the relationship, expected and implied at the time of sale, between the buyer and the seller necessary to insure safe operating condition of the vehicle.

(3) The Legislature further finds and declares that the distribution and sale of motor vehicles in the state under the franchise system vitally affects commerce, the general economy of the state, and the welfare of the citizens of the state requiring the exercise of its police power to insure the public welfare, to regulate commerce, to establish guidelines for enforcement of a fair and equitable balance between parties to such franchises, and to provide judicial relief from unfair and inequitable practices affecting the public interest.

60-1401.02.
Definitions, where found.
For purposes of the Motor Vehicle Industry Regulation Act, the definitions found in sections60-1401.03to60-1401.40,60-1401.42, and60-1401.43apply.

60-1401.03.
Association, defined.
Association means any two or more persons acting with a common purpose, regardless of the relative degrees of involvement, and includes, but is not limited to, the following persons so acting:

(1) A person and one or more of his or her family members. For purposes of this subdivision, family member means an individual related to the person by blood, marriage, adoption, or legal guardianship as the person's spouse, child, parent, brother, sister, grandchild, grandparent, ward, or legal guardian or any individual so related to the person's spouse; and

(2) Two or more persons living in the same dwelling unit, whether or not related to each other.

60-1401.04.
Auction, defined.
Auction means a sale of motor vehicles and trailers of types required to be registered in this state, except such vehicles as are eligible for registration pursuant to section60-3,198, sold or offered for sale at which the price offered is increased by the prospective buyers who bid against one another, the highest bidder becoming the purchaser. The holding of a farm auction or an occasional motor vehicle or trailer auction of not more than two auctions in a calendar year does not constitute an auction subject to the Motor Vehicle Industry

Regulation Act.

60-1401.05.
Auction dealer, defined.
Auction dealer
means any person engaged in the business of conducting an auction for the sale of motor vehicles and trailers.

60-1401.06.
Board, defined.
Board means the Nebraska Motor Vehicle Industry Licensing Board.

60-1401.07.
Bona fide consumer, defined.
Bona fide consumer
means an owner of a motor vehicle, motorcycle, or trailer who has acquired such vehicle for use in business or for pleasure purposes, who has been granted a certificate of title on such motor vehicle, motorcycle, or trailer, and who has registered such motor vehicle, motorcycle, or trailer, all in accordance with the laws of the residence of the owner, except that no owner who sells more than eight registered motor vehicles, motorcycles, or trailers within a twelve-month period shall qualify as a bona fide consumer.

60-1401.08.
Coerce, defined.
Coerce means to compel a dealer or manipulate a dealer to behave in an involuntary way, whether through action or inaction, by use of threats, intimidation, trickery, or some other form of pressure or force.

60-1401.09.
Community, defined.
Community means a franchisee's area of responsibility as stipulated in the franchise or, if the franchise fails to designate a community, (1) the community of the franchisee is the area surrounding the location of the franchisee in a five-mile radius from the dealership if the location is within a city of the metropolitan class and (2) the community of the franchisee is the county in which the franchisee is located if the location is not within a city of the metropolitan class.

60-1401.10.
Consumer care, defined.
Consumer care
means the performance, for the public, of necessary maintenance and repairs to motor vehicles.

60-1401.11.
Dealer's agent, defined.
Dealer's agent means a person who acts as a buying agent for one or more motor vehicle dealers, motorcycle dealers, or trailer dealers.

60-1401.12.
Designated family member, defined.
Designated family member means the spouse, child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will, who has been nominated in

any other written instrument, or who, in the case of an incapacitated owner of such dealership, has been appointed by a court as the legal representative of the new motor vehicle dealer's property.

60-1401.13.
Distributor, defined.
Distributor means
a person, resident or nonresident of this state, who, in whole or in part, sells or distributes new motor vehicles, trailers, or motorcycles to dealers or who maintains distributors or representatives who sell or distribute motor vehicles, trailers, or motorcycles to dealers and also has the same meaning as the term franchisor.

60-1401.14.
Distributor representative, defined.
Distributor representative
means a representative employed by a distributor or distributor branch for the same purpose as set forth in the definition of factory representative.

60-1401.15.
Established place of business,
defined.
(1)
Established place of business means a permanent location within this state, easily accessible to the public, owned or leased by the applicant or a licensee for at least the term of the license year, and conforming with applicable zoning laws, at which the licensee conducts the business for which he or she is licensed and may be contacted by the public during posted reasonable business hours which shall be not less than forty hours per week.
(2) The established
place of business shall have the following facilities:
(a) Office space
in a building or mobile home, which space shall be clean, dry, safe, and well lighted and in which shall be kept and maintained all books, records, and files necessary for the conduct of the licensed business, which premises, books, records, and files shall be available for inspection during regular business hours by any peace officer or investigator employed or designated by the board. Dealers shall, upon demand of the board's investigator, furnish copies of records so required when conducting any investigation of a complaint;
(b) A sound and
well-maintained sign which is legible from a public road and displayed with letters not less than eight inches in height and one contiguous area to display ten or more motor vehicles, motorcycles, or trailers in a presentable manner;
(c) Adequate repair
facilities and tools to properly and actually service warranties on motor vehicles, motorcycles, or trailers sold at such place of business and to make other repairs arising out of the conduct of the licensee's business or, in lieu of such repair facilities, the licensee may enter into a contract for the provision of such service and file a copy thereof annually with the board and shall furnish to each buyer a written statement as to where such service will be provided as required by section60-1417. The service facility shall be located in the same county as the licensee unless the board specifically authorizes the facility to be located elsewhere. Such facility shall maintain regular business hours and shall have suitable repair equipment and facilities to service and inspect the type of vehicles sold by the licensee. Investigators of the board may certify ongoing compliance with the service and inspection facilities or repair facilities; and
(d) An operating telephone connected with a public
telephone exchange and located on the premises of the established place of business with a telephone number listed by the public telephone exchange and

available to the public during the required posted business hours.
(3) A mobile truck
equipped with repair facilities to properly perform warranty functions and other repairs shall be deemed adequate repair facilities for trailers.
(4) The requirements
of this section shall apply to the place of business authorized under a supplemental motor vehicle, motorcycle, or trailer dealer's license.

60-1401.16.
Factory branch, defined.
Factory branch means a branch office
maintained in this state by a person who manufactures, assembles, or distributes motor vehicles, motorcycles, or trailers for the sale of such motor vehicles, motorcycles, or trailers to distributors or dealers or for directing or supervising, in whole or in part, its representatives in this state.

60-1401.17.
Factory representative, defined.
Factory representative
means a representative employed by a person who manufactures or assembles motor vehicles, motorcycles, or trailers, or by a factory branch, for the purpose of promoting the sale of its motor vehicles, motorcycles, or trailers to, or for supervising or contacting, its dealers or prospective dealers in this state.

60-1401.18.
Finance company, defined.
Finance company
means any person engaged in the business of financing sales of motor vehicles, motorcycles, or trailers, or purchasing or acquiring promissory notes, secured instruments, or other documents by which the motor vehicles, motorcycles, or trailers are pledged as security for payment of obligations arising from such sales and who may find it necessary to engage in the activity of repossession and the sale of the motor vehicles, motorcycles, or trailers so pledged.

60-1401.19.
Franchise, defined.
Franchise means
a contract between two or more persons when all of the following conditions are included:
(1) A commercial
relationship of definite duration or continuing indefinite duration is involved;
(2) The franchisee
is granted the right to offer and sell motor vehicles manufactured or distributed by the franchisor;
(3)
The franchisee, as an independent business, constitutes a component of the franchisor's distribution system;
(4) The operation of the franchisee's business is
substantially associated with the franchisor's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchisor; and
(5)
The operation of the franchisee's business is substantially reliant on the franchisor for the continued supply of motor vehicles, parts, and accessories.

60-1401.20.
Franchisee, defined.
Franchisee means
a new motor vehicle dealer who receives motor vehicles from the franchisor

under a franchise and who offers and sells such motor vehicles to the general public.

60-1401.21.
Franchisor, defined.
Franchisor means a person who manufactures or distributes motor vehicles and who may enter into a franchise.

60-1401.22.
Line-make, defined.
Line-make means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor, or importer that are offered for sale, lease, or distribution pursuant to a common brand name or mark, except that:
(1) Multiple brand names or marks may constitute a single line-make, but only when included in a common dealer agreement and the manufacturer, distributor, or importer offers such vehicles bearing the multiple names or marks together only, and not separately, to its authorized dealers; and
(2) Motor vehicles bearing a common brand name or mark may constitute separate line-makes when pertaining to motor vehicles subject to separate dealer agreements or when such vehicles are intended for different types of use.

60-1401.23.
Manufactured home, defined.
Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, except that manufactured home includes any structure that meets all of the requirements of this section other than the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as such act existed on January 1, 2010.

60-1401.24.
Manufacturer, defined.
(1) Manufacturer means any person, whether a resident or nonresident of this state, who is engaged in the business of distributing, manufacturing, or assembling a line-make of new motor vehicles, trailers, or motorcycles, and includes any such person who distributes such motor vehicles, trailers, or motorcycles directly or indirectly through one or more distributors to one or more new motor vehicle, trailer, or motorcycle dealers in this state.
(2) Manufacturer has the same meaning as the term franchisor.
(3) Manufacturer also includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, a manufacturer distributes its products.

60-1401.25.
Motor vehicle, defined.
Motor vehicle means any vehicle for which evidence of title is required as a condition precedent to registration under the laws of this state but does not include trailers.
Motor vehicle also means any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for installation in any motor-driven

vehicle with a gross vehicle weight rating of more than sixteen thousand pounds for which motor-driven vehicle evidence of title is required as a condition precedent to registration under the laws of this state.

60-1401.26.
Motor vehicle dealer, defined.
Motor vehicle dealer means any person, other than a bona fide consumer, actively and regularly engaged in the act of selling, leasing for a period of thirty or more days, or exchanging new or used motor vehicles, trailers, and manufactured homes who buys, sells, exchanges, causes the sale of, or offers or attempts to sell new or used motor vehicles. Such person is a motor vehicle dealer and subject to the Motor Vehicle Industry Regulation Act.
Motor vehicle dealer does not include a lessor who was not involved in or associated with the selection, location, acquisition, or supply of a motor vehicle which is the subject of a lease agreement.

60-1401.27.
Motor vehicle, motorcycle, or trailer salesperson, defined.
Motor vehicle, motorcycle, or trailer salesperson means any person who, for a salary, commission, or compensation of any kind, is employed directly by only one specified licensed Nebraska motor vehicle dealer, motorcycle dealer, or trailer dealer, except when the salesperson is working for two or more dealerships with common ownership, to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles, motorcycles, or trailers. A person owning any part of more than one dealership may be a salesperson for each of such dealerships. For purposes of this section, common ownership means that there is at least an eighty percent interest in each dealership by one or more persons having ownership in such dealership.

60-1401.28.
Motorcycle, defined.
Motorcycle means every motor vehicle, except a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground and for which evidence of title is required as a condition precedent to registration under the laws of this state. Motorcycle includes an autocycle.

60-1401.29.
Motorcycle dealer, defined.
Motorcycle dealer means any person, other than a bona fide consumer, actively and regularly engaged in the business of selling or exchanging new or used motorcycles.

60-1401.30.
New motor vehicle, defined.
New motor vehicle means all motor vehicles which are not included within the definition of a used motor vehicle.

60-1401.31.
Person, defined.
Person means every natural person, firm, partnership, limited liability company, association, or corporation.

60-1401.32.
Retail, defined.
Retail, when used to describe a sale, means a sale to any person other than a licensed dealer of any kind licensed under the Motor Vehicle Industry Regulation Act.

60-1401.33.
Sale and selling, defined.
Sale, selling,
and equivalent expressions mean the attempted act or acts either as principal, agent, or salesperson or in any capacity whatsoever of selling, bartering, exchanging, or otherwise disposing of or negotiating or offering or attempting to negotiate the sale, purchase, or exchange of or interest in any motor vehicle, trailer, or motorcycle, including the leasing of any motor vehicle, trailer, or motorcycle for a period of thirty or more days with a right or option to purchase under the terms of the lease.

60-1401.34.
Scrap metal processor, defined.
Scrap metal processor
means any person engaged in the business of buying vehicles, motorcycles, or parts thereof for the purpose of remelting or processing into scrap metal or who otherwise processes ferrous or nonferrous metallic scrap for resale.
No scrap metal
processor shall sell vehicles or motorcycles without obtaining a wrecker or salvage dealer license.

60-1401.35.
Supplemental motor vehicle, trailer,
motorcycle, or motor vehicle auction dealer, defined.
Supplemental motor vehicle, trailer,
motorcycle, or motor vehicle auction dealer means any person holding either a motor vehicle, trailer, motorcycle, or motor vehicle auction dealer's license engaging in the business authorized by such license at a place of business that is more than three hundred feet from any part of the place of business designated in the dealer's original license but which is located within the city or county described in such original license.

60-1401.36.
Trailer, defined.
Trailer means
semitrailers and trailers as defined in sections60-348and60-354, respectively, which are required to be licensed as commercial trailers, other vehicles without motive power constructed so as to permit their being used as conveyances upon the public streets and highways and so constructed as not to be attached to real estate and to permit the vehicle to be used for human habitation by one or more persons, and camping trailers, slide-in campers, fold-down campers, and fold-down tent trailers.
Machinery and
equipment to which wheels are attached and designed for being towed by a motor vehicle are excluded from the Motor Vehicle Industry Regulation Act.

60-1401.37.
Trailer dealer, defined.
Trailer dealer
means any person, other than a bona fide consumer, actively and regularly engaged in the business of selling or exchanging new or used trailers and manufactured homes.

60-1401.38.
Used motor vehicle, defined.
Used motor vehicle
means every motor vehicle which has been sold, bargained, exchanged, or given away or for which title has been transferred from the person who first acquired it from the manufacturer, importer, dealer, or agent of the manufacturer or

importer.
A new motor vehicle
is not considered a used motor vehicle until it has been placed in use by
a bona fide consumer, notwithstanding the number of transfers of the motor
vehicle.

60-1401.39.
Violator, defined.
Violator means
a person acting without a license or registration as required by the Motor
Vehicle Industry Regulation Act.

60-1401.40.
Wrecker or salvage dealer, defined.
Wrecker or salvage
dealer means any person who acquires one or more motor vehicles or trailers
for the purpose of dismantling them for the purpose of reselling the parts
or reselling the vehicles as scrap.

60-1401.41.
Applicability of act; persons
not considered dealer.
(1) Nothing in the Motor Vehicle Industry Regulation Act
shall apply to the State of Nebraska or any of its agencies or subdivisions.
(2) No insurance
company, finance company, public utility company, fleet owner, or other person
coming into possession of any motor vehicle, motorcycle, or trailer, as an
incident to its regular business, who sells or exchanges the motor vehicle,
motorcycle, or trailer shall be considered a dealer except persons whose regular
business is leasing or renting motor vehicles, motorcycles, or trailers.

60-1401.42.
Autocycle, defined.
Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

60-1401.43.
Stop-sale order, defined.
Stop-sale order means a notification issued by a manufacturer, distributor, factory branch, or distributor branch to its franchised new motor vehicle dealers stating that certain used motor vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or a noncompliance or due to a federal emissions recall.

60-1402.
Board; creation; membership; qualifications;
appointment; term; per diem; traveling expenses.
(1) There
is hereby established the Nebraska Motor Vehicle Industry Licensing Board
which shall consist of the Director of Motor Vehicles, who shall be the chairperson of the board, and nine members
appointed by the Governor as follows: One factory representative, one member
of the general public, and one motorcycle dealer, all of whom shall be appointed
from the state at large, one new motor vehicle dealer from each of the three
congressional districts of the state as the districts are constituted on October
19, 1963, and two used motor vehicle dealers and one trailer dealer or combination
motor vehicle or trailer dealer, not more than one used motor vehicle dealer
being appointed from the same congressional district as they are constituted
on October 19, 1963, and the trailer dealer or combination motor vehicle or

trailer dealer being appointed from the state at large. No member of the board shall participate in any manner in a proceeding before the board involving his or her licensed business.
(2) On October 19, 1963, the Governor shall appoint a new motor vehicle dealer and a trailer dealer or combination motor vehicle or trailer dealer to the board. In making the appointments, the Governor shall appoint one of the new members for one year and one for two years as designated by the Governor in making the appointments. On January 1, 1972, the Governor shall appoint one factory representative and one member of the general public to the board, designating one to serve for a term of one year and one for a term of two years. On January 1, 1974, the Governor shall appoint one motorcycle dealer to serve for a term of three years. At the expiration of the term of any appointed member of the board, the Governor shall appoint a successor for a term of three years. In the event of a vacancy on the board, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. No member appointed shall serve more than two consecutive terms.
The action of the majority of the members of the board shall be deemed the action of the board. All appointments made to the board, except the Director of Motor Vehicles, shall be confirmed by the Legislature if in session. In the event the Legislature is not in session all appointments including appointments to fill a vacancy shall be temporary appointments until the next meeting of the Legislature when the Governor shall nominate some person to fill the office.
Any person so nominated who is confirmed by the Legislature shall hold office during the remainder of the term. No appointed person may act as a member of the board while holding any other elective or appointive state or federal office except the Director of Motor Vehicles. All appointed members of the board shall be paid fifty dollars for each day actually engaged in the performance of their duties and be entitled to their reasonable traveling expenses in the performance of their duties.

60-1403.
Board; hearing officer; investigators; powers and duties; seal; records; authentication; review of action; when.
(1) The board may:
(a) Regulate the issuance and revocation of licenses in accordance with and subject to the Motor Vehicle Industry Regulation Act;
(b) Perform all acts and duties provided for in the act necessary to the administration and enforcement of the act;
(c) Make and enforce rules and regulations relating to the administration of but not inconsistent with the act; and
(d) Employ a hearing officer who shall conduct preliminary hearings on behalf of the board and make recommendations to the board on any issue or matter which the board deems proper.
(2) The board shall adopt a seal, which may be either an engraved or ink stamp seal, with the words Nebraska Motor Vehicle Industry Licensing Board and such other devices as the board may desire included on the seal by which it shall authenticate the acts of its office. Copies of all records and papers in the office of the board under the hand and seal of its office shall be received in evidence in all cases equally and with like effect as the original.
(3) Investigators employed by the board may enter upon and inspect the facilities, the required records, and any vehicles, trailers, or motorcycles found in any licensed motor vehicle, motorcycle, or trailer dealer's established place or places of business.
(4) With respect to any action taken by the board, if a controlling number of the members of the board are active participants in the vehicle market in which the action is taken, the chairperson shall review the action taken and, upon completion of such review, modify, alter, approve, or reject the board's action.

60-1403.01.
License required; restriction on issuance; exception.
(1) No person shall engage in the business as, serve in the capacity of, or act as a motor vehicle, trailer, or motorcycle dealer, wrecker or salvage dealer, auction dealer, dealer's agent, manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative in this state without being licensed by the board under the Motor Vehicle Industry Regulation Act. No dealer's license shall be issued to any minor. No wrecker or salvage dealer's license shall be issued or renewed unless the applicant has a permanent place of business at which the activity requiring licensing is performed and which conforms to all local laws.
(2) A license issued under the act shall authorize the holder thereof to engage in the business or activities permitted by the license subject to the act and the rules and regulations adopted and promulgated by the board under the act.
(3) This section shall not apply to a licensed real estate salesperson or broker who negotiates for sale or sells a trailer for any individual who is the owner of not more than two trailers.
(4) This section shall not restrict a licensed motor vehicle dealer from conducting an auction as provided in subsection (5) of

section60-1417.02.

60-1404.
Executive director; duties; meetings of board; attorney; other employees; salaries.
The board shall have the authority to employ an executive director who shall direct and administer the affairs of the board and who shall keep a record of all proceedings, transactions, communications, and official acts of the board. He or she shall be custodian of all records of the board and perform such other duties as the board may require. The executive director shall call a meeting of the board at the direction of the chairperson thereof or upon a written request of two or more members thereof. The executive director, with the approval of the board, is authorized to employ an attorney at a minimum salary of six hundred dollars per month together with such other employees, including staff for its attorney, as may be necessary to properly carry out the Motor Vehicle Industry Regulation Act, to fix the salaries of such employees, and to make such other expenditures as are necessary to properly carry out the act. The executive director shall be the board's representative in the administration of the act, and he or she shall insure that the policies and directives of the board are carried out.

60-1405.
Attorney General; attorney for board;
fees and expenses.
The Attorney General shall render to the
Nebraska Motor Vehicle Industry Licensing Board opinions on all questions
of law relating
to the interpretation of the Motor
Vehicle Industry Regulation Act or arising in the administration
thereof. The Attorney General shall
act as attorney for the board in all actions and proceedings brought by or
against it under or pursuant to any of the provisions of the act. All fees and expenses
of the Attorney General for
such duties shall be paid out of the Nebraska Motor Vehicle Industry
Licensing Fund.

60-1406.
Licenses; classes.
Licenses issued by the board under the Motor Vehicle Industry Regulation Act shall be of the classes set out in this section and shall permit the business activities described in this section:
(1) Motor vehicle dealer's license. This license permits the licensee to engage in the business of selling or exchanging new, used, or new and used motor vehicles, trailers, and manufactured homes at the established place of business designated in the license and another place or places of business located within three hundred feet of the designated place of business and within the city or county described in the original license. This license permits the sale of a trade-in or consignment mobile home greater than forty feet in length and eight feet in width and located at a place other than the dealer's established place of business. This license permits one person, either the licensee, if he or she is the individual owner of the licensed business, or a stockholder, officer, partner, or member of the licensee, to act as a motor vehicle, trailer, and manufactured home salesperson and the name of the authorized person shall appear on the license;
(2) Manufacturer license. This license permits the licensee to engage in the activities of a motor vehicle, motorcycle, or trailer manufacturer or manufacturer's factory branch;
(3) Distributor license. This license permits the licensee to engage in the activities of a motor vehicle, motorcycle, or trailer distributor;
(4) Factory representative license. This license permits the licensee to engage in the activities of a factory branch representative;
(5) Factory branch license. This license permits the licensee to maintain a branch office in this state;
(6) Distributor representative license. This license permits the licensee to engage in the activities of a distributor representative;
(7) Finance company license. This license permits the licensee to engage in the activities of repossession of motor vehicles or trailers and the sale of such motor vehicles or trailers so repossessed;
(8) Wrecker or salvage dealer license. This license permits the licensee to engage in the business of acquiring motor vehicles or trailers for the purpose of dismantling the motor vehicles or trailers and selling or otherwise disposing of the parts and accessories of motor vehicles or trailers;
(9) Supplemental motor vehicle, motorcycle, or trailer dealer's license. This license permits the licensee to engage in the business of selling or exchanging motor vehicles, motorcycles, or trailers of the type designated in his or her dealer's license at a specified place of business which is located more than three hundred feet from any part of the place of business designated in the original motor vehicle, motorcycle, or trailer dealer's license but which is located within the city or county described in such original license;
(10) Motorcycle dealer's license. This license permits the licensee to engage in the business of selling or exchanging new, used, or new and used motorcycles at the established place of business designated in the license and another place or places of business located within three hundred feet of the designated place of business and within the city or county described in the original license.

This form of license permits one person named on the license, either the licensee, if he or she is the individual owner of the licensed business, or a stockholder, officer, partner, or member of the licensee, to act as a motorcycle salesperson and the name of the authorized person shall appear on the license;
(11) Motor vehicle auction dealer's license. This license permits the licensee to engage in the business of selling motor vehicles and trailers. This form of license permits one person named on the license, either the licensee, if he or she is the individual owner of the licensed business, or a stockholder, officer, partner, or member of the licensee, to act as a motor vehicle auction dealer's salesperson and the name of the authorized person shall appear on the license;
(12) Trailer dealer's license. This license permits the licensee to engage in the business of selling or exchanging new, used, or new and used trailers and manufactured homes at the established place of business designated in the license and another place or places of business located within three hundred feet of the designated place of business and within the city or county described in the original license. This form of license permits one person named on the license, either the licensee, if he or she is the individual owner of the licensed business, or a stockholder, officer, partner, or member of the licensee, to act as a trailer and manufactured home salesperson and the name of the authorized person shall appear on the license; and
(13) Dealer's agent license. This license permits the licensee to act as the buying agent for one or more licensed motor vehicle dealers, motorcycle dealers, or trailer dealers. The agent shall act in accordance with a written contract and file a copy of the contract with the board. The dealer shall be bound by and liable for the actions of the agent. The dealer's agent shall disclose in writing to each dealer with which the agent contracts as an agent the names of all other dealers contracting with the agent. The agent shall make each purchase on behalf of and in the name of only one dealer and may purchase for dealers only at auctions and only from licensed dealers. The agent shall not act as a licensed dealer and is not authorized to sell any vehicle pursuant to this license.

60-1407.
Application for license; contents.
Any person desiring to apply for one or more of the types of licenses described in the Motor Vehicle Industry Regulation Act shall submit to the board, in writing, the following required information:
(1) The name and address of the applicant, if the applicant is an individual, his or her social security number, and the name under which he or she intends to conduct business. If the applicant is a partnership or limited liability company, it shall set forth the name and address of each partner or member thereof and the name under which the business is to be conducted. If the applicant is a corporation, it shall set forth the name of the corporation and the name and address of each of its principal officers;
(2) The place or places, including the city or village and the street and street number, if any, where the business is to be conducted;
(3) If the application is for a motor vehicle dealer's license, trailer dealer's license, or motorcycle dealer's license (a) the name or names of the new motor vehicle or vehicles, new trailer or trailers, or new motorcycle or motorcycles which the applicant has been enfranchised to sell or exchange, (b) the name or names and address or addresses of the manufacturer or distributor who has enfranchised the applicant, (c) a current copy of each existing franchise, and (d) a description of the community;
(4) If the application is for any of the above-named classes of dealer's licenses, the name and address of the person who is to act as a motor vehicle, trailer, or motorcycle salesperson under such license if issued;
(5) If the application is for a dealer's agent, the dealers for which the agent will be buying;
(6) A description of the proposed place or places of business proposed to be operated in the event a license is granted together with (a) a statement whether the applicant owns or leases the proposed established place of business and, if the proposed established place of business is leased, the applicant shall file a true and correct copy of the lease agreement, and (b) a description of the facilities for the display of motor vehicles, trailers, and motorcycles;
(7) If the application is for a manufacturer's license, a statement regarding the manufacturer's compliance with the Motor Vehicle Industry Regulation Act; and
(8) A statement that the licensee will comply with and be subject to the act, the rules and regulations adopted and promulgated by the board, and any amendments to the act and the rules and regulations existing on the date of application.
Subdivision (3)(d) of this section shall not be construed to require any licensee who has a franchise on August 31, 2003, to show good cause to be in the same community as any other licensee who has a franchise of the same line-make in the same community on August 31, 2003.

60-1407.01.
License; application; filing;
investigation; report; contents; requirements; revocation of license; when.
(1) Upon the filing of any application, a staff member of the board shall endorse on it the date of filing. If no patent disqualification of the applicant is disclosed or if no valid objection to the granting of the application is apparent and if all requirements relative to the filing of the application appear to have been complied with, the chairperson of the board or executive director shall refer the application to a staff member for investigation and report. The report shall include:
(a) A statement as to whether or not the applicant or any person holding any financial interest in the applicant is for any reason disqualified by the Motor Vehicle Industry Regulation

Act from obtaining or exercising a license and whether or not the applicant has complied with all the requirements of the act relative to the making and filing of his or her application;

(b) Information relating to any and all other matters and things which in the judgment of the staff member pertain to or affect the matter of the application or the issuance or exercise of the license applied for; and

(c) In the case of an application for a dealer's license:

(i) A description of the premises intended to become the licensed premises and of the equipment and surrounding conditions;

(ii) If the applicant has held a prior dealer's license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license; and

(iii) If the applicant proposes to engage in the business of selling new motor vehicles, motorcycles, or trailers, a written statement from the applicable manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative, or such other evidence as prescribed by the board, that the applicant is authorized to sell or distribute such new motor vehicles, motorcycles, or trailers.

(2) After the filing of the report, the board may interview the applicant. Notice of such interview shall be given at least ten days prior to the interview.

(3) The executive director shall not issue or renew a license if the applicant or licensee does not (a) maintain an established place of business, (b) meet the requirement for a bond pursuant to section60-1419, (c) present a certificate or policy of insurance written by an insurance carrier duly authorized to do business in this state which gives the effective dates of coverage indicating that it is in force, which covers the fleet of motor vehicles owned by the applicant or licensee in the ordinary course of business, and which provides liability coverage as described in sections60-534and60-538, (d) present evidence of compliance with the insurance requirements of the Nebraska Workers' Compensation Act, and (e) meet requirements for licensure and comply with the Motor Vehicle Industry Regulation Act, the rules and regulations adopted and promulgated by the board, and any amendments to the act and the rules and regulations. The executive director shall refuse to renew a motor vehicle dealer's license if the dealer cannot prove that he or she sold at least five motor vehicles during the previous licensing period. The requirement under subdivision (c) of this subsection for a certificate or policy of insurance shall not apply to trailer dealers.

(4) The board shall revoke the license of any licensee if, after December 31, 1991, it comes to the attention of the board that the policy of motor vehicle liability coverage required under subdivision (3)(c) of this section is no longer in force.

(5) Nothing in this section shall be construed to change any existing liability or to create any new liability.

60-1407.02.
Sales tax permit; authorized use; violations; penalty.

It shall be unlawful for any person holding a Nebraska sales tax permit, except a dealer licensed pursuant to the Motor Vehicle Industry Regulation Act, to sell or offer for sale any motor vehicle, motorcycle, or trailer, not owned by such person, on the premises covered by such sales tax permit. Any person violating this section shall be guilty of a Class IV misdemeanor.

60-1407.03.
Special permit for sale at other than established place of business; issuance.

Notwithstanding the other provisions of the Motor Vehicle Industry Regulation Act restricting sales to an

established place of business, any motor vehicle, motorcycle, or trailer dealer licensed in accordance with the act may be granted a special permit to display and sell passenger cars, motor vehicles, motorcycles, trailers, or self-propelled motor homes at fairs, sports shows, vacation shows, and similar events, subject to the conditions established by sections60-1407.02to60-1407.04.

60-1407.04.
Special permit for sale at other than established place of business; approval; conditions.
The event for which a permit is sought under section60-1407.03must be approved by the board. In determining approval, the board shall consider the size, location, duration, sponsors, and purpose of the event. Approval shall not be given to any event sponsored solely by a dealer or dealers or for which the sole or primary purpose is the sale of motor vehicles, motorcycles, trailers, or self-propelled mobile homes.

60-1407.06.
Special permit for sale at other than established place of business; rules and regulations; fee.
The board may adopt rules and regulations establishing procedures for the issuance of such special permits. The fee for each such special permit shall be not more than the same fee as established for a dealer's license pursuant to section60-1411.01.

60-1408.
Motor vehicle dealer's license; continuing education; requirements.
(1) Beginning January 1, 2026:
(a) Every person applying for an initial motor vehicle dealer's license shall have completed eight hours of continuing education authorized by the board within the twelve-month period immediately preceding the date of application; and
(b) Every licensee applying for renewal of a motor vehicle dealer's license shall have completed four hours of continuing education authorized by the board within the twelve-month period immediately preceding the date of application.
(2) Every application for the issuance or renewal of a motor vehicle dealer's license shall be accompanied by documentation, as prescribed by the board, of the completion of continuing education required under subsection (1) of this section.
(3) The continuing education requirements of this section shall not apply to:
(a) A motor vehicle dealer whose primary business is the sale of salvage vehicles on behalf of motor vehicle insurers;
(b) A motor vehicle dealer that only buys and sells manufactured homes;
(c) A motor vehicle dealer that only buys and sells trailers; or
(d) A franchised new car dealer licensed by the board or any employee of such a franchised new car dealer.

60-1408.01.
Continuing education; educational seminar; authorization.
(1) Any person may apply to the board for authorization to qualify an educational seminar for continuing education credit provided under section60-1408. The board shall require a complete and specific description of such educational seminar from the applicant prior to authorizing such educational seminar for continuing education credit. Such description shall include:
(a) How the educational seminar will benefit a licensee in conducting business;
(b) The length of time the educational seminar will be conducted;
(c) A description of the method that will be used to record attendance during the educational seminar; and
(d) Copies of any instructional materials that will be provided to attendees of the educational seminar.
(2)(a) The board shall determine whether to approve or deny an application made under subsection (1) of this section. If authorization for continuing education credit is granted, the board shall also determine the number of continuing education credit hours authorized for the educational seminar.
(b) Within ten days of receiving the application, the board shall notify the applicant of the board's decision to approve or deny such educational seminar for continuing education credit, and, if applicable, the number of continuing education credit hours authorized.

60-1409.
Nebraska Motor Vehicle Industry Licensing Fund; created; collections; disbursements; investment; audited.
The Nebraska Motor Vehicle Industry Licensing Fund is created. All fees collected under the Motor Vehicle Industry Regulation Act shall be remitted by the board, as collected, to the State Treasurer for credit to the fund. Such fund shall be appropriated by the Legislature for the operations of the Nebraska Motor Vehicle Industry Licensing Board and shall be paid out from time to time by warrants of the Director of Administrative Services on the State Treasurer for authorized expenditures upon duly itemized vouchers

executed as provided by law and approved by the chairperson of the board or the executive secretary, except that transfers from the fund to the General Fund may be made at the direction of the Legislature through June 30, 2018. The expenses of conducting the office must always be kept within the income collected and reported to the State Treasurer by such board. Such office and expense thereof shall not be supported or paid from the General Fund, and all money deposited in the Nebraska Motor Vehicle Industry Licensing Fund shall be expended only for such office and expense thereof and, unless determined by the board, it shall not be required to expend any funds to any person or any other governmental agency.
Any money in the Nebraska Motor Vehicle Industry Licensing Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund shall be audited by the Auditor of Public Accounts at such time as he or she determines necessary.
The State Treasurer shall transfer five hundred thousand dollars from the Nebraska Motor Vehicle Industry Licensing Fund to the General Fund on or before June 30, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

60-1410.
License; form; display; pocket card.
The board shall prescribe the form of the license and each license shall have printed thereon the seal of its office. All licenses shall be mailed to each licensee. It shall be the duty of each dealer to conspicuously display his or her own license or licenses in his or her place or places of business.
The board shall prepare and deliver a pocket card for dealer's agents, factory representatives, and distributor representatives. Such card shall certify that the person whose name appears thereon is a licensed dealer's agent, factory representative, or distributor representative, as the case may be.

60-1411.
Notice of changes; return of pocket card; required when.
If a motor vehicle dealer, motorcycle dealer, or trailer dealer changes the address of his or her place of business, changes franchise, adds another franchise, or loses a franchise for sale of new motor vehicles, motorcycles, or trailers, the dealer shall notify the board of such change within ten days prior to such change. Thereupon the license shall be corrected for the unexpired portion of the term at no additional fee except as provided in section60-1411.01.
If a dealer's agent changes his or her agent's status with any dealer, the agent shall notify the board. If the agent is no longer contracting with any dealer, the dealer's agent license shall lapse and the license and pocket card shall be returned to the board.

60-1411.01.
Administration and enforcement expenses; how paid; fees; licenses; expiration.
(1) To pay the expenses of the administration, operation, maintenance, and enforcement of the Motor Vehicle Industry Regulation Act, the board shall collect with each application for each class of license fees not exceeding the following amounts:
(a) Motor vehicle dealer's license, four hundred dollars;
(b) Supplemental motor vehicle dealer's license, twenty dollars;
(c) Dealer's agent license, one hundred dollars;
(d) Motor vehicle, motorcycle, or trailer manufacturer's license, six hundred dollars;
(e) Distributor's license, six hundred dollars;
(f) Factory representative's license, twenty dollars;
(g) Distributor representative's license, twenty dollars;
(h) Finance company's license, four hundred dollars;
(i) Wrecker or salvage dealer's license, two hundred dollars;
(j) Factory branch license, two hundred dollars;
(k) Motorcycle dealer's license, four hundred dollars;
(l) Motor vehicle auction dealer's license, four hundred dollars; and
(m) Trailer dealer's license, four hundred dollars.
(2) The fees shall be fixed by the board and shall not exceed the amount actually necessary to sustain the administration, operation, maintenance, and enforcement of the act.
(3) Such licenses, if issued, shall expire on December 31 next following the date of the issuance thereof. Any motor vehicle, motorcycle, or trailer dealer changing its location shall not be required to obtain a new license if the new location is within the same city limits or county, all requirements of law are complied with, and a fee of twenty-five dollars is paid, but any change of ownership of any licensee shall require a new application for a license and a new license. Change of name of licensee without change of ownership shall require the licensee to obtain a new license and pay a fee of five dollars. Applications shall be made each year for a new or renewal license. If the applicant is an individual, the application shall include the applicant's social security number.

60-1411.02.
Investigation; denial of application; revocation or suspension of license; probation; administrative fine; grounds.

The board may, upon its own motion, and shall, upon a sworn complaint in writing of any person, investigate the actions of any person acting, registered, or licensed under the Motor Vehicle Industry Regulation Act as a motor vehicle dealer, trailer dealer, dealer's agent, manufacturer, factory branch, distributor, factory representative, distributor representative, supplemental motor vehicle dealer, wrecker or salvage dealer, finance company, motorcycle dealer, or motor vehicle auction dealer or operating without a registration or license when such registration or license is required. The board may deny any application for a license, may revoke or suspend a license, may place the licensee or registrant on probation, may assess an administrative fine in an amount not to exceed five thousand dollars per violation, or may take any combination of such actions if the violator, applicant, registrant, or licensee including any officer, stockholder, partner, or limited liability company member or any person having any financial interest in the violator, applicant, registrant, or licensee:
(1) Has had any license issued under the act revoked or suspended and, if the license has been suspended, has not complied with the terms of suspension;
(2) Has knowingly purchased, sold, or done business in stolen motor vehicles, motorcycles, or trailers or parts therefor;
(3) Has failed to provide and maintain an established place of business;
(4) Has been found guilty of any felony which has not been pardoned, has been found guilty of any misdemeanor concerning fraud or conversion, or has suffered any judgment in any civil action involving fraud, misrepresentation, or conversion. In the event felony charges are pending against an applicant, the board may refuse to issue a license to the applicant until there has been a final determination of the charges;
(5) Has made a false material statement in his or her application or any data attached to the application or to any investigator or employee of the board;
(6) Has willfully failed to perform any written agreement with any consumer or retail buyer;
(7) Has made a fraudulent sale, transaction, or repossession, or created a fraudulent security interest as defined in the Uniform Commercial Code, in a motor vehicle, trailer, or motorcycle;
(8) Has failed to notify the board of a change in the location of his or her established place or places of business;
(9) Has willfully failed to deliver to a purchaser a proper certificate of ownership for a motor vehicle, trailer, or motorcycle sold by the licensee or to refund the full purchase price if the purchaser cannot legally obtain proper certification of ownership within thirty days;
(10) Has forged the signature of the registered or legal owner on a certificate of title;
(11) Has failed to comply with the act and any orders, rules, or regulations of the board adopted and promulgated under the act;
(12) Has failed to comply with the advertising and selling standards established in section60-1411.03;
(13) Has failed to comply with any provisions of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Registration Act, or the rules or regulations adopted and promulgated by the board pursuant to the Motor Vehicle Industry Regulation Act;
(14) Has failed to comply with any provision of Chapter 71, article 46, or with any code, standard, rule, or regulation adopted or made under the authority of or pursuant to Chapter 71, article 46;
(15) Has willfully defrauded any retail buyer or other person in the conduct of the licensee's business;
(16) Has failed to comply with sections60-190to60-196;
(17) Has engaged in any unfair methods of competition or unfair or deceptive acts or practices prohibited under the Uniform Deceptive Trade Practices Act;
(18) Has conspired, as defined in section28-202, with other persons to process certificates of title in violation of the Motor Vehicle Certificate of Title Act; or
(19) Has violated the Guaranteed Asset Protection Waiver Act.
If the violator, applicant, registrant, or licensee is a publicly held corporation, the board's authority shall extend only to the corporation and its managing officers and directors.

60-1411.03.
Unauthorized acts.
It shall be unlawful for any licensee or motor vehicle dealer to engage, directly or indirectly, in the following acts:
(1) To advertise and offer any year, make, engine size, model, type, equipment, price, trade-in allowance, or terms or make other claims or conditions pertaining to the sale, leasing, or rental of motor vehicles, motorcycles, and trailers which are not truthful and clearly set forth;
(2) To advertise for sale, lease, or rental a specific motor vehicle, motorcycle, or trailer which is not in the possession of the dealer, owner, or advertiser and willingly shown and sold, as advertised, illustrated, or described, at the advertised price and terms, at the advertised address. Unless otherwise specified, a motor vehicle, motorcycle, or trailer advertised for sale shall be in operable condition and, on request, the advertiser thereof shall show records to substantiate an advertised offer;
(3) To advertise a new motor vehicle, motorcycle, or trailer at a price

which does not include standard equipment with which it is fitted or is ordinarily fitted, without disclosing such fact, or eliminating any such equipment for the purpose of advertising a low price;
(4) To advertise (a) that the advertiser's prices are always or generally lower than competitive prices and not met or equalled by others or that the advertiser always or generally undersells competitors, (b) that the advertiser's prices are always or generally the lowest or that no other dealer has lower prices, (c) that the advertiser is never undersold, or (d) that no other advertiser or dealer will have a lower price;
(5) To advertise and make statements such as, Write Your Own Deal, Name Your Own Price, or Name Your Own Monthly Payments and other statements of a similar nature;
(6) To advertise by making disparaging comparisons with competitors' services, quality, price, products, or business methods;
(7) To advertise by making the layout, headlines, illustrations, and type size of an advertisement so as to convey or permit an erroneous impression as to which motor vehicle, motorcycle, or trailer or motor vehicles, motorcycles, or trailers are offered at featured prices. No advertised offer, expression, or display of price, terms, downpayment, trade-in allowance, cash difference, or savings shall be misleading by itself, and any qualification to such offer, expression, or display shall be clearly and conspicuously set forth in comparative type size and style, location, and layout to prevent deception;
(8) To advertise the price of a motor vehicle, motorcycle, or trailer without including all charges which the customer must pay for the motor vehicle, motorcycle, or trailer, excepting state and local taxes and license, title, and other fees. It shall be unlawful to advertise prices described as unpaid balance unless they are the full cash selling price and to advertise price which is not the full selling price even though qualified with expressions such as with trade, with acceptable trade, or other similar words;
(9) To advertise as at cost, below cost, below invoice, or wholesale, unless the term used is strictly construed that the word cost as used in this subdivision or in a similar meaning is the actual price paid by the advertiser to the manufacturer for the motor vehicle, motorcycle, or trailer so advertised;
(10) To advertise claims that Everybody Financed, No Credit Rejected, or We Finance Anyone and other similar affirmative statements;
(11) To advertise a specific trade-in amount or range of amounts;
(12) To advertise the words Finance, Loan, or Discounts or others of similar import in the firm name or trade style of a person offering motor vehicles, motorcycles, and trailers for sale unless such person is actually engaged in the finance business and offering only bona fide repossessed motor vehicles, motorcycles, and trailers. It shall be unlawful to use the word Repossessed in the name or trade style of a firm in the advertising of motor vehicles, motorcycles, and trailers sold by such a company unless they are bona fide repossessions sold for unpaid balances due only. Advertisers offering repossessed automobiles for sale shall be able to offer proof of repossession;
(13) To advertise the term Authorized Dealer in any way as to mislead as to the make or makes of motor vehicles, motorcycles, or trailers for which a dealer is franchised to sell at retail;
(14) To advertise or sell new motor vehicles, motorcycles, and trailers by any person not enfranchised by the manufacturer of the motor vehicle, motorcycle, or trailer offered without disclosing the fact in each advertisement which includes the motor vehicle, motorcycle, or trailer, and in writing in the lease or purchase agreement that the licensee or motor vehicle dealer is not enfranchised by the manufacturer for service under factory warranty provisions. No person shall transfer ownership of a motor vehicle by reassignment on a manufacturer's statement of origin unless the person is enfranchised to do so by the manufacturer of the motor vehicle;
(15) To advertise used motor vehicles, motorcycles, or trailers so as to create the impression that they are new. Used motor vehicles, motorcycles, and trailers of the current and preceding model year shall be clearly identified

as Used, Executive Driven, Demonstrator, or Driver Training, and lease cars, taxicabs, fleet vehicles, police motor vehicles, or motorcycles as may be the case and descriptions such as Low Mileage or Slightly Driven may also be applied only when correct. The terms demonstrator's, executive's, and official's motor vehicles, motorcycles, or trailers shall not be used unless (a) they have never been sold to a member of the public, (b) such terms describe motor vehicles, motorcycles, or trailers used by new motor vehicle, motorcycle, or trailer dealers or their employees for demonstrating performance ability, and (c) such vehicles are advertised for sale as such only by an authorized dealer in the same make of motor vehicle, motorcycle, or trailer. Phrases such as Last of the Remaining, Closeout, or Final Clearance and others of similar import shall not be used in advertising used motor vehicles, motorcycles, and trailers so as to convey the impression that the motor vehicles, motorcycles, and trailers offered are holdover new motor vehicles, motorcycles, and trailers. When new and used motor vehicles, motorcycles, and trailers of the current and preceding model year are offered in the same advertisement, such offers shall be clearly separated by description, layout, and art treatment;

(16) To advertise executives' or officials' motor vehicles, motorcycles, or trailers unless they have been used exclusively by the personnel or executive of the motor vehicle, motorcycle, or trailer manufacturer or by an executive of any authorized dealer of the same make thereof and such motor vehicles, motorcycles, and trailers have not been sold to a member of the public prior to the appearance of the advertisement;

(17) To advertise motor vehicles, motorcycles, and trailers owned by or in the possession of dealers without the name of the dealership or in any other manner so as to convey the impression that they are being offered by private parties;

(18) To advertise the term wholesale in connection with the retail offering of used motor vehicles, motorcycles, and trailers;

(19) To advertise the terms auction or auction special and other terms of similar import unless such terms are used in connection with motor vehicles, motorcycles, and trailers offered or sold at a bona fide auction to the highest bidder and under such other specific conditions as may be required in the Motor Vehicle Industry Regulation Act;

(20) To advertise free driving trial unless it means a trial without obligation of any kind and that the motor vehicle, motorcycle, or trailer may be returned in the period specified without obligation or cost. A driving trial advertised on a money back basis or with privilege of exchange or applying money paid on another motor vehicle, motorcycle, or trailer shall be so explained. Terms and conditions of driving trials, free or otherwise, shall be set forth in writing for the customer;

(21) To advertise (a) the term Manufacturer's Warranty unless it is used in advertising only in reference to cars covered by a bona fide factory warranty for that particular make of motor vehicle, motorcycle, or trailer. In the event only a portion of such warranty is remaining, then reference to a warranty may be used only if stated that that unused portion of the warranty is still in effect, (b) the term New Car Guarantee except in connection with new motor vehicles, motorcycles, and trailers, and (c) the terms Ninety-day Warranty, Fifty-fifty Guarantee, Three-hundred-mile Guarantee, and Six-month Warranty, unless the major terms and exclusions are sufficiently described in the advertisement;

(22) To advertise representations inconsistent with or contrary to the fact that a motor vehicle, motorcycle, or trailer is sold as is and without a guarantee. The customer contract shall clearly indicate when a car will be sold with a guarantee and what that guarantee is and similarly shall clearly indicate when a car is sold as is and without a guarantee; and

(23) To advertise or to make any statement, declaration, or representation in any advertisement that cannot be substantiated in fact, and the burden of proof of the factual basis for the statement, declaration, or representation shall be on the licensee or motor vehicle dealer and not on the board.

60-1411.04.
Advertising; violations; penalty.
The use, employment, or publication of advertising by any licensee or motor vehicle dealer which does not comply with section60-1411.03is hereby declared to be an unlawful act, and any person violating such section shall be guilty of a Class V misdemeanor.

60-1413.
Disciplinary actions; procedure.
(1) Before the board denies any license or any registration as described in section60-1417.02, revokes or suspends any such license or registration, places a licensee or registrant on probation, or assesses an administrative fine under section60-1411.02, the board, or hearing officer employed by the board, shall give the applicant, licensee, registrant, or violator a hearing on the matter unless the hearing is waived upon agreement between the applicant, licensee, registrant, or violator and the executive director, with the approval of the board. As a condition of the waiver, the applicant, licensee, registrant, or violator shall accept the fine or other administrative action. If the hearing is not waived, the board shall, at least thirty days prior to the date set for the hearing, notify the party in writing. Such notice in writing shall contain an exact statement of the charges against the party and the date and place of hearing. The party shall have full authority to be heard in person or by counsel before the board, or hearing officer employed by the board, in reference to the charges. The written notice may be served by delivery personally to the party or by mailing the notice by registered or certified mail to the last-known business address of the party. If the applicant is a dealer's agent, the board shall also notify the dealer employing or contracting with him or her or whose employ he or she seeks to enter by mailing the notice to the dealer's last-known business address. A stenographic record of all testimony presented at the hearings shall be made and preserved pending final disposition of the complaint.
(2) When the licensee fails to maintain a bond as provided in section60-1419, an established place of business, or liability insurance as prescribed by subsection (3) of section60-1407.01, the license shall immediately expire. The executive director shall notify the licensee personally or by mailing the notice by registered or certified mail to the last-known address of the licensee that his or her license is revoked until a bond as required by section60-1419or liability insurance as prescribed by subsection (3) of section60-1407.01is furnished and approved in which event the license may be reinstated.
(3) Upon notice of the revocation or suspension of the license, the licensee shall immediately surrender the expired license to the executive director or his or her representative. If the license is suspended, the executive director or his or her representative shall return the license to the licensee at the time of the conclusion of the period of suspension. Failure to surrender the license as required in this section shall subject the licensee to the penalties provided in section60-1416.

60-1414.
Denial, revocation, or suspension of license or registration; hearing; attendance of witness; production of books and papers; effect.
In the preparation and conduct of such hearings, the members of the board and executive director, or hearing officer employed by the board, shall have the power to require the attendance and testimony of any witness and the production of any papers or documents in order to assure a fair trial. They may sign and issue subpoenas therefor and administer oaths and examine witnesses and take any evidence they deem pertinent to the determination of the charges. Any witnesses so subpoenaed shall be entitled to the same fees as prescribed by law in judicial proceedings in the district court of this state in a civil action and mileage at the same rate provided in section81-1176for state employees. The payment of such fees and mileage must be out of and kept within the limits of the funds provided for the administration of the board. The party against whom such charges may be filed shall have the right to obtain from the executive director a subpoena for any witnesses which he or she may desire at such hearing and depositions may be taken as in civil court cases in the district court. Any information obtained from the books and records of the person complained against may not be used against the person complained against as the basis for a criminal prosecution under the laws of this state.

60-1415.
Disciplinary actions; findings of
board; order; restitution; appeal; distribution of fines.
(1)
The board shall state in writing, officially signed by the chairperson or
vice-chairperson and the executive director, its findings and determination
after such hearing and its order in the matter. If the board determines and
orders that an applicant is not qualified to receive a license or registration,
no license or registration shall be granted. If the board determines that
the party has willfully or through undue negligence been guilty of any violation
of the Motor Vehicle Industry Regulation
Act or any rule or regulation adopted and promulgated by the board
under authority of the
act, the board may suspend or revoke the license or registration,
place the party on probation, assess an administrative fine, or take any combination

of such actions. In determining the amount of the fine, the board may consider the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and any attempt made by the party to retaliate against another party for seeking relief pursuant to the laws, rules, or regulations relating to motor vehicle industry licensing. The board may also, after hearing, assess an additional administrative fine in an amount not to exceed five thousand dollars for each day a violation continues if a party fails to obey a direct order of the board or repeats the same violation within forty-eight months of the previous violation. The imposition of any such additional administrative fine shall commence one month after the initial order of the board or any final order on appeal if taken for failure to obey a direct order of the board and on the date of the second or subsequent violation for repeat violations within forty-eight months. The board may make a demand on a violator for restitution to a harmed consumer. The party may appeal the decision of the board. The appeal shall be in accordance with the Administrative Procedure Act.
(2) The board shall remit administrative fines to the State Treasurer on a monthly basis for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. Any administrative fine imposed under this section and unpaid shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action, in the name of the State of Nebraska, in the district court of the county in which the violator resides or owns property.

60-1415.01.
Restraining order.
Whenever the board shall believe from evidence satisfactory to it that any person has violated or is violating any provisions of the Motor Vehicle Industry Regulation Act, the board may, in addition to any other remedy, bring an action in the name and on behalf of the State of Nebraska against such person and any other person concerned in or in any way participating in or about to participate in practices or acts in violation of the act to enjoin such person and such other person from continuing the same. In any such action, the board may apply for and on due showing be entitled to have issued the court's subpoena, requiring forthwith the appearance of any defendant and the defendant's agent and employees and the production of documents, books, and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct of practices or things complained of in such application for injunction. In such action an order or judgment may be entered awarding such preliminary or final injunctions as may be proper.

60-1416.
Acting without license; penalty.
Any person acting as a motor vehicle dealer, trailer dealer, wrecker or salvage dealer, motorcycle dealer, auction dealer, dealer's agent, manufacturer, factory representative, distributor, or distributor representative without having first obtained the license provided in section60-1406is guilty of a Class IV felony and is subject to the civil penalty provisions of section60-1411.02.

60-1417.
Vehicle sale; instrument in writing; contents; copy of instruments and odometer statements retained by dealer; out-of-state sale; requirements.
Every motor vehicle, motorcycle, or trailer sale, except between a manufacturer or distributor, shall be evidenced by an instrument in writing upon a form that may be adopted and promulgated by the board and approved by the Attorney General which shall contain all the agreements of the parties and shall be signed by the buyer and seller or a duly acknowledged agent of the seller. Prior to or concurrent with any such motor vehicle, motorcycle, or trailer sale, the seller shall deliver to the buyer written documentation which shall contain the following information:
(1) Name of seller;
(2) Name of buyer;
(3) Year of model and identification number;
(4) Cash sale price;

(5) Year and model of trailer and serial number, if any;
(6) The amount of buyer's downpayment and whether made in money or goods or partly in money and partly in goods, including a brief description of any goods traded in;
(7) The difference between subdivisions (4) and (6) of this section;
(8) The amount included for insurance if a separate charge is made for insurance, specifying the types of coverages;
(9) If the sale is an installment sale:
(a) The basic time price, which is the sum of subdivisions (7) and (8) of this section;
(b) The time-price differential;
(c) The amount of the time-price balance, which is the sum of subdivisions (a) and (b) of this subdivision, payable in installments by the buyer to the seller;
(d) The number, amount, and due date or period of each installment payment; and
(e) The time-sales price;
(10) Whether the sale is as is or subject to warranty and, if subject to warranty, specifying the warranty; and
(11) If repairs or inspections arising out of the conduct of a dealer's business cannot be provided by the dealer in any representations or warranties that may arise, the instrument shall so state that fact and shall provide the purchaser with the location of a facility where such repairs or inspections, as provided for in the service contract, can be accomplished.
A copy of all such instruments and written documentation shall be retained in the file of the dealer for five years from the date of sale. The dealer shall keep a copy of the odometer statement required by section60-192which is furnished to him or her for each motor vehicle the dealer purchases or sells. The dealer shall keep such statements for five years from the date of the transaction as shown on the odometer statement.
If a transaction for the sale of a new motor vehicle which does not take place in the State of Nebraska provides for delivery in Nebraska, delivery in Nebraska shall only be made through a motor vehicle dealer licensed and bonded in Nebraska. The motor vehicle dealer may charge the seller for such service but shall not charge the purchaser. The motor vehicle dealer shall be jointly and severally liable for compliance with all applicable laws and contracts with the seller. If the dealer is not a franchisee of the manufacturer or distributor of the line-make of the vehicle, the dealer shall notify the purchaser in writing that the dealer is jointly and severally liable with the seller for compliance with all applicable laws and contracts with the seller and that the dealer is not authorized to provide repairs or inspections pursuant to the manufacturer's warranty.

60-1417.01.
Auction dealer; records; requirements; sale on consignment; title; exception.
(1)(a) Each auction dealer shall establish and retain at the primary place of business a record of the following information for each motor vehicle or trailer coming into his or her possession as an auction dealer: (i) The name of the most recent owner, other than the auction dealer; (ii) the name of the buyer; (iii) the vehicle identification number; (iv) the odometer reading on the date on which the auction dealer took possession of the motor vehicle or trailer; and (v) a bill of sale or other transaction document signed by the seller or the seller's agent and the buyer or the buyer's agent.
(b) The dealer shall maintain the information in a manner that permits systematic retrieval for five years following the date of sale of each vehicle or trailer. The information may be maintained in a tangible medium or stored in an electronic or other medium that is retrievable in perceivable form.
(c) The auction dealer shall be responsible for insuring that the information required in subdivisions (1)(a)(i), (iii), and (iv) of this section is available to all prospective buyers at the time a vehicle or trailer is offered for sale at auction and shall give the bill of sale or other transaction document required in subdivision (1)(a)(v) of this section to the buyer purchasing the vehicle or trailer at auction.
(2) When any dealer, except an auction dealer selling at auction, sells any unit on consignment, he or she shall take title to such unit in his or her own name, except that any dealer or other person, other than the owner of a used mobile home, selling a used mobile home shall not be required to take title but shall complete a buyer's information form approved by the board. The seller of the used mobile home shall be responsible for insuring that a copy of the form is delivered to the buyer prior to closing the sale of the used mobile home. The form shall include the (a) name and address of the record owner of the mobile home, (b) model, (c) year, and (d) serial number.

60-1417.02.
Auction; registration of seller; exception.
(1) Except as otherwise provided in subsection (5) of this section, any person who engages in or attempts to engage in the selling of motor vehicles or trailers at an auction licensed pursuant to the Motor Vehicle Industry Regulation Act shall register to do so. Registration shall be made on a form provided by the auction dealer and approved by the board. A copy of the registration shall serve as proof of registration for the calendar year. The registration information shall be made available and accessible to the board by the auction dealer within seventy-two hours after the registrant has met the registration requirements and such registration is issued. Such registration information shall be maintained and made accessible to the board by the auction dealer for two years. It shall be the duty of the auction dealer to ensure that no seller participates in any sales activities until and unless registration has been received by the auction dealer or unless such seller is otherwise licensed under the act.
(2) The information required on the registration form shall include, but not be limited to, the following: (a) The legal name of the

registrant; (b) the registrant's current mailing address and telephone number; (c) the business name and address of the person with whom the registrant is associated; and (d) whether or not the registrant is bonded.
(3) The registration form shall be signed by the registrant and an authorized representative of the auction and shall be notarized by a notary public.
(4) Any person who is convicted of any violation of the act pursuant to section60-1411.02may be denied the right to be registered at all licensed auctions of this state following a hearing before the board, or hearing officer employed by the board, as prescribed in section60-1413.
(5) A licensed motor vehicle dealer may conduct an auction of excess inventory of used vehicles without being licensed as an auction dealer or registered under this section if the auction conforms to the requirements of this subsection. The licensed motor vehicle dealer shall conduct the auction upon the licensed premises of the dealer, shall sell only used motor vehicles, trailers, or manufactured homes, shall sell only to motor vehicle dealers licensed in Nebraska, shall not sell any vehicles on consignment, and shall not sell any vehicles directly to the public.

60-1418.
Motor vehicle sale; violation; penalty.
Any person guilty of violating any of the provisions of section60-1417shall be guilty of a Class III misdemeanor.

60-1419.
Dealer's licenses; bond; conditions.
(1) Applicants for a motor vehicle dealer's license, trailer dealer's license, or motorcycle dealer's license shall furnish, at the time of making application, a corporate surety bond in the penal sum of fifty thousand dollars.
(2) Applicants for a motor vehicle auction dealer's license shall, at the time of making application, furnish a corporate surety bond in the penal sum of not less than one hundred thousand dollars. The bond shall be on a form prescribed by the Attorney General of the State of Nebraska and shall be signed by the Nebraska registered agent. The bond shall provide: (a) That the applicant will faithfully perform all the terms and conditions of such license; (b) that the licensed dealer will first fully indemnify any holder of a lien or security interest created pursuant to section60-164or article 9, Uniform Commercial Code, whichever applies, in the order of its priority and then any person or other dealer by reason of any loss suffered because of (i) the substitution of any motor vehicle or trailer other than the one selected by the purchaser, (ii) the dealer's failure to deliver to the purchaser a clear and marketable title, (iii) the dealer's misappropriation of any funds belonging to the purchaser, (iv) any alteration on the part of the dealer so as to deceive the purchaser as to the year model of any motor vehicle or trailer, (v) any false and fraudulent representations or deceitful practices whatever in representing any motor vehicle or trailer, (vi) the dealer's failure to remit the proceeds from the sale of any motor vehicle which is subject to a lien or security interest to the holder of such lien or security interest, and (vii) the dealer's failure to pay any person or other dealer for the purchase of a motor vehicle, motorcycle, trailer, or any part or other purchase; and (c) that the motor vehicle, motorcycle, motor vehicle auction, or trailer dealer or wholesaler shall well, truly, and faithfully comply with all the provisions of his or her license and the acts of the Legislature relating to such license. The aggregate liability of the surety shall in no event exceed the penalty of such bond.

60-1420.
Franchise; termination; noncontinuance; change community; hearing;
when required.
(1) Except as provided in subsection
(2) or (3) of this
section, no franchisor shall terminate or refuse to continue any franchise or change a franchisee's community unless
the franchisor has first established, in a hearing held pursuant to section60-1425, that:
(a) The franchisor has good cause for termination, noncontinuance, or change;
(b) Upon termination or noncontinuance, another franchise
in the same line-make will become effective in the same community, without
diminution of the franchisee's service formerly provided, or that the community
cannot be reasonably expected to support such a dealership; and
(c) Upon termination or noncontinuance, the franchisor
is willing and able to comply with section60-1430.02.
(2) Upon providing good and sufficient evidence to the board,
a franchisor may terminate a franchise without such hearing (a) for a particular
line-make if the franchisor discontinues that line-make, (b) if the franchisee's
license as a motor vehicle, combination motor vehicle and trailer, motorcycle,
or trailer dealer is revoked pursuant to the Motor Vehicle Industry Regulation
Act, or (c) upon a mutual written agreement of the franchisor and franchisee.
(3) A franchisor
may change a franchisee's community without a hearing if the franchisor notifies
the franchisee of the proposed change at least thirty days before the change,

provides the franchisee an opportunity to object, and enters into an agreement with the franchisee regarding the change of the franchisee's community. If no agreement is reached, the franchisor shall comply with sections60-1420to60-1435prior to changing the franchisee's community.

60-1421.
Franchise; termination; effect.
If franchisor is permitted to terminate or not continue a franchise, and is further permitted not to enter into a franchise, for the line-make in the community, no franchise shall thereafter be entered into for the sale of a motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealer of that line-make in the community, unless the franchisor has first established in a hearing held under the Motor Vehicle Industry Regulation Act that there has been a change of circumstances so that the community at that time can be reasonably expected to support the dealership.

60-1422.
Franchise; hearing; approval.
No franchisor shall enter into any franchise for the purpose of establishing an additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership or warranty repair service facility, in any community in which the same line-make is then represented, unless the franchisor has first established in a hearing held under the Motor Vehicle Industry Regulation Act that there is good cause for such additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership under such franchise, or warranty repair service facility, and that it is in the public interest.

60-1423.
Franchise; contract; fulfillment; violation; damages.
Every franchisor and franchisee shall fulfill the terms of any express or implied warranty concerning the sale of a motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer to the public of the line-make which is the subject of a contract or franchise agreement between the parties. If it is determined by the district court that either the franchisor or franchisee, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award for reasonable attorney fees and other necessary expenses for maintaining the litigation.

60-1424.
Franchise; termination; noncontinuance; change community; additional dealership of same line-make; application.
If a franchisor seeks to terminate or not continue any franchise or change a franchisee's community, or seeks to enter into a franchise establishing an additional motor vehicle, combination motor vehicle and trailer, motorcycle or trailer dealership of the same line-make, the franchisor shall file an application with the board for permission to terminate or not continue the franchise, to change a franchisee's community, or to enter into a franchise for additional representation of the same line-make in that community, except that no application needs to be filed to change a franchisee's community if an agreement has been entered into as provided in subsection (3) of section60-1420.

60-1425.
Franchise; termination; noncontinuance; change community; additional dealership of same line-make; application; hearing; notice.
Upon receiving an application under section60-1424, the board shall enter an order fixing a time, which shall be within ninety days of the date of such order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchisor

seeks to terminate, not continue, or change. If the application requests permission to change a franchisee's community or establish an additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The board may also give notice of franchisor's application to any other parties whom the board may deem interested persons, such notice to be in the form and substance and given in the manner the board deems appropriate. Any person who can show an interest in the application may become a party to the hearing, whether or not he or she receives notice, but a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise, the change in community, or the establishment of an additional motor vehicle dealership.

60-1426.
Franchise; termination; additional; application; hearing; continuance.
If the board finds it desirable it may upon request continue the date of hearing for a period of ninety days, and may upon application, but not ex parte, continue the date of hearing for an additional period of ninety days.

60-1427.
Franchise; termination; noncontinuance; change community; additional dealership; application; hearing; burden of proof.
Upon hearing, the franchisor shall have the burden of proof to establish that under the Motor Vehicle Industry Regulation Act the franchisor should be granted permission to terminate or not continue the franchise, to change the franchisee's community, or to enter into a franchise establishing an additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership. Nothing contained in the act shall be construed to require or authorize any investigation by the board of any matter before the board under the provisions of sections60-1420to60-1435. Upon hearing, the board, or hearing officer employed by the board, shall hear the evidence introduced by the parties. The hearing officer employed by the board shall make a recommendation to the board solely upon the record so made. The board shall make its decision solely upon the record so made.

60-1428.
Franchise; discovery; inspection; rules of civil procedure.
The rules of civil procedure relating to discovery and inspection shall apply to hearings held under the Motor Vehicle Industry Regulation Act, and the board may issue orders to give effect to such rules.
If issues are raised which would involve violations of any state or federal antitrust or price-fixing law, all discovery and inspection proceedings which would be available under such issues in a state or federal court action shall be available to the parties to the hearing, and the board may issue orders to give effect to such proceedings.
Evidence which would be admissible under the issues in a state or federal court action shall be admissible in a hearing held by the board or hearing officer employed by the board. The board shall apportion all costs between the parties.

60-1429.
Franchise; termination; noncontinuation; change community; additional dealership; acts not constituting good cause.
Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the following shall not constitute good cause, as used in sections60-1420and60-1422, for the termination or noncontinuation of a franchise, for changing the franchisee's community, or for entering into a franchise for the establishment of an additional dealership in a community for the same line-make:
(1) The sole fact that the franchisor desires further penetration of the market;
(2) The change of ownership of the franchisee's dealership or the change of executive management of the franchisee's dealership unless the franchisor, having the burden of proof, proves that such change of ownership or executive management will be substantially detrimental to the distribution of the franchisor's motor vehicles, combination motor vehicles and trailers, motorcycles, or trailer products or to competition in the community. Substantially detrimental may include, but is not limited to, the failure of any proposed

transferee or individual to meet the current criteria generally applied by the franchisor in qualifying new motor vehicle dealers; or
(3) The fact that the franchisee refused to purchase or accept delivery of any motor vehicle, combination motor vehicle and trailer, motorcycle, trailer, vehicle parts or accessories, or other commodity or service not ordered by the franchisee.

60-1430.
Franchise; sale or transfer of ownership; franchisor; duties.
Notwithstanding the terms, provisions, or conditions of any agreement or franchise, subject to subdivision (2) of section60-1429, in the event of the sale or a contract for sale or transfer of ownership of the franchisee's dealership by sale or transfer of the business or by stock transfer or in the event of change in the executive management of the franchisee's dealership, the franchisor shall give effect to such a change in the franchise unless (1) the transfer of the franchisee's license under the Motor Vehicle Industry Regulation Act is denied or the new owner is unable to obtain a license under the act, as the case may be, or (2) the proposed sale or transfer of the business or change of executive management will be substantially detrimental to the distribution of the franchisor's motor vehicles, combination motor vehicles and trailers, motorcycles, or trailer products or to competition in the community if the franchisor has given written notice of such fact to the franchisee within sixty days of receipt by the franchisor of information reasonably necessary to evaluate the proposed change.

60-1430.01.
Succession to new motor vehicle dealership by family member; conditions.
(1) Any designated family member of a deceased or incapacitated new motor vehicle dealer may succeed the dealer in the ownership or operation of the dealership under the existing dealer agreement if the designated family member gives the manufacturer or distributor written notice of his or her intention to succeed to the dealership within one hundred twenty days after the dealer's death or incapacity, agrees to be bound by all of the terms and conditions of the dealer agreement, and meets the current criteria generally applied by the manufacturer or distributor in qualifying new motor vehicle dealers. A manufacturer or distributor may refuse to honor the existing dealer agreement with the designated family member only for good cause.
(2) The manufacturer or distributor may request from a designated family member such personal financial data as is reasonably necessary to determine whether the existing dealer agreement should be honored. The designated family member shall supply the personal and financial data promptly upon the request.
(3) If a manufacturer or distributor believes that good cause exists for refusing to honor that succession, the manufacturer or distributor may, within sixty days after receipt of the notice of the designated family member's intent to succeed the dealer in the ownership and operation of the dealership, or within sixty days after the receipt of the requested personal and financial data, whichever is later, serve upon the designated family member notice of its refusal to approve the succession.
(4) The notice of the manufacturer or distributor provided in subsection (3) of this section shall state the specific ground for the refusal to approve the succession and that discontinuance of the agreement shall take effect not less than ninety days after the date the notice is served.
(5) If notice of refusal is not served within the sixty days provided for in subsection (3) of this section, the dealer agreement shall continue in effect and shall be subject to termination only as otherwise permitted by the Motor Vehicle Industry Regulation Act.
(6) This section shall not preclude a new motor vehicle dealer from designating any person as his or her successor by written instrument filed

with the manufacturer or distributor, and if such an instrument is filed, it alone shall determine the succession rights to the management and operation of the dealership.

60-1430.02.
Franchise termination, cancellation, or noncontinuation; termination, elimination, or cessation of line-make; payments required; mitigate damages.
(1) Upon the termination, cancellation, or noncontinuation of a franchise by the franchisor or franchisee pursuant to the Motor Vehicle Industry Regulation Act, the franchisor shall pay the franchisee:
(a) The dealer cost, plus any charges made by the franchisor for distribution, delivery, and taxes, less all allowances paid or credited to the franchisee by the franchisor, of unused, undamaged, and unsold motor vehicles in the franchisee's inventory acquired from the franchisor or another franchisee of the same line and make within the previous twelve months;
(b) The dealer cost, less all allowances paid or credited to the franchisee by the franchisor, for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that (i) in the case of sheet metal, a comparable substitute for original packaging may be used if such supply, part, or accessory is offered for sale by the franchisor and was acquired from the franchisor or the predecessor franchisee as a part of the franchisee's initial inventory and (ii) in the case of a motorcycle franchise, the payment for such supplies, parts, and accessories shall be based upon the currently published dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories currently offered for sale by the franchisor and originally acquired from the franchisor or the predecessor franchisee as a part of the franchisee's initial inventory, and all such supplies, parts, and accessories shall be currently identifiable and labeled and in the original packaging or a comparable substitute for the original packaging;
(c) The fair market value of each undamaged sign owned by the franchisee which bears a common name, trade name, or trademark of the franchisor if acquisition of such sign was recommended or required by the franchisor;
(d) The fair market value of all special tools, equipment, and furnishings acquired from the franchisor or sources approved by the franchisor which were recommended and required by the franchisor and are in good and usable condition except for reasonable wear and tear; and
(e) The cost of transporting, handling, packing, and loading motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.
(2) The franchisor shall pay the franchisee the amounts specified in subsection (1) of this section within ninety days after the tender of the property if the franchisee has clear title to the property and is in a position to convey that title to the franchisor. This section shall not apply to a termination or noncontinuation of a franchise that is implemented as a result of the sale of the assets or stock of the franchisee.
(3)(a) If the termination, cancellation, or nonrenewal of a franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the franchisee pursuant to subsection (1) of this section, the manufacturer, distributor, or factory branch shall be liable to the franchisee for an amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal of the line-make or (ii) the date the action that resulted in termination, cancellation,

or nonrenewal of the line-make first became general knowledge. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the franchisee holds a franchise in the dealership facilities, the franchisee shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligations for the fair rental value of the franchise facilities for the period set forth in subdivision (b) of this subsection. Fair market value of the franchise for the line-make shall only include the goodwill value of the franchise for that line-make in the franchisee's community.

(b) If the line-make is the only line-make for which the franchisee holds a franchise, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the franchise facilities leased or owned by the franchisee as follows:

(i) The manufacturer, distributor, or factory branch shall pay the franchisee a sum equivalent to the rent for the unexpired term of the lease or two years' rent, whichever is less; or

(ii) If the franchisee owns the franchise facilities, the manufacturer, distributor, or factory branch shall pay the franchisee a sum equivalent to the reasonable rental value of the franchise facilities for two years.

(c) To be entitled to franchise facilities assistance from the manufacturer, distributor, or factory branch, the franchisee shall have the obligation to mitigate damages by listing the franchise facilities for lease or sublease with a licensed real estate agent within thirty days after the effective date of the termination of the franchise and by reasonably cooperating with the real estate agent in the performance of the agent's duties and responsibilities. If the franchisee is able to lease or sublease the franchise facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the franchise facilities and the terms of the franchisee's lease, the franchisee shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of franchise facilities assistance payments pursuant to subdivision (3)(b) of this section and only up to the total amount of franchise facilities assistance payments that the franchisee has received.

(d) This subsection does not apply to the termination of a line-make by a franchisor of recreational vehicles.

(4) This section shall not relieve a franchisee from any other obligation to mitigate damages upon termination, cancellation, or noncontinuation of the franchise.

60-1431.

Franchise; board; power of subpoena; administer oaths; compel witnesses and production of books, papers, documents; enforcement.

The board may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents, and all other evidence. The board may apply to the district court of the county wherein the hearing is being held for a court order enforcing this section.

60-1432.

Franchise; denial; license refused.

If a franchisor enters into or attempts to enter into a franchise, whether upon termination or refusal to continue another franchise or upon the establishment of an additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership in a community where the same line-make is then represented, without first complying with the Motor Vehicle Industry Regulation Act, no license under the act shall be issued to that franchisee or proposed franchisee to engage in the business of selling motor vehicles, combination motor vehicles and trailers, motorcycles, or trailers manufactured or distributed

by that franchisor.

60-1433.
Franchise; termination; discontinuance; evidence of good cause.
In determining whether good cause has been established for terminating or not continuing a franchise, the board shall take into consideration the existing circumstances, including, but not limited to:
(1) Amount of business transacted by the franchisee;
(2) Investment necessarily made and obligations incurred by the franchisee in the performance of his part of the franchise;
(3) Permanency of the investment;
(4) Whether it is injurious to the public welfare for the business of the franchisee to be disrupted;
(5) Whether the franchisee has adequate motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer service facilities, equipment, parts and qualified service personnel to reasonably provide consumer care for the motor vehicles, combination motor vehicles and trailers, motorcycles, or trailers sold at retail by the franchisee and any other motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer of the same line-make;
(6) Whether the franchisee refuses to honor warranties of the franchisor to be performed by the franchisee if the franchisor reimburses the franchisee for such warranty work performed by the franchisee;
(7) Except as provided in section60-1429, failure by the franchisee to substantially comply with those requirements of the franchise which are determined by the board to be reasonable and material; and
(8) Except as provided in section60-1429, bad faith by the franchisee in complying with those terms of the franchise which are determined by the board to be reasonable and material.

60-1434.
Franchise; additional; service facility; evidence of good cause.
In determining whether good cause has been established for entering into an additional franchise for the same line-make, the board shall take into consideration the existing circumstances, including, but not limited to:
(1) Amount of business transacted by other franchisees of the same line-make in that community;
(2) Investment necessarily made and obligations incurred by other franchisees of the same line-make, in that community, in the performance of their part of their franchises;
(3) Permanency of the investment;
(4) Effect on the retail motor vehicle business as a whole in that community;
(5) Whether it is injurious to the public welfare for an additional franchise to be established; and
(6) Whether the franchisees of the same line-make in that community are providing adequate consumer care for the motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer products of the line-make which shall include the adequacy of motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealer service facilities, equipment, supply of parts, and qualified service personnel.
No franchisor, franchisee, or other person shall, directly or indirectly, establish or authorize a separate consumer care or service facility to perform repairs and service, pursuant to the manufacturer's original warranty, on motor vehicles within any community previously assigned to and being served by an existing franchisee without first establishing good cause in the same manner as required for an additional franchise.

60-1435.
Franchise; appeal.
Any party to a hearing before the board, or hearing officer employed by the board, may appeal any final order entered in such hearing, and the appeal shall be in accordance with the Administrative Procedure Act.

60-1436.
Manufacturer
or distributor; prohibited acts with respect to new motor vehicle dealers.
A manufacturer or distributor shall not require or coerce
any new motor vehicle dealer in this state to do any of the following:
(1) Order or accept delivery of any new motor vehicle, part
or accessory, equipment, or other commodity not required by law which was
not voluntarily ordered by the new motor vehicle dealer or retain any part or accessory that the dealer has not
sold within twelve months if the part or accessory was not obtained through
a specific order initiated by the dealer but was specified for, sold to, and
shipped to the dealer pursuant to an automatic ordering system, if the part
or accessory is in the condition required for return, and if the part or accessory
is returned within thirty days after such twelve-month period. For purposes of this subdivision, automatic
ordering system means a computerized system required by the franchisor, manufacturer,
or distributor that automatically specifies parts and accessories for sale

and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch shall not charge a restocking or handling fee for any part or accessory returned under this subdivision. In determining whether parts or accessories in the dealer's inventory were specified and sold under an automated ordering system, the parts and accessories in the dealer's inventory are presumed to be the most recent parts and accessories that were sold to the dealer. This section shall not be construed to prevent the manufacturer or distributor from requiring that new motor vehicle dealers carry a reasonable inventory of models offered for sale by the manufacturer or distributor;

(2) Offer or accept delivery of any new motor vehicle with special features, accessories, or equipment not included in the list price of the new motor vehicle as publicly advertised by the manufacturer or distributor;

(3) Participate monetarily in any advertising campaign or contest or purchase any promotional materials, display devices, or display decorations or materials at the expense of the new motor vehicle dealer;

(4) Join, contribute to, or affiliate with an advertising association;

(5) Enter into any agreement with the manufacturer or distributor or do any other act prejudicial to the new motor vehicle dealer by threatening to terminate a dealer agreement or any contractual agreement or understanding existing between the dealer and the manufacturer or distributor. Notice in good faith to any dealer of the dealer's violation of any terms or provisions of the dealer agreement shall not constitute a violation of the Motor Vehicle Industry Regulation Act;

(6) Change the capital structure of the new motor vehicle dealership or the means by or through which the dealer finances the operation of the dealership, if the dealership at all times meets any reasonable capital standards determined by the manufacturer in accordance with uniformly applied criteria;

(7) Refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products as long as the dealer maintains a reasonable line of credit for each make or line of vehicle, remains in compliance with reasonable facilities requirements, and makes no change in the principal management of the dealer;

(8) Prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by the act or require any controversy between the new motor vehicle dealer and a manufacturer or distributor to be referred to a person other than the duly constituted courts of the state or the United States, if the referral would be binding upon the new motor vehicle dealer;

(9) Change the location of the new motor vehicle dealership or make any substantial alterations to the dealership premises, if such changes or alterations would be unreasonable, including unreasonably requiring a franchisee to establish, maintain, or continue exclusive sales facilities, sales display space, personnel, service, parts, or administrative facilities for a line-make, unless such exclusivity is reasonable and otherwise justified by reasonable business considerations. In making that determination, the franchisor shall take into consideration the franchisee's compliance with facility requirements as required by the franchise agreement. The franchisor shall have the burden of proving that business considerations justify exclusivity;

(10) Release, convey, or otherwise provide customer information if to do so is unlawful or if the customer objects in writing to doing so, unless the information is necessary for the manufacturer, factory branch, or distributor to meet its obligations to consumers or the new motor vehicle dealer including vehicle recalls or other requirements imposed by state or federal law;

(11) Release to any unaffiliated third party any customer information which has been provided by the new motor vehicle dealer to the

manufacturer except as provided in subdivision (10) of this section. A manufacturer, importer, or distributor may not share, sell, or transfer customer information, obtained from a dealer and not otherwise publicly available, to other dealers franchised by the manufacturer while the originating dealer is still a franchised dealer of the manufacturer unless otherwise agreed to by the originating dealer. A manufacturer, importer, or distributor may not use any nonpublic personal information, as that term is used in 16 C.F.R. part 313, which is obtained from a dealer unless such use falls within one or more of the exceptions to opt out requirements under 16 C.F.R. 313.14 or 313.15;

(12) Establish in connection with the sale of a motor vehicle prices at which the dealer must sell products or services not manufactured or distributed by the manufacturer or distributor, whether by agreement, program, incentive provision, or otherwise;

(13) Underutilize the dealer's facilities by requiring or coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing a line-make of motor vehicles for which the dealer has a franchise agreement to utilize the facilities, except that this subdivision does not prohibit a manufacturer from requiring an exclusive sales area within the facilities that are in compliance with reasonable requirements for the facilities if the dealer complies with subdivision (9) of this section; or

(14)(a) Enter into any agreement with a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates which gives site control of the premises of the dealer that does not terminate upon the occurrence of any of the following events:

(i) The right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; or

(ii) The final termination of the dealer's franchise for any reason unless an agreement for site control is voluntarily negotiated separately and apart from the franchise agreement and consideration has been offered by the manufacturer and accepted by the dealer. If a dealer voluntarily terminates and has entered into a separately negotiated site control agreement, the agreement may survive the termination if the agreement clearly states that fact.

(b) For purposes of this subdivision, site control means the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

Any action prohibited for a manufacturer or distributor under the Motor Vehicle Industry Regulation Act is also prohibited for a subsidiary which is wholly owned or controlled by contract by a manufacturer or distributor or in which a manufacturer or distributor has more than a ten percent ownership interest, including a financing division.

60-1437.

Manufacturer or distributor; prohibited acts with respect to new motor vehicles.

In addition to the restrictions imposed by section60-1436, a manufacturer or distributor shall not:

(1) Fail to deliver new motor vehicles or new motor vehicle parts or accessories within a reasonable time and in reasonable quantities relative to the new motor vehicle dealer's market area and facilities, unless the failure is caused by acts or occurrences beyond the control of the manufacturer or distributor or unless the failure results from an order by the new motor vehicle dealer in excess of quantities reasonably and fairly allocated by the manufacturer

or distributor;
(2) Refuse to disclose to a new motor vehicle dealer the method and manner of distribution of new motor vehicles by the manufacturer or distributor or, if a line-make is allocated among new motor vehicle dealers, refuse to disclose to any new motor vehicle dealer that handles the same line-make the system of allocation, including, but not limited to, a complete breakdown by model, and a concise listing of dealerships with an explanation of the derivation of the allocation system, including its mathematical formula in a clear and comprehensible form;
(3) Refuse to disclose to a new motor vehicle dealer the total number of new motor vehicles of a given model which the manufacturer or distributor has sold during the current model year within the dealer's marketing district, zone, or region, whichever geographical area is the smallest;
(4) Increase the price of any new motor vehicle which the new motor vehicle dealer had ordered and delivered to the same retail consumer for whom the vehicle was ordered, if the order was made prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer and binding on the dealer shall constitute evidence of such order. In the event of manufacturer or distributor price reduction or cash rebate, the amount of any reduction or rebate received by a dealer shall be passed on to the private retail consumer by the dealer. Any price reduction in excess of five dollars shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. A price difference applicable to a new model or series of motor vehicles at the time of the introduction of the new model or series shall not be considered a price increase or price decrease. This subdivision shall not apply to price changes caused by the following:
(a) The addition to a motor vehicle of required or optional equipment pursuant to state or federal law;
(b) In the case of foreign-made vehicles or components, revaluation of the United States dollar; or
(c) Any increase in transportation charges due to an increase in rates charged by a common carrier or other transporter;
(5) Fail or refuse to sell or offer to sell to all franchised new motor vehicle dealers in a line-make every new motor vehicle sold or offered for sale to any franchised new motor vehicle dealer of the same line-make. However, the failure to deliver any such new motor vehicle shall not be considered a violation of this section if the failure is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or any other cause over which the franchisor has no control. A manufacturer or distributor shall not require that any of its new motor vehicle dealers located in this state pay any extra fee, purchase unreasonable or unnecessary quantities of advertising displays or other materials, or remodel, renovate, or recondition the new motor vehicle dealer's existing facilities in order to receive any particular model or series of vehicles manufactured or distributed by the manufacturer for which the dealers have a valid franchise. Notwithstanding the provisions of this subdivision, nothing contained in this section shall be deemed to prohibit or prevent a manufacturer from requiring that its franchised dealers located in this state purchase special tools or equipment, stock reasonable quantities of certain parts, or participate in training programs which are reasonably necessary for those dealers to sell or service any model or series of new motor vehicles. This subdivision shall not apply to manufacturers of recreational vehicles;
(6) Fail to offer dealers of a specific line-make a new franchise agreement containing substantially similar terms and conditions for sales of the line-make if the ownership of the manufacturer or distributor changes or there is a change in the plan or system of distribution;
(7) Take an adverse action against a dealer because the dealer sells or leases a motor vehicle that is later exported to a location outside the United States. A franchise provision that allows a manufacturer or distributor

to take adverse action against a dealer because the dealer sells or leases a motor vehicle that is later exported to a location outside the United States is enforceable only if, at the time of the original sale or lease, the dealer knew or reasonably should have known that the motor vehicle would be exported to a location outside the United States. A dealer is presumed to have no knowledge that a motor vehicle the dealer sells or leases will be exported to a location outside the United States if, under the laws of a state of the United States (a) the motor vehicle is titled, (b) the motor vehicle is registered, and (c) applicable state and local taxes are paid for the motor vehicle. Such presumption may be rebutted by direct, clear, and convincing evidence that the dealer knew or reasonably should have known at the time of the original sale or lease that the motor vehicle would be exported to a location outside the United States. Except as otherwise permitted by subdivision (7) of this section, a franchise provision that allows a manufacturer or distributor to take adverse action against a dealer because the dealer sells or leases a motor vehicle that is later exported to a location outside the United States is void and unenforceable;

(8) Discriminate against a dealer holding a franchise for a line-make of the manufacturer or distributor in favor of other dealers of the same line-make in this state by:

(a) Selling or offering to sell a new motor vehicle to a dealer at a lower actual price, including the price for vehicle transportation, than the actual price at which the same model similarly equipped is offered to or is available to another dealer in this state during a similar time period; or

(b) Using a promotional program or device or an incentive, payment, or other benefit, whether paid at the time of the sale of the new motor vehicle to the dealer or later, that results in the sale or offer to sell a new motor vehicle to a dealer at a lower price, including the price for vehicle transportation, than the price at which the same model similarly equipped is offered or is available to another dealer in this state during a similar time period. This subdivision shall not prohibit a promotional or incentive program that is functionally available to competing dealers of the same line-make in this state on substantially comparable terms;

(9) Refuse to pay a new motor vehicle dealer for sales incentives, service incentives, rebates, or other forms of incentive compensation within thirty days after their approval by the manufacturer or distributor. The manufacturer or distributor shall either approve or disapprove each claim by the dealer within thirty days after receipt of the claim in a proper form generally used by the manufacturer or distributor. Any claims not specifically disapproved in writing within thirty days after receipt shall be considered to be approved;

(10) Perform an audit to confirm payment of a sales incentive, service incentive, rebate, or other form of incentive compensation more than twelve months after the date of payment of the claim or twelve months after the end of the incentive program by the new motor vehicle dealer unless the claim is fraudulent;

(11) Reduce the amount to be paid to a new motor vehicle dealer for a sales incentive, service incentive, rebate, or other form of incentive compensation or charge back a new motor vehicle dealer subsequent to the payment of the claim for a sales incentive, service incentive, rebate, or other form of incentive compensation unless the manufacturer or distributor shows that the claim lacks required documentation or is alleged to be false, fraudulent, or based on a misrepresentation.

A manufacturer or distributor may not deny a claim based solely on a new motor vehicle dealer's incidental failure to comply with a specific claim processing requirement, such as a clerical error, that does not put into question the legitimacy of the claim. No reduction in the amount to be paid to the new motor vehicle dealer and no charge back subsequent to the payment of a claim may be made until the new motor vehicle dealer has had notice and an opportunity to correct any

deficiency and resubmit the claim and to participate in all franchisor internal appeal processes as well as all available legal processes. If a charge back is the subject of adjudication, internal appeal, mediation, or arbitration, no charge back shall be made until, in the case of an adjudication or legal action, a final order has been issued.

A claim for reimbursement by the manufacturer or distributor of sums due following an audit must be presented to the dealer within ninety days after completion of the audit of the item subject to the claim. A manufacturer or distributor may not setoff or otherwise take control over funds owned or under the control of the new motor vehicle dealer or which are in an account designated for the new motor vehicle dealer when such action is based upon the findings of an audit or other claim with respect thereto until a final decision is issued with respect to any challenge or appeal by either party of any such audit or claim.

Any ambiguity or inconsistency in submission guidelines shall be construed against the manufacturer or distributor;

(12) Make any express or implied statement or representation directly or indirectly that the dealer is under any obligation whatsoever to offer to sell or sell any extended service contract, extended maintenance plan, gap policy, gap waiver, or other aftermarket product or service offered, sold, backed by, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any of the dealer's retail sales contracts or leases in this state on motor vehicles manufactured or sold by the manufacturer or distributor to a finance company or class of finance companies, leasing company or class of leasing companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies, leasing company or leasing companies, or the specified person or persons; or

(13) Prohibit a franchisee from acquiring a line-make of new motor vehicles solely because the franchisee owns or operates a franchise of the same line-make in a contiguous market.

Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition or tend to create a monopoly, are declared unfair trade practices and unfair methods of competition and are prohibited.

60-1438.

Manufacturer or distributor; warranty obligation; prohibited acts.

(1) Each new motor vehicle manufacturer or distributor shall specify in writing to each of its new motor vehicle dealers licensed in this state the dealer's obligations for preparation, delivery, and warranty service on its products. The manufacturer or distributor shall compensate the new motor vehicle dealer for warranty service which such manufacturer or distributor requires the dealer to provide, including warranty and recall obligations related to repairing and servicing motor vehicles and all parts and components included in or manufactured for installation in the motor vehicles of the manufacturer or distributor. The manufacturer or distributor shall provide the new motor vehicle dealer with the schedule of compensation to be paid to the dealer for parts, work, and service and the time allowance for the performance of the work and service.

(2)(a) The schedule of compensation shall include reasonable compensation for diagnostic work, as well as repair service, parts, and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates being paid by dealers in the community in which the dealer is doing business, and in no event shall the compensation of the dealer for warranty parts and labor be less than the rates charged by the dealer for like parts and service to retail or fleet

customers, as long as such rates are reasonable. In determining prevailing wage rates, the rate of compensation for labor for that portion of repair orders for routine maintenance, such as tire repair or replacement and oil and fluid changes, shall not be used.

(b) For purposes of this section, compensation for parts may be determined by calculating the price paid by the dealer for parts, including all shipping and other charges, multiplied by the sum of one and the dealer's average percentage markup over the price paid by the dealer for parts purchased by the dealer from the manufacturer and sold at retail. The dealer may establish average percentage markup by submitting to the manufacturer one hundred sequential customer-paid service repair orders or ninety days of customer-paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty days before the submission and declaring what the average percentage markup is. Within thirty days after receipt of the repair orders, the manufacturer may audit the submitted repair orders and approve or deny approval of the average percentage markup based on the audit. The average percentage markup shall go into effect forty-five days after the approval based on that audit. If the manufacturer denies approval of the average percentage markup declared by the dealer, the dealer may file a complaint with the board. The manufacturer shall have the burden to establish that the denial was reasonable. If the board determines that the denial was not reasonable, the denial shall be deemed a violation of the Motor Vehicle Industry Regulation Act subject to the enforcement procedures of the act. Only retail sales not involving warranty repairs or parts supplied for routine vehicle maintenance shall be considered in calculating average percentage markup. No manufacturer shall require a dealer to establish average percentage markup by a methodology, or by requiring information, that is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations. A dealer shall not request a change in the average percentage markup more than twice in one calendar year.

(3) A manufacturer or distributor shall not do any of the following:

(a) Fail to perform any warranty obligation;

(b) Fail to include in written notices of factory recalls to new motor vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of the defects; or

(c) Fail to compensate any of the new motor vehicle dealers licensed in this state for repairs effected by the recall.

(4) A dealer's claim for warranty compensation may be denied only if:

(a) The dealer's claim is based on a nonwarranty repair;

(b) The dealer lacks documentation for the claim;

(c) The dealer fails to comply with specific substantive terms and conditions of the franchisor's warranty compensation program; or

(d) The manufacturer has a bona fide belief based on competent evidence that the dealer's claim is intentionally false, fraudulent, or misrepresented.

(5) All claims made by a new motor vehicle dealer pursuant to this section for labor and parts shall be made within six months after completing the work and shall be paid within thirty days after their approval. All claims shall be either approved or disapproved by the manufacturer or distributor within thirty days after their receipt on a proper form generally used by the manufacturer or distributor and containing the usually required information therein. Any claim not specifically disapproved in writing within thirty days after the receipt of the form shall be considered to be approved and payment shall be made within thirty days. The manufacturer has the right to audit the claims for one year after payment, except that if the manufacturer has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent, the manufacturer has the right to audit the claims for four years after payment. For purposes of this subsection, reasonable cause means a bona fide belief based upon evidence that the issues of fact are such that

a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. As a result of an audit authorized under this subsection, the manufacturer has the right to charge back to the new motor vehicle dealer the amount of any previously paid claim after the new motor vehicle dealer has had notice and an opportunity to participate in all franchisor internal appeal processes as well as all available legal processes. The requirement to approve and pay the claim within thirty days after receipt of the claim does not preclude chargebacks for any fraudulent claim previously paid. A manufacturer may not deny a claim based solely on a dealer's incidental failure to comply with a specific claim processing requirement, such as a clerical error that does not put into question the legitimacy of the claim. If a claim is rejected for a clerical error, the dealer may resubmit a corrected claim in a timely manner.

(6) The warranty obligations set forth in this section shall also apply to any manufacturer of a new motor vehicle transmission, engine, or rear axle that separately warrants its components to customers.

(7) This section does not apply to recreational vehicles.

60-1438.01.

Manufacturer or distributor; restrictions with respect to franchises and consumer care or service facilities.

(1) For purposes of this section, manufacturer or distributor includes (a) a factory representative or a distributor representative or (b) a person who is affiliated with a manufacturer or distributor or who, directly or indirectly through an intermediary, is controlled by, or is under common control with, the manufacturer or distributor. A person is controlled by a manufacturer or distributor if the manufacturer or distributor has the authority directly or indirectly, by law or by agreement of the parties, to direct or influence the management and policies of the person. A franchise agreement with a Nebraska-licensed dealer which conforms to and is subject to the Motor Vehicle Industry Regulation Act is not control for purposes of this section.

(2) Except as provided in this section, a manufacturer or distributor shall not directly or indirectly:

(a) Own an interest in a franchise, franchisee, or consumer care or service facility, except that a manufacturer or distributor may hold stock in a publicly held franchise, franchisee, or consumer care or service facility so long as the manufacturer or distributor does not by virtue of holding such stock operate or control the franchise, franchisee, or consumer care or service facility;

(b) Operate or control a franchise, franchisee, or consumer care or service facility;

(c) Act in the capacity of a franchisee or motor vehicle dealer; or

(d) Own, operate, or control any consumer care or service facility or perform warranty or nonwarranty work on any vehicle manufactured by such manufacturer or distributor, unless such manufacturer or distributor:

(i) Manufactures and distributes electric vehicles; and

(ii) Is not nor has ever been a franchisor in this state.

(3) A manufacturer or distributor may own an interest in a franchisee or otherwise control a franchise for a period not to exceed twelve months after the date the manufacturer or distributor acquires the franchise if:

(a) The person from whom the manufacturer or distributor acquired the franchise was a franchisee; and

(b) The franchise is for sale by the manufacturer or distributor.

(4) For purposes of broadening the diversity of its franchisees and enhancing opportunities for qualified persons who lack the resources to purchase a franchise outright, but for no other purpose, a manufacturer or distributor may temporarily own an interest in a franchise if the manufacturer's or distributor's participation in the franchise is in a bona fide relationship with a franchisee and the franchisee:

(a) Has made a significant investment in the franchise, which investment is subject to loss;

(b) Has an ownership interest in the franchise; and

(c) Operates the franchise under a plan to acquire full ownership of the franchise within a reasonable time and under reasonable terms and conditions.

(5) On a showing of good cause by a manufacturer or distributor, the board may extend the time limit set forth in subsection (3) of this section. An extension may not exceed twelve months. An application for an extension after the first extension is granted is subject to protest by a franchisee of the same line-make whose franchise is located in the same community as the franchise owned or controlled by the manufacturer or distributor.

(6) The prohibition in subdivision (2)(b) of this section shall not apply to any manufacturer of manufactured housing, recreational vehicles, or trailers.

(7) The prohibitions set forth in subsection (2) of this section shall not apply to a manufacturer that:

(a) Does not own or operate more than two such dealers or dealership locations in this state;

(b) Owned, operated, or controlled a warranty repair or service facility in this state as of January 1, 2016;

(c) Manufactures engines for installation in a motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds for which motor-driven vehicle evidence of title is required as a condition precedent to registration under the laws of this state, if the manufacturer is not otherwise a manufacturer of motor vehicles; and

(d) Provides to dealers on substantially equal terms access to all support for completing repairs, including, but not limited to, parts and assemblies, training and technical service bulletins, and other information concerning repairs that the manufacturer provides to facilities owned, operated, or controlled by the manufacturer.

60-1439.
Dealer, manufacturer, distributor; liability for damages to motor vehicles.
(1) The new motor vehicle dealer shall be solely liable for damages to new motor vehicles after acceptance from the carrier and before delivery to the ultimate purchaser. A delivery receipt signed by a new motor vehicle dealer shall be evidence of such dealer's acceptance of any new motor vehicles.
(2) The manufacturer or distributor shall be liable for all damages to motor vehicles before delivery to a carrier or transporter and while such vehicles are on the carrier or transporter, except that if the new motor vehicle dealer selected the method and mode of transportation and the carrier or transporter, then such dealer shall be liable for damages to any new motor vehicles after delivery to the carrier or transporter.

60-1439.01.
Motor vehicle provided by motor vehicle dealer; motor vehicle insurance policies; primary coverage; secondary coverage.
During the time when an insured person is operating a motor vehicle provided by a motor vehicle dealer for use while the insured person's motor vehicle is being serviced, repaired, or inspected by the motor vehicle dealer, when both the insured person's and motor vehicle dealer's motor vehicle insurance policies have a mutually repugnant clause regarding primary coverage, the insured person's motor vehicle insurance policy shall provide primary coverage for the motor vehicle and the motor vehicle insurance policy of the motor vehicle dealer shall provide secondary coverage until the motor vehicle is returned to the motor vehicle dealer. This section only applies to the loan of a motor vehicle by a motor vehicle dealer which occurs without financial remuneration in the form of a fee or lease charge paid directly by the insured person operating the motor vehicle. Payments made by any third party to a motor vehicle dealer, or similar reimbursements, shall not be considered payments directly from the insured person operating the motor vehicle.

60-1440.
Violations; actions for damages and equitable relief; arbitration.
(1) Any person who is or may be injured by a violation of the Motor Vehicle Industry Regulation Act or any party to a franchise whose business or property is damaged by a violation of the act relating to that franchise may bring an action for damages and equitable relief, including injunctive relief.
(2) When a violation of the act can be shown to be willful or wanton, the court shall award damages. If the manufacturer engages in continued multiple violations of the act, the court may, in addition to any other damages, award court costs and attorney's fees.
(3) A new motor vehicle dealer, if he or she has not suffered any loss of money or property, may obtain final equitable relief if it can be shown that a violation of the act by a manufacturer may have the effect of causing such loss of money or property.
(4) If any action to enforce any of the provisions of the act is brought by a new motor vehicle dealer against a manufacturer and the new motor vehicle dealer prevails, he or she shall be awarded reasonable attorney's fees and the court shall assess costs against the manufacturer.
(5) If any dispute between a franchisor and franchisee becomes subject to resolution by means of binding arbitration, the provisions of the act regulating the relationship of franchisor and franchisee shall apply in any such proceeding.

60-1441.

New motor vehicle dealers; recall repairs; compensation; stop-sale or do-not-drive order; compensation; applicability of section; prohibited acts.
(1) A manufacturer, distributor, factory branch, or distributor branch shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer, distributor, factory branch, or distributor branch to perform recall repairs on used motor vehicles. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used motor vehicle held for sale by a new motor vehicle dealer authorized to sell and service new motor vehicles of the same line-make within thirty days after the initial notice of recall, and a stop-sale or do-not-drive order has been issued on the motor vehicle, the manufacturer, distributor, factory branch, or distributor branch shall compensate the new motor vehicle dealer at a prorated rate of at least one percent of the value of the used motor vehicle per month beginning on the date that is thirty days after the date on which the stop-sale or do-not-drive order was provided to the new motor vehicle dealer until the earlier of either of the following:
(a) The date the recall or remedy parts are made available; or
(b) The date the new motor vehicle dealer sells, trades, or otherwise disposes of the affected used motor vehicle.
(2) The value of a used motor vehicle shall be the average trade-in value for used motor vehicles as indicated in an independent third-party guide for the year, make, and model of the recalled used motor vehicle.
(3) This section applies only to used motor vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and if a stop-sale or do-not-drive order has been issued and repair parts or remedy remain unavailable for thirty days or longer.
(4) This section applies only to new motor vehicle dealers holding an affected used motor vehicle for sale:
(a)(i) In inventory at the time a stop-sale or do-not-drive order was issued; or
(ii) Which was taken in the used motor vehicle inventory of the new motor vehicle dealer as a consumer trade-in incident to the purchase of a new motor vehicle from the new motor vehicle dealer after the stop-sale or do-not-drive order was issued; and
(b) That is of a line-make which the new motor vehicle dealer is franchised to sell or on which the new motor vehicle dealer is authorized to perform recall repairs.
(5) Subject to the audit provisions of subsection (5) of section60-1438, it shall be a violation of this section for a manufacturer, distributor, factory branch, or distributor branch to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual new motor vehicle dealer from an incentive program, or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this section. This subsection does not apply to an action by a manufacturer, distributor, factory branch, or distributor branch that is applied uniformly among all new motor vehicle dealers of the same line-make in the state.
(6) Any reimbursement claim made by a new motor vehicle dealer pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the used motor vehicle is subject to a stop-sale or do-not-drive order, shall be subject to the same limitations and requirements as a warranty reimbursement claim made under section60-1438. In the alternative, a manufacturer, distributor, factory branch, or distributor branch may compensate its franchised new motor vehicle dealers under a national recall compensation program if the compensation under the program is equal to or greater than that provided under subsection (1) of this section; or the new motor vehicle dealer and the manufacturer, distributor, factory branch, or distributor branch otherwise agree.
(7) A manufacturer, distributor, factory branch, or distributor branch may direct the manner and method in which a new motor vehicle dealer demonstrates the inventory status of an affected used motor vehicle in order to determine eligibility for compensation under this section so long as the manner and method are not unduly burdensome and do not require information that is unduly burdensome to provide.
(8) Nothing in this section shall require a manufacturer, distributor, factory branch, or distributor branch to provide total compensation to a new motor vehicle dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under subsection (2) of this section.
(9) Any remedy provided to a new motor vehicle dealer under this section is exclusive and shall not be combined with any other state or federal recall compensation remedy.

60-1501.
Director; qualifications.
The Director of Motor Vehicles at the time of his appointment and qualification shall (a) be a citizen of the United States and a resident of the State of Nebraska, (b) have been a qualified voter in the state for a period of at least five years preceding his appointment, and (c) not be less than thirty years of age.

60-1502.
Director; oath; bond or insurance.
The Director of Motor Vehicles shall take the oath as provided by law and be bonded or insured as required by section11-201.

60-1503.
Employment of personnel; technical advisors.
The Director of Motor Vehicles shall have authority to employ such personnel, including legal, and technical advisors as may be

necessary to carry out the duties of his office.

60-1504.
Seal; certified copies of records as evidence.
The Director of Motor Vehicles shall adopt a seal. Copies of all records or other instruments in the department, when certified by the director as true copies and bearing the seal thereof, shall be received in any court as prima facie evidence of the original records or instruments.

60-1505.
Vehicle Title and Registration System Replacement and Maintenance Cash Fund; created; use; investment.
The Vehicle Title and Registration System Replacement and Maintenance Cash Fund is hereby created. The fund shall be administered by the Department of Motor Vehicles. Revenue credited to the fund shall include fees collected by the department from participation in any multistate electronic data security program, except as otherwise specifically provided by law, and funds transferred as provided in section60-3,186. The fund shall be used by the department to pay for costs associated with the acquisition, implementation, maintenance, support, upgrades, and replacement of the Vehicle Title and Registration System. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any investment earnings from investment of money in the fund shall be credited to the General Fund.

60-1506.
Registration and titling; records; copy or extract provided; electronic access; fee.
(1) The Department of Motor Vehicles shall keep a record of each motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, and minibike registered or titled in this state, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, and minibike. The record may be destroyed by any public officer having custody of it after three years from the date of its issuance.
(2) The department shall issue a copy of the record of a registered or titled motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike to any person after receiving from the person the name on the registration or certificate of title, the license plate number, the vehicle identification or other type of identification number, or the title number of a motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike, if the person provides to the department verification of identity and purpose pursuant to section60-2906or60-2907. A fee of one dollar shall be charged for the copy. An extract of the entire file of motor vehicles, trailers, motorboats, all-terrain vehicles, utility-type vehicles, snowmobiles, and minibikes registered or titled in the state or updates to the entire file may be provided to a person upon payment of a fee of eighteen dollars per thousand records. Any fee received by the department pursuant to this subsection shall be deposited into the Department of Motor Vehicles Cash Fund.
(3) The record of each motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike registration or title maintained by the department pursuant to this section may be made available electronically through the portal established under section84-1204so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. There shall be a fee of one dollar per record for individual records and for data-to-data requests for multiple motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike title and registration records. For bulk record requests of multiple motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike titles and registrations selected on the basis of criteria of the individual making the request, there shall be a fee of fifty dollars for every request under two thousand records, and a fee of eighteen dollars per one thousand records for any number of records over two thousand, plus a reasonable programming fee not to exceed five hundred twenty dollars. All fees collected pursuant to this subsection for electronic access to records through the portal shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the department.

60-1507.
Electronic dealer services system; licensed dealer; participation; service fee; powers of director.
(1) The Department of Motor Vehicles shall develop an electronic dealer services system for implementation as provided in subsection (7) of this section. The Director of Motor Vehicles shall approve a licensed dealer as defined in sections60-119.02and60-335.01for participation in the system. A licensed dealer may voluntarily participate in the system and provide titling and registration services. A licensed dealer who chooses to participate may collect from a purchaser of a vehicle as defined in section60-136, who also chooses to participate, all appropriate certificate of title fees, notation of lien fees, registration fees, motor vehicle taxes and fees, and sales taxes. All such fees and taxes collected shall be remitted to the appropriate county treasurer or the department as provided in the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Nebraska Revenue Act of 1967.
(2) In addition to the fees and taxes described in subsection (1) of this section, a participating licensed dealer may charge and collect a service fee not to exceed fifty dollars from a purchaser electing to use the electronic dealer services system.
(3) The department shall provide an approved participating licensed dealer with access to the electronic dealer services system by a

method determined by the director. An approved licensed dealer who chooses to participate shall use the system to electronically submit title, registration, and lien information to the Vehicle Title and Registration System maintained by the department. License plates, registration certificates, and certificates of title shall be delivered as provided under the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act.
(4) The director may remove a licensed dealer's authority to participate in the electronic dealer services system for any violation of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Registration Act, or the Nebraska Revenue Act of 1967, for failure to timely remit fees and taxes collected under this section, or for any other conduct the director deems to have or will have an adverse effect on the public or any governmental entity.
(5) An approved licensed dealer participating in the electronic dealer services system shall not release, disclose, use, or share personal or sensitive information contained in the records accessible through the electronic dealer services system as prohibited under the Uniform Motor Vehicle Records Disclosure Act, except that a licensed dealer may release, disclose, use, or share such personal or sensitive information when necessary to fulfill the requirements of the electronic dealer services system as approved by the department. An approved licensed dealer participating in the electronic dealer services system shall be responsible for ensuring that such licensed dealer's employees and agents comply with the Uniform Motor Vehicle Records Disclosure Act.
(6) The department may adopt and promulgate rules and regulations governing the eligibility for approval and removal of licensed dealers to participate in the electronic dealer services system, the procedures and requirements necessary to implement and maintain such system, and the procedures and requirements for approved licensed dealers participating in such system.
(7) The department shall implement the electronic dealer services system on a date to be determined by the director but not later than January 1, 2021.

60-1508.
Vehicle Title and Registration System; legislative intent; collection, storage, and transfer of data on vehicle titles and registrations; department; duties; implementation dates.
(1) It is the intent of the Legislature that the Department of Motor Vehicles maintain and further improve the Vehicle Title and Registration System which is the statewide system for the collection, storage, and transfer of data on vehicle titles and registrations as described in section60-1505.
(2) The department shall provide for technological updates to electronic certificates of title. The Director of Motor Vehicles shall designate an implementation date for the updates which date is on or before January 1, 2021.
(3) The department shall provide for an electronic reporting system for salvage and junked motorboats and vehicles. The director shall designate an implementation date for the system which date is on or before January 1, 2021.
(4) The department shall provide for the use of identification numbers for trailers which do not have a certificate of title. The director shall designate an implementation date for such use which date is on or before January 1, 2021.

60-1509.
Operator's license services system; build and maintain; Operator's License Services System Replacement and Maintenance Fund; created; use; investment.
(1) The Department of Motor Vehicles shall build and maintain a new operator's license services system for the issuance of operators' licenses and state identification cards. The Director of Motor Vehicles shall designate an implementation date for the new system which date is on or before July 1, 2032.
(2) The Operator's License Services System Replacement and Maintenance Fund is created. The fund shall consist of amounts credited under subsection (8) of section60-483. The fund shall be used for the building, implementation, and maintenance of a new operator's license services system for the issuance of operators' licenses and state identification cards.
(3) Any money in the Operator's License Services System Replacement and Maintenance Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any investment earnings from investment of money in the fund shall be credited to the General Fund.

60-1513.
Department of Motor Vehicles Cash Fund; created; use; investment.
The Department of Motor Vehicles Cash Fund is hereby created. The fund shall be administered by the Director of Motor Vehicles. In addition to money credited or remitted to the fund, the fund may also receive reimbursement from counties. The fund shall be used by the Department of Motor Vehicles to carry out its duties as deemed necessary by the Director of Motor Vehicles, except that transfers from the fund to the General Fund or the Vehicle Title and Registration System Replacement and Maintenance Cash Fund may be made at the direction of the Legislature. Any money in the Department of Motor Vehicles Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any investment earnings from investment of money in the fund shall be credited to the General Fund.
The State Treasurer shall transfer five million three hundred twenty-five thousand dollars from the Department of Motor Vehicles Cash Fund to the Vehicle Title and Registration System Replacement and Maintenance Cash Fund on or before June 30, 2017, as directed by the budget administrator of the budget division of the Department of Administrative Services.

60-1515.
Department of Motor Vehicles Cash Fund; use; legislative intent.
(1) The Legislature hereby finds and declares that a statewide system for the collection, storage, and transfer of data on vehicle titles and registration and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in vehicle titling and registration. The Legislature hereby finds and declares that the electronic issuance of operators' licenses and state identification cards using a digital system as described in section60-484.01and the cooperation of state and local government in implementing such a system is essential to the efficient operation of state and local government in issuing operators' licenses and state identification cards.
(2) It is therefor the intent of the Legislature that the Department of Motor Vehicles shall use a portion of the fees appropriated by the Legislature to the Department of Motor Vehicles Cash Fund as follows:
(a) To pay for the cost of issuing motor vehicle titles and registrations on a system designated by the department. The costs shall include, but not be limited to, software and software maintenance, programming, processing charges, and equipment including such terminals, printers, or other devices as deemed necessary by the department after consultation with the county to support the issuance of motor vehicle titles and registrations. The costs shall not include the cost of county personnel or physical facilities provided by the counties;
(b) To fund the centralization of renewal notices for motor vehicle registration and to furnish to the counties the certificate of registration forms specified in section60-390. The certificate of registration form shall be prescribed by the department;
(c) To pay for the costs of an operator's license system as specified in sections60-484.01and60-4,119and designated by the department. The costs shall be limited to such terminals, printers, software, programming, and other equipment or devices as deemed necessary by the department to support the issuance of such licenses and state identification cards in the counties and by the department; and
(d) To pay for the motor vehicle insurance database created under section60-3,136.
(3) The department shall utilize three dollars of each fee allocated to the Department of Motor Vehicles Cash Fund from state identification cards valid for five years and Class O or M operators' licenses valid for five years to open and operate an additional operators' licensing service center.

60-1801.
Camper unit, defined.
As used in sections60-1801to60-1808, unless the context otherwise requires, camper unit means any structure designed and intended to be placed on a truck and to provide living quarters and which may be removed from a truck without dismantling or damage when ordinary care is exercised. Camper unit does not include a recreational vehicle as defined in section60-347, or a mobile home as defined in section77-3701.

60-1802.
Permit required.
Every owner, except dealers or manufacturers, of a camper unit which is located within this state for a period of thirty days or more shall obtain a permit therefor in the manner prescribed by sections60-1801to60-1808. No refund of the permit fee shall be made after a permit has been issued. The permit shall not be transferred to a new owner, and in case of transfer of ownership of such camper unit, a new permit must be obtained in the same manner as the original permit was obtained.

60-1803.
Permit; application; contents; fee.
Every owner of a camper unit shall make application for a permit to the county treasurer of the county in which such owner resides or is domiciled or conducts a bona fide business, or if such owner is not a resident of this state, such application shall be made to the county treasurer of the county in which such owner actually lives or conducts a bona fide business, except as otherwise expressly provided. Any person, firm, association, or corporation who is neither a resident of this state nor domiciled in this state, but who desires to obtain a permit for a camper unit owned by such person, firm, association, or corporation, may register the same in any county of this state. The application shall contain a statement of the name, post office address, and place of residence of the applicant, a description of the camper unit, including the name of the maker, the number, if any, affixed or assigned thereto by the manufacturer, the weight, width, and length of the vehicle, the year, the model, and the trade name or other designation given thereto by the manufacturer, if any. Camper unit permits required by sections60-1801to60-1808shall be issued by the county treasurer in the same manner as registration certificates as provided

in the Motor Vehicle Registration Act except as otherwise provided in sections60-1801to60-1808. Every applicant for a permit, at the time of making such application, shall exhibit to the county treasurer evidence of ownership of such camper unit. Contemporaneously with such application, the applicant shall pay a permit fee in the amount of two dollars which shall be distributed in the same manner as all other motor vehicle license fees. Upon proper application being made and the payment of the permit fee, the applicant shall be issued a permit.

60-1804.
Department of Motor Vehicles; validation decal; furnish.
The Department of Motor Vehicles shall design, procure, and furnish to the county treasurers a validation decal which may be attached to the camper unit as evidence that a permit has been obtained. Each county treasurer shall furnish a validation decal to the person obtaining the permit and such decal shall be attached to the camper unit so as to be clearly visible from the outside of the unit.

60-1805.
Permit; renewal; fee.
Such permit shall be renewed annually in the same manner and upon the payment of the same fee as provided for original issuance. Such renewal shall become due on the first day of January of each year and delinquent on March 1 of each year.

60-1807.
Permit; renewal; issuance; receipt required.
In issuing permits or renewals under sections60-1801to60-1808, the county treasurer shall neither receive nor accept such application nor permit fee nor issue any permit for any such camper unit unless the applicant first exhibits proof by receipt or otherwise (1) that he or she has paid all applicable taxes and fees upon such camper unit based on the computation thereof made in the year preceding the year for which such application for permit is made, (2) that he or she was the owner of another camper unit or other motor vehicles on which he or she paid the taxes and fees during such year, or (3) that he or she owned no camper unit or other motor vehicle upon which taxes and fees might have been imposed during such year.

60-1808.
Violations; penalty.
Any person violating any of the provisions of sections60-1801to60-1808shall be guilty of a Class V misdemeanor.

60-1901.
Abandoned vehicle, defined.
(1) A motor vehicle is an abandoned vehicle:
(a) If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
(b) If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
(c) If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
(d) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
(e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under section60-1903.01; or
(f) If removed from private property by a municipality pursuant to a municipal ordinance.
(2) An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:
(a) If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
(b) If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
(c) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(d) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under section60-1903.01; or
(e) If removed from private property by a municipality pursuant to a municipal ordinance.
(3) A mobile home is an abandoned vehicle if left in place on private property for more than thirty days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in section60-1903.
(4) For purposes of this section:
(a) Mobile home means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in section71-4603. Mobile home does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to section60-169;
(b) Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
(c) Private property means any privately owned property which is not included within the definition of public property.
(5) No motor vehicle subject to forfeiture under section28-431shall be an abandoned vehicle under this section.

60-1902.
Abandoned vehicle; title; vest in local authority or state agency; when.
If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to section60-376affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of five hundred dollars or less, title shall immediately vest in the local authority or state agency having jurisdiction thereof as provided in section60-1904. Any certificate of title issued under this section to the local authority or state agency shall be issued at no cost to such authority or agency.

60-1903.
Local authorities or state agency; powers and duties.
(1) Except for vehicles governed by section60-1902, the local authority or state agency having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:
(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.
(2) The local authority or state agency shall notify the last-registered owner, if any, and any lienholder, if any, within fifteen business days that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (b) title will vest in the local authority or state agency thirty days after the date such notice was mailed. If the agency described in subdivision (1)(a) or (b) of this section also notifies the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.
(3) Title to an abandoned vehicle, if unclaimed, shall vest in the local authority or state agency (a) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (2)(a) of this section, (b) thirty days after the date the notice is mailed if the local authority or state agency will retain the vehicle, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.
(4) After title to the abandoned vehicle vests pursuant to subsection (3) of this section, the local authority or state agency may retain for use, sell, or auction the abandoned vehicle. If the local authority or state agency has determined that the vehicle should be retained for use, the local authority or state agency shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the local authority or state agency intends to retain the abandoned vehicle for its use and that title will vest in the local authority or state agency thirty days after the publication.

60-1903.01.
Law enforcement agency; powers and duties.
A state or local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners, if any, and lienholders, if any, within fifteen calendar days stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under section28-431. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.

60-1903.02.

Law enforcement agency; authority to remove abandoned or trespassing vehicle; private towing service; notice; contents.
(1) A law enforcement agency is authorized to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. After removal, the law enforcement agency with custody of the vehicle shall follow the procedures in sections60-1902and60-1903.
(2) A law enforcement agency is authorized to contact a private towing service in order to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. A vehicle towed away under this subsection is subject to sections52-601.01to52-605and60-2410by the private towing service which towed the vehicle.
(3) A private property owner is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within twenty-four hours, the designated law enforcement agency in the jurisdiction from which the vehicle is removed and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to sections52-601.01to52-605and60-2410by the private towing service that towed the vehicle.
(4) For purposes of this section, a trespassing vehicle is a vehicle that is parked without permission on private property that is not typically made available for public parking.

60-1904.
Custody; who entitled.
If a state agency caused an abandoned vehicle described in subdivision (1)(e) or (2)(d) of section60-1901to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section60-1901to be removed from public property, the state agency shall deliver the vehicle to the local authority which shall have custody. The local authority entitled to custody of an abandoned vehicle shall be the county in which the vehicle was abandoned or, if abandoned in a city or village, the city or village in which the vehicle was abandoned.

60-1905.
Proceeds of sale; disposition.
Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the local authority or state agency shall be held by the local authority or state agency without interest, for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the local authority entitled to custody under section60-1904or the state General Fund if a state agency is entitled to custody under section60-1904.

60-1906.
Liability for removal.
Neither the owner, owner's agent, owner's employee, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the state, city, village, or county, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the state, city, village, or county or its contractual agent, while in the possession of a private towing service, or as a result of any subsequent disposition.

60-1907.
Person cannot abandon a vehicle.
No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section60-1901.

60-1908.
Destroy, deface, or remove parts; unlawful; exception; violation; penalty.
No person other than one authorized by the appropriate local authority or state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor.

60-1909.
Costs of removal and storage; last-registered owner; liable.
The last-registered owner of an abandoned vehicle shall be liable to the local authority or state agency for the costs of removal and storage of such vehicle.

60-1910.
Rules and regulations.
The Director of Motor Vehicles shall adopt and promulgate rules and regulations providing for such forms and procedures as are

necessary or desirable to effectuate the provisions of sections60-1901to60-1911. Such rules and regulations may include procedures for the removal and disposition of vehicle identification numbers of abandoned vehicles, forms for local records for abandoned vehicles, and inquiries relating to ownership of such vehicles.

60-1911.
Violations; penalty.
Except as provided in section60-1908, any person violating the provisions of sections60-1901to60-1911shall be guilty of a Class II misdemeanor.

60-2120.
Act, how cited.
Sections60-2120to60-2139shall be known and may be cited as the Motorcycle Safety Education Act.

60-2121.
Terms, defined.
For purposes of the Motorcycle Safety Education Act, unless the context otherwise requires:
(1) Department means the Department of Motor Vehicles;
(2) Director means the Director of Motor Vehicles;
(3) Driving course means a driving pattern used to aid students in learning the skills needed to safely operate a motorcycle as part of a motorcycle safety course;
(4) Motorcycle safety course means a curriculum of study which has been approved by the department designed to teach drivers the skills and knowledge to safely operate a motorcycle;
(5) Motorcycle safety instructor means any person who has successfully passed a motorcycle safety instructor's course curriculum and is certified by the department to teach a motorcycle safety course; and
(6) Motorcycle trainer means a person who is qualified and certified by the department to teach another person to become a certified motorcycle safety instructor in this state.

60-2125.
Motorcycle safety courses; requirements.
(1) The department may adopt and promulgate rules and regulations establishing minimum requirements for both basic and advanced motorcycle safety courses. The courses shall be designed to develop, instill, and improve the knowledge and skills necessary for safe operation of a motorcycle.
(2) The motorcycle safety courses shall be designed to teach either a novice motorcycle rider knowledge and basic riding skills or to refresh the knowledge and riding skills of motorcycle riders necessary for the safe and legal operation of a motorcycle on the highways of this state. Every motorcycle safety course shall be conducted at a site with room for a driving course designed to allow motorcycle riders to practice the knowledge and skills necessary for safe motorcycle operation.

60-2126.
Motorcycle safety course; approval by director; application; contents; certified motorcycle safety instructor required; fee; course audits.
(1) A school, business, or organization may apply to the department to provide a motorcycle safety course or courses in this state. Prospective providers of such course or courses shall submit an application for approval of such course or courses to the director. The application shall include a list of instructors of the course or courses. Such instructors

shall be or shall become motorcycle safety instructors certified by the department prior to teaching any motorcycle safety course in this state. Applications for certification of motorcycle safety instructors may be included along with an application for approval of a motorcycle safety course or courses. The director shall approve such course if it meets the requirements set forth by the department by rule and regulation and will be taught by a certified motorcycle safety instructor or instructors.
(2) The application for certification or renewal of a certification of each motorcycle safety course shall be accompanied by a fee of one hundred dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Motorcycle safety course certification shall expire two years from the date of the director's certification.
(3) Motorcycle safety courses shall be subject to audits by the department to assure compliance with the Motorcycle Safety Education Act and rules and regulations of the department.

60-2127.
Motorcycle safety instructors; certificate; requirements; renewal; person certified by another state; how treated.
(1) The director may adopt and promulgate rules and regulations establishing minimum standards, skills' qualifications, and education requirements for motorcycle safety instructors. The director shall issue or renew a certificate in the manner and form prescribed by the director to motorcycle safety instructor applicants who meet such requirements. A motorcycle safety instructor certificate shall expire two years after the date of issuance. To renew a certificate, a person shall submit an application demonstrating compliance with rules and regulations of the department.
(2) If the certification requirements are comparable to the requirements in this state, a person currently certified as a motorcycle safety instructor by another state or recognized accrediting organization may be issued a motorcycle safety instructor's certificate by the department without having to take the course established in section60-2128.
(3) A person who holds a valid, unexpired permit issued by the department to be a motorcycle safety instructor before January 1, 2012, shall be recognized as a certified motorcycle safety instructor until January 1, 2014, or until the expiration date of such permit, whichever is earlier. At that time the permit holder may apply for and become a certified motorcycle safety instructor to teach a motorcycle safety class in this state as provided in rules and regulations of the department.

60-2128.
Motorcycle safety instructor preparation course; department; duties.
The department may adopt and promulgate rules and regulations developing a motorcycle safety instructor preparation course which shall be taught by motorcycle trainers. Such course shall insure that the motorcycle safety instructor who successfully passes the course is familiar with the material included in the particular motorcycle safety course which such motorcycle safety instructor will be teaching.

60-2129.
Motorcycle trainers; requirements; certificates; person certified by another state; how treated.
(1) The director may adopt and promulgate rules and regulations establishing minimum education requirements for motorcycle trainers. The director shall issue certificates in the manner and form prescribed by the director to no more than two motorcycle trainers who meet the minimum education, skill, and experience requirements. The department may reimburse documented expenses incurred

by a person in connection with taking and successfully passing an educational course to become a motorcycle trainer, as provided in sections81-1174to81-1177, when there are less than two motorcycle trainers working in this state. In return for the reimbursement of such documented expenses, motorcycle trainers shall teach the motorcycle safety instructor preparation course as assigned by the director.
(2) If the certification requirements are comparable to the requirements in this state, a person currently certified as a motorcycle trainer by another state or recognized accrediting organization may be issued a motorcycle trainer's certificate by the department without having to receive the training required by this section.
(3) A person who holds a valid, unexpired permit issued by the department to be a chief instructor for motorcycle safety before January 1, 2012, shall be recognized as a motorcycle trainer until January 1, 2014, or until the expiration date of such permit, whichever is earlier. At that time the permit holder may apply for and be recertified as a motorcycle trainer to teach a motorcycle safety instructor preparation class in this state as provided in rules and regulations of the department.

60-2130.
Motorcycle safety instructor or motorcycle trainer; certificate; term; renewal.
All certificates issued under sections60-2127and60-2129shall be valid for two years and may be renewed upon application to the director as provided in rules and regulations of the department.

60-2131.
Certification of motorcycle safety course, motorcycle safety instructor's certificate, or motorcycle trainer's certificate; denial, suspension, or revocation; procedure.
(1) The director may cancel, suspend, revoke, or refuse to issue or renew certification of a motorcycle safety course, a motorcycle safety instructor's certificate, or a motorcycle trainer's certificate in any case when the director finds the certificate holder or applicant has not complied with or has violated the Motorcycle Safety Education Act or any rule or regulation adopted and promulgated by the director.
(2) No person or provider whose certificate has been canceled, suspended, revoked, or refused shall be certified until the person or provider meets the requirements of rules and regulations of the department and shows that the event or occurrence that caused the director to take action has been corrected and will not affect future performance. Persons or providers who are suspended may be summarily reinstated upon the director's acceptance of a demonstration of compliance and satisfactory correction of any noncompliance. All other persons or providers shall reapply for certification.
A person or provider may contest action taken by the director to cancel, suspend, revoke, or refuse to issue or renew a certificate by filing a written petition with the department within thirty days after the date of the director's action.

60-2132.01.
Motorcycle Safety Education Fund; transfers.
Within sixty days after January 1, 2012, twenty-five percent of the money remaining in the Motorcycle Safety Education Fund shall be transferred to the Department of Motor Vehicles Cash Fund and seventy-five percent of the money remaining in the Motorcycle Safety Education Fund shall be transferred to the Highway

Trust Fund. The Motorcycle Safety Education Fund shall be eliminated on such date after the transfers are made.

60-2139.
Rules and regulations.
The director may adopt and promulgate such rules and regulations for the administration and enforcement of the Motorcycle Safety Education Act as are necessary. In adopting such rules and regulations, the director shall comply with the Administrative Procedure Act.

60-2401.
Restricted parking lots; cities of the metropolitan or primary class; vehicles towed away; when.
In cities of the metropolitan or primary class which have not adopted an ordinance conforming to section60-2401.01, vehicles parked in a restricted parking lot without the consent of the owner or tenant shall be subject to being towed away, if the lot is properly posted.

60-2401.01.
Restricted parking lots; unauthorized parking; towing; violation; penalty.
Except in cities of the metropolitan or primary class, any person parking a vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant authorized to give permission shall be guilty of an infraction and the vehicle shall be subject to being towed away at the request of such lot owner or tenant. Any person found guilty under this section shall be subject to the penalties provided in section29-436for infractions. If the identity of the operator of a vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction.
When any law enforcement officer observes or is advised that a vehicle may be in violation of this section, he or she shall make a determination as to whether a violation has in fact occurred and, if so, shall personally serve or attach to such vehicle a citation pursuant to section29-424, directed to the owner or operator of such vehicle, which shall set forth the nature of the violation. Any person who refuses to sign the citation or otherwise comply with the command of the citation shall be punished as provided by section29-426. As used in this section, law enforcement officer shall include any authorized representative of a law enforcement agency.

60-2402.
Restricted parking lot; signs designating.
Signs designating a restricted parking lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle.

60-2403.
Vehicle towed away; notification to local law enforcement agency; renotification.
Anyone towing a vehicle away pursuant to sections60-2401to60-2411shall notify the local law enforcement agency within twenty-four hours of the license number of the vehicle. Anyone towing a vehicle away pursuant to sections60-2401to60-2411and holding the vehicle for more than twenty-nine days shall, on the thirtieth day, renotify the local law enforcement agency of the vehicle's license number for the purpose of ascertaining whether the vehicle has been reported stolen or missing. Such renotification shall be repeated each thirty days while the vehicle is held by the tower or until such time as the tower has placed a lien on the vehicle as provided

by section60-2404.

60-2404.
Vehicle towed
away; lien and disposition; when.
A vehicle towed away under sections60-2401to60-2411, which is not claimed by the owner within ninety days after towing, is subject to lien and disposition under Chapter 52, article 6, by the person
who towed the vehicle.

60-2405.
Vehicle towed
away; properly parked; liability.
Any owner or tenant causing
the towing away of a vehicle
that is not improperly parked on a restricted lot shall cause the return of
the vehicle
to its owner or driver at no charge to such owner or driver. The person causing
the vehicle
to be towed shall be liable for any reasonably foreseeable damage incurred
by the owner or driver of the vehicle
due to loss of transportation.

60-2406.
Vehicle towed
away; liability for reasonably foreseeable damages.
Anyone
towing away a vehicle
pursuant to sections60-2401to60-2411shall be liable for any reasonably
foreseeable damages to the vehicle
that occur during the hookup, towing, or disengagement of the vehicle to or from the towing vehicle
and anyone storing such a towed vehicle
shall be liable for any reasonably foreseeable damage to the vehicle and the personal contents therein
during the storage period.

60-2407.
Vehicle;
full possession of towing vehicle; when; effect.
Anyone attempting
to tow away a vehicle
pursuant to sections60-2401to60-2411shall not be in full possession of
the vehicle
to be towed until the vehicle
has been fully and completely attached to his or her towing vehicle. The tower
shall, upon request of the owner or driver of the vehicle to be towed, disengage the towing
apparatus at any time prior to taking full possession, as defined in this
section, of the vehicle.

60-2408.
Owner or driver; given written statement
by tower; contents.
The owner or driver of any vehicle towed away pursuant
to sections60-2401to60-2411shall, upon regaining possession of the vehicle from the tower,
be given a written statement by the tower fully detailing: (1) The name and
address of the person or persons who caused the vehicle to be towed; (2) under
what statutory authority the vehicle was towed; and (3) his or her rights
under sections60-2401to60-2411.

60-2409.
Person towing vehicle; ascertain owner or tenant of
lot.

Anyone towing a vehicle
pursuant to sections60-2401to60-2411shall take reasonable steps to ascertain
that the person causing the vehicle
to be towed is the owner or tenant of the lot from which the vehicle is to be towed.

60-2410.
Towing and storage fees; liability;
lien; notice.
(1) The owner or other person lawfully entitled
to the possession of any vehicle towed or stored shall be charged with the
reasonable cost of towing and storage fees. Any such towing or storage fee
shall be a lien upon the vehicle under Chapter 52, article 6, and, except
as provided in subsection (3) of this section, shall be prior to all other
claims. Any person towing or storing a vehicle may retain possession of such
vehicle until such charges are paid or, after ninety days, may dispose of
such vehicle to satisfy the lien. Upon
payment of such charges, the person towing or storing the vehicle shall return
possession of the vehicle to the (a) owner, (b) lienholder, or (c) any other
person lawfully entitled to the possession of such vehicle making payment
of such charges. The lien provided for in this section shall not
apply to the contents of any vehicle.
(2) The person towing the vehicle
shall, within fifteen business days after
towing, notify any lienholder appearing on the certificate of title of the vehicle and the owner
of the vehicle
of the towing of the vehicle.
The notice shall be sent by certified mail, return receipt requested, to the
last-known address of the lienholder and owner of the vehicle. The notice shall contain:
(a) The make, model, color, year, and vehicle identification number
of the vehicle;
(b) The name, address, and telephone number of the person who towed
the vehicle;
(c) The date of towing;
(d) The daily storage fee and the storage fee accrued as of the date
of the notification; and
(e) A statement that the vehicle
is subject to lien and disposition by sale or other manner ninety days after
the date of towing under Chapter 52, article 6.
(3) Failure to provide notice as prescribed in subsection (2) of this
section shall result in the lien of the person who towed the vehicle being subordinate to the lien
of the lienholder appearing on the certificate of title and render void any
disposition of the vehicle
by the person who towed the vehicle.

60-2411.
Owner or tenant of lot; solicit or
accept compensation from tower; prohibited.
Any owner or
tenant causing the towing away of a vehicle
shall not solicit or accept therefor a commission, gift, gratuity, or any
form of compensation or wealth from the person or business towing away the vehicle.

60-2501.
Ride-sharing arrangement, defined.
For purposes of sections60-2501to60-2508, ride-sharing arrangement shall mean the carrying of more than one, but not more than fifteen passengers by motor vehicle on any public road or highway, either regularly or occasionally, with or without compensation, but not for profit, and the carriage of such passengers is incidental to another purpose of the motor vehicle operator. The term shall include ride-sharing arrangements commonly known as carpools, vanpools, and buspools.

60-2502.

Laws not applicable.
The following laws and regulations of this state shall not apply to any ride-sharing arrangement using a motor vehicle with a seating capacity for not more than fifteen persons, including the driver:
(1) Chapter 75, pertaining to the regulation of motor carriers of any kind or description by the Public Service Commission;
(2) Laws and regulations containing insurance requirements that are specifically applicable to motor carriers or commercial motor vehicles;
(3) Laws and regulations with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial motor vehicles; and
(4) Laws imposing a tax on fuel purchased in another state by a motor carrier.

60-2503.
Workers' compensation law; not applicable; when.
The Nebraska Workers' Compensation Act shall not apply to a person injured while participating in a ride-sharing arrangement between his or her place of residence and place of employment or terminals near such places, except that if the employer owns, leases, or contracts for the motor vehicle used in such arrangement, pays for the time spent in travel, or pays the expense of travel, such act shall apply.

60-2504.
Employer not liable for injuries; when.
(1) An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle not owned, leased, or contracted for by the employer, in a ride-sharing arrangement.
(2) An employer shall not be liable for injuries to passengers and other persons because he or she provides information, incentives, or otherwise encourages his or her employees to participate in ride-sharing arrangements, except as provided in section60-2503.

60-2505.
Tax or license; prohibited.
No county, city, village, or other municipal subdivision may impose a tax on, or require a license for, a ride-sharing arrangement using a motor vehicle with a seating capacity for not more than fifteen persons, including the driver.

60-2506.
Minimum wage scale laws; not applicable.
The mere fact that an employee participates in any kind of ride-sharing arrangement shall not result in the application of Chapter 48, article 12, relating to payment of a minimum wage, overtime pay, or otherwise regulating the hours a person may work.

60-2507.
Motor vehicle; exemption from certain laws; when.
A motor vehicle used in a ride-sharing arrangement that has a seating capacity for not more than fifteen persons, including the driver, shall not be a bus or commercial vehicle under the Motor Vehicle Registration Act or the Nebraska Rules of the Road.

60-2508.
Use of public vehicles authorized.
Motor vehicles owned or operated by any state or local agency may be used in ride-sharing arrangements for public employees. Participants in any such ride-sharing arrangement shall pay the actual total costs of using the vehicle in that arrangement.

60-2601.
Terms, defined.
As used in sections60-2602to60-2607, unless the context otherwise requires:
(1) Major component part shall mean an engine, with or without accessories, a transmission, cowl, door, frame, body, rear clip, or nose;
(2) Nose shall mean that portion of the body of a vehicle from the front to the firewall when acquired or transferred as a complete unit;
(3) Frame shall mean that portion of a vehicle upon which other components are affixed, such as the engine, body, or transmission;
(4) Body shall mean that portion of a vehicle which determines its shape and appearance and is attached to the frame; and
(5) Rear clip shall mean two or more of the following, all dismantled from the same vehicle: A quarter panel or fender, floor panel assembly, or trunk lid or gate.

60-2602.
Acquisition of vehicle or parts;
duties; record; contents.
Whenever any wrecker or salvage

dealer who is required to be licensed pursuant to the Motor Vehicle Industry Regulation Act acquires, after August 26, 1983, any material which is or may have been a vehicle or major component part:
(1) The wrecker or salvage dealer shall determine by means of a driver's license, state identification card, certificate of employer's federal identification number, or license issued by the board, the identity of the person or firm from whom such material is acquired; and
(2) Each such wrecker or salvage dealer shall maintain a record of the following information:
(a) The name and address of the person or firm from whom such material was acquired;
(b) The means by which such person or firm was identified, including the number and issuing state of any driver's license or state identification card, the federal employer's identification number, or the licensee's number issued by the board;
(c) A general description of the material acquired, including, but not limited to, if available and identifiable, the year, make, model, manufacturer's vehicle identification number, and any other identifying marks or numbers, of any vehicle or major component part; and
(d) The date of acquisition, the purchase price, including the value and description of any material traded, and the type of payment, including the number of any check or draft issued or received in exchange for such material.

60-2603.
Possession of salvage vehicle on August 26, 1983; effect.
Any wrecker or salvage dealer licensed by the board pursuant to the Motor Vehicle Industry Regulation Act having possession on August 26, 1983, of both a salvage vehicle and a certificate of title for such vehicle, either issued to or assigned to such a person, shall not be required to obtain a salvage branded certificate of title for such vehicle except upon transfer of the vehicle to a person not required to be licensed as a wrecker or salvage dealer by the board.

60-2604.
Possession of major component part on August 26, 1983; duties.
Any wrecker or salvage dealer required to be licensed by the board pursuant to the Motor Vehicle Industry Regulation Act having possession on August 26, 1983, of a major component part shall include in his or her regular business records the information required to be recorded by subdivision (2) of section60-2602, to the extent such information is available.

60-2605.
Record requirements.
The records required by sections60-2602to60-2604shall be maintained for any vehicle of any model year, but records of major component parts shall be maintained only with respect to major component parts of vehicles five model years or less in age on the date of acquisition. The board may by rule and regulation, exempt vehicles or major component parts of vehicles from all or a portion of the record-keeping requirements, based upon the age of the vehicle or part if the board deems that such requirements would serve no substantial value.

60-2606.
Records; maintenance and location.
Every record required to be maintained pursuant to sections60-2602to60-2604shall be maintained by such a wrecker or salvage dealer in the ordinary course of business and shall be maintained for five years at the principal place of business of such wrecker or salvage dealer, in such a manner that, upon request during regular business hours by any designated peace officer or investigator employed by the board, such wrecker or salvage dealer shall be able, within a reasonable time, not exceeding twelve hours, to furnish the information requested.

60-2607.

Records; inspection.
Every record required to be maintained pursuant to sections60-2602to60-2604shall be open to inspection by any designated peace officer or investigator employed by the board for inspection during regular business hours. Such inspection may include examination of the subject premises and contents for the purpose of determining the accuracy of the required records.

60-2608.
Peace officer; seize vehicle or major component part; when; disposition.
(1) Any peace officer shall seize and take possession of any vehicle or any major component part, as defined in section60-2601, of a vehicle which the officer has probable cause to believe is stolen, or on which the identification number has been obscured, covered, removed, altered, or destroyed.
(2) Property seized pursuant to this section shall not be subject to a replevin action and:
(a) Shall be kept by the law enforcement agency which employs the officer who seized such property, or by its designee, for so long as it is needed as evidence in any trial; and
(b) When no longer required as evidence, such property shall be disposed of pursuant to sections29-818to29-821.
(3) Property seized pursuant to this section solely on account of an obscured identification number may be restored to the owner or his or her designee without court order unless such property is required as evidence in a criminal action pending or contemplated in this or another jurisdiction.

60-2701.
Terms, defined.
As
used in sections60-2701to60-2709, unless the context otherwise requires:
(1) Consumer shall mean the purchaser, other than for purposes of resale,
of a motor vehicle normally used for personal, family, household, or business
purposes, any person to whom such motor vehicle is transferred for the same
purposes during the duration of an express warranty applicable to such motor
vehicle, and any other person entitled by the terms of such warranty to enforce
the obligations of the warranty;
(2) Motor vehicle shall mean a new motor vehicle as defined in section60-1401.30which is sold in this state, excluding recreational vehicles as defined in section60-347; and
(3) Manufacturer's express warranty shall mean the written warranty,
so labeled, of the manufacturer of a new motor vehicle.

60-2702.
Motor vehicle not conforming to express warranties; duty to repair.
If a motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent, or its authorized dealer during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, the manufacturer, its agent, or its authorized dealer shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period.

60-2703.
Manufacturer's duty to replace vehicle or refund price; when; affirmative defense.
If the manufacturer, its agents, or authorized dealers are unable to conform the motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use and market value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall replace the motor vehicle with a comparable motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price including all sales taxes, license fees, and registration fees and any similar governmental charges, less a reasonable allowance for the consumer's use of the vehicle. Refunds shall be made to the consumer and lienholder, if any, as their interests may appear. A reasonable allowance for use shall be that amount directly attributable to use by the consumer and any previous owner prior to his or her first report of the nonconformity to the manufacturer, agent, or dealer and during any subsequent period when the vehicle is not out of service by reason of repair. It shall be an affirmative defense to any claim under sections60-2701to60-2709(1) that an alleged nonconformity does not substantially impair such use and market value or (2) that a nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of a motor vehicle by a consumer.

60-2704.
Attempts to conform motor vehicle to warranties; presumption; term of warranty; how computed.
It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties, if (1) the same nonconformity has been subject to repair four or more times by the manufacturer, its agents, or authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the

motor vehicle to a consumer, whichever is the earlier date, but such nonconformity continues to exist or (2) the vehicle is out of service by reason of repair for a cumulative total of forty or more days during such term or during such period, whichever is the earlier date. The term of an express warranty, such one-year period, and such forty-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, or strike, or fire, flood, or other natural disaster. In no event shall the presumption provided in this section apply against a manufacturer unless the manufacturer has received prior written direct notification by certified mail from or on behalf of the consumer and an opportunity to cure the defect alleged.

60-2705.
Dispute settlement procedure; effect; director; duties.
The Director of Motor Vehicles shall adopt standards for an informal dispute settlement procedure which substantially comply with the provisions of 16 C.F.R. part 703, as such part existed on January 1, 2024.
If a manufacturer has established or participates in a dispute settlement procedure certified by the Director of Motor Vehicles within the guidelines of such standards, the provisions of section60-2703concerning refunds or replacement shall not apply to any consumer who has not first resorted to such a procedure.

60-2706.
Statute of limitations.
Any action brought under sections60-2701to60-2709shall be commenced within (1) one year following the expiration of the express warranty term or (2) two years following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date.

60-2707.
Attorney's fees; when allowed.
In any action brought under sections60-2701to60-2709the court shall award reasonable attorney's fees to the prevailing party if the prevailing party is the consumer.

60-2708.
Sections, how construed.
Nothing in sections60-2701to60-2709shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law.

60-2709.
Applicability of sections.
Sections60-2701to60-2709shall apply to motor vehicles beginning with the manufacturer's 1984 model year.

60-2901.
Act, how cited.
Sections60-2901to60-2912shall be known and may be cited as the Uniform Motor Vehicle Records Disclosure Act.

60-2902.
Purpose of act.
The purpose of the Uniform Motor Vehicle Records Disclosure Act is to implement the federal Driver's Privacy Protection Act of 1994, Title XXX of Public Law 103-322, in order to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle records except as authorized by such individuals or by law.

60-2903.
Legislative findings and intent.
(1) The Legislature hereby finds that the federal Driver's Privacy Protection Act of 1994, with an effective date of September 13, 1997, provides for mandatory release in some instances and restrictions on release and use in other instances of certain personal information from state motor vehicle records and also provides numerous exceptions from those restrictions. Some of the exceptions are dependent on state legislation, and the purpose of the Uniform Motor Vehicle Records Disclosure Act is to enact choices permitted under the federal legislation in the interest of ensuring that motor vehicle record information which is a matter of public record shall remain a matter of public record in this state to the maximum extent permitted under the federal law.
(2) The Legislature intends that to the extent permitted by the federal law, Nebraska law pertaining to motor vehicle records should continue to recognize such records as public records to the extent it has done so prior to the effective date of the federal legislation and the terms of the Uniform Motor Vehicle Records Disclosure Act should be construed liberally to effect that purpose.

60-2904.

Terms, defined.
For purposes of the Uniform Motor Vehicle Records Disclosure Act:
(1) Department means the Department of Motor Vehicles or the duly authorized agents or contractors of the department responsible to compile and maintain motor vehicle records;
(2) Disclose means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle record about a person to any other person, organization, or entity by any means of communication;
(3) Individual record means a motor vehicle record containing personal information about a designated person who is the subject of the record as identified in a request;
(4) Motor vehicle record means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle, trailer, motorboat, all-terrain vehicle, utility-type vehicle, snowmobile, or minibike registration or certificate of title, or state identification card issued by the department or any other state or local agency authorized to issue any of such forms of credentials;
(5) Person means an individual, organization, or entity;
(6) Personal information means information that identifies a person, including an individual's driver identification number, name, address excluding zip code, and telephone number, but does not include information on collisions, driving, operating, or equipment-related violations, or operator's license or registration status; and
(7) Sensitive personal information means an individual's operator's license digital image, social security number, and medical or disability information.

60-2905.
Disclosure of personal information
prohibited.
(1) Notwithstanding any other provision of state
law to the contrary, except as provided in sections60-2906and60-2907, the
department and any officer, employee, agent, or contractor of the department
shall not disclose personal information about any person obtained by the department
in connection with a motor vehicle record.
(2) Notwithstanding any other provision of state law to the contrary,
except as provided in sections60-483,60-484,60-4,144, and60-2909.01, the department and
any officer, employee, agent, or contractor of the department shall not disclose
sensitive personal information about any person obtained by the department
in connection with a motor vehicle record without the express written consent
of the person to whom such information pertains.

60-2906.
Personal information; disclosure pursuant to federal law.
Personal information referred to in section60-2905shall be disclosed by the department or any officer, employee, agent, or contractor of the department to carry out the purposes of Titles I and IV of the Anti-Car Theft Act of 1992, 15 U.S.C. 2021 et seq., the Automobile Information Disclosure Act, 15 U.S.C. 1231 et seq., the Clean Air Act, 42 U.S.C. 7401 et seq., and 49 U.S.C. chapters 301, 305, and 321 to 331, as amended, and all federal regulations enacted or adopted to implement such federal laws.

60-2907.
Motor vehicle record; disclosure; authorized purposes.
The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and make available the requested motor vehicle record, including the personal information in the record, for the following purposes:
(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;
(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;
(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors but only:
(a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
(b) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;
(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;
(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;
(7) For use in providing notice to the owners of abandoned, towed, or impounded vehicles;
(8) For use only for a purpose permitted under this section either by a private detective, plain clothes investigator, or private investigative agency licensed under sections71-3201to71-3213;
(9) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., or pursuant to sections60-4,132and60-4,141;
(10) For use in connection with the operation of private toll transportation facilities;
(11) For bulk distribution for surveys of, marketing to, or solicitations of persons who have expressly consented to such disclosure if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department on a form prescribed by the department;
(12) For any use if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department;
(13) For use, including redisclosure through news publication, of a member of a medium of communication as defined in section20-145who requests such information in connection with preparing, researching, gathering, or confirming news information involving motor vehicle or driver safety or motor vehicle theft;
(14) For use by the federally designated organ procurement organization for Nebraska to establish and maintain the Donor Registry of Nebraska as provided in section71-4822;
(15) For use to fulfill the requirements of the electronic dealer services system pursuant to section60-1507; and
(16) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

60-2908.
Fees.
Disclosure of personal information required or permitted under section60-2906or60-2907shall be subject to payment by the requester to the department of all fees for the information prescribed by statute.

60-2909.
Conditions for disclosure.
In addition to provision for payment of applicable fees, the department may, prior to the disclosure of personal information as permitted under section60-2906or60-2907, require the meeting of conditions by the requester for the purposes of obtaining reasonable assurance concerning the identity of the requester and, to the extent required, that the information will only be used as authorized or that the consent of the person who is the subject of the information has been obtained. Such conditions shall include, but need not be limited to, the making and filing of a form containing such information and verification as the department may prescribe.

60-2909.01.
Disclosure; purposes authorized.
The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and make available the requested motor vehicle record, including the sensitive personal information in the record, other than the social security number, for the following purposes:
(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;
(2) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;
(3) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;
(4) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., as such act existed on January 1, 2024, or pursuant to sections60-4,132and60-4,141; and
(5) For use by employers of a holder of a commercial driver's license or CLP-commercial learner's permit and by the Commercial Driver License Information System as provided in section60-4,144.02and 49 C.F.R. 383.73, as such regulation existed on January 1, 2024.

60-2910.

Resale or redisclosure of information.
(1) An authorized recipient of personal information disclosed under section60-2906or60-2907, except a recipient under subdivision (11) of section60-2907, may resell or redisclose the information only for the uses permitted under section60-2907, but not including the use for bulk distribution for surveys, marketing, or solicitations as set forth in subdivision (11) of such section.
(2) An authorized recipient of personal information for bulk distribution for surveys, marketing, or solicitations under subdivision (11) of section60-2907may resell or redisclose personal information only in accordance with the terms of such subdivision concerning the right of individuals who have so consented to such disclosure.
(3) An authorized recipient who resells or rediscloses personal information shall (a) make and keep for a period of not less than five years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained and (b) make such records available for inspection and copying by a representative of the department upon request.
(4) The department may implement any safeguard which the department considers reasonable or necessary, including a bond requirement, in a memorandum of understanding executed under this section to ensure that the information provided or sold is used only for a permissible purpose and that the rights of individuals and the interest of the state are protected.

60-2911.
Rules and regulations.
The department is authorized to adopt and promulgate rules and regulations to carry out the Uniform Motor Vehicle Records Disclosure Act. The rules and regulations may include procedures under which the department, upon receiving a request for personal information that is not subject to disclosure in accordance with the exception provisions of sections60-2906and60-2907, may mail a copy of such request to each individual who is the subject of the information, informing each such individual of the request, together with a statement to the effect that disclosure is prohibited and will not be made unless the individual affirmatively elects to waive his or her right to privacy under the act.

60-2912.
False statement; disclosure of sensitive personal information; penalty.
(1) Any person requesting the disclosure of personal information from department records who misrepresents his or her identity or makes a false statement to the department on any application required to be submitted pursuant to the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class IV felony.
(2) Any officer, employee, agent, or contractor of the department that knowingly discloses or knowingly permits disclosure of sensitive personal information in violation of the act shall be guilty of a Class I misdemeanor and shall be subject to removal from office or discharge in the discretion of the Governor or agency head, as appropriate.

60-3101.
State fleet card programs; Department of Transportation; University of Nebraska; State Treasurer; duties; political subdivisions; utilization authorized; unauthorized use prohibited.
(1) State fleet card programs shall be created and shall be administered separately by the Department of Transportation and the University of Nebraska. The Department of Transportation shall administer a fleet card program on behalf of state government and political subdivisions other than the University of Nebraska under a contract through the State Treasurer. The State Treasurer shall determine the type of fleet card or cards utilized in the state fleet card program. The State Treasurer shall contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks capable of operating a fleet card program on behalf of the state, including the University of Nebraska, and political subdivisions that participate in the state contract for such services. Rules and regulations may be adopted and promulgated as needed by the Department of Transportation or the University of Nebraska for the operation of the state fleet card programs. The rules and regulations shall provide authorization instructions for all transactions. Expenses associated with the state fleet card programs shall be considered as an administrative or operational expense.
(2) For purposes of this section, fleet card means a payment card used for gasoline, diesel, and other fuels. Fleet cards may also be used to pay for vehicle and equipment maintenance and expenses at the discretion of the program administrator. The Department of Transportation and the University of Nebraska shall each designate a program administrator.
(3) Any state official, agency, board, or commission may utilize a state fleet card for the purchase of goods and services described in subsection (2) of this section for and on behalf of the State of Nebraska. Any political subdivision may utilize a fleet card for the purchase of goods and services described in subsection (2) of this section for lawful government purposes of the political subdivision. No disbursements or cash back on fleet card transactions shall be allowed.
(4) Vendors accepting a state fleet card shall obtain authorization for all transactions in accordance with instructions from the program administrator. Transaction authorization shall be from the financial institution, card-issuing bank, credit card company, charge card company, debit card company, or third-party merchant bank contracted to provide such service to the State of Nebraska. Each transaction shall be authorized in accordance with the instructions provided by the program administrator for each state official, agency, board, or commission or each political subdivision.
(5) Detailed transaction information for the purposes of tracking expenditures shall include fleet card identification, merchant name and address, transaction number, date, time, product, quantity, cost, and equipment meter reading if applicable. A state fleet card

program may require an itemized receipt for purposes of tracking expenditures of a state fleet card purchase from a commercial vendor as acceptable detailed transaction information. If detailed transaction information is not provided, the program administrator shall have the authority to temporarily or permanently suspend state fleet card purchases in accordance with rules and regulations.
(6) No officer or employee of the state or of a political subdivision shall use a state fleet card for any unauthorized use.

60-3102.
State Fleet Card Fund; created; rebates credited to fund; use.
The State Fleet Card Fund is hereby created. All rebates received by the state from the fleet card program entered into by the State of Nebraska pursuant to section60-3101shall be credited to the fund. The fund may consist of fleet card rebates received on behalf of state officers, agencies, boards, and commissions and political subdivisions and shall be administered by the State Treasurer. Fleet card rebates received on behalf of state officers, agencies, boards, and commissions shall be transferred by the State Treasurer from the fund to the General Fund. Fleet card rebates received on behalf of political subdivisions shall be disbursed to political subdivisions consistent with the volume spent and contract terms.

60-3201.
Act, how cited.
Sections60-3201to60-3209shall be known and may be cited as the Automatic License Plate Reader Privacy Act.

60-3202.
Terms, defined.
For purposes of the Automatic License Plate Reader Privacy Act:
(1) Alert means data held by the Department of Motor Vehicles, each criminal justice information system maintained in this state, the Federal Bureau of Investigation National Crime Information Center, the Federal Bureau of Investigation Kidnappings and Missing Persons list, the Missing Persons Information Clearinghouse established under section29-214.01, and license plate numbers that have been manually entered into the automatic license plate reader system upon a law enforcement officer's determination that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation;
(2) Automatic license plate reader system means one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data;
(3) Captured plate data means global positioning system coordinates, date and time information, photographs, license plate numbers, and any other data captured by or derived from any automatic license plate reader system;
(4) Governmental entity means a department or agency of this state, the federal government, another state, or a political subdivision or an individual acting for or as an agent of any of such entities; and
(5) Secured area means a place, enclosed by clear boundaries, to which access is limited and not open to the public and into which entry is only obtainable through specific access-control points.

60-3203.
Prohibited acts; exceptions.
(1) Except as otherwise provided in this section or in section60-3204, the use of an automatic license plate reader system by a governmental entity is prohibited.
(2) An automatic license plate reader system may be used when such use is:
(a) By a law enforcement agency of a governmental entity for the purpose of identifying:
(i) Outstanding parking or traffic violations;
(ii) An unregistered or uninsured vehicle;
(iii) A vehicle in violation of the vehicle equipment requirements set forth under the Nebraska Rules of the Road;
(iv) A vehicle in violation of any other vehicle registration requirement;
(v) A vehicle registered to an individual for whom there is an outstanding warrant;
(vi) A vehicle associated with a missing person;
(vii) A vehicle that has been reported as stolen; or
(viii) A vehicle that is relevant and material to an ongoing criminal investigation;
(b) By a parking enforcement entity for regulating the use of a parking facility;
(c) For the purpose of controlling access to a secured area;
(d) For the purpose of electronic toll collection; or
(e) To assist weighing stations in performing their duties under section60-1301.

60-3204.
Retention of captured plate data; limitation; updates; use; limitations.
(1) A governmental entity shall not retain captured plate data obtained under subsection (2) of section60-3203for more than one hundred eighty days unless the captured plate data is:
(a) Evidence related to a purpose listed in subsection (2) of section60-3203;
(b) Subject to a preservation request under subsection (1) of section60-3205; or
(c) The subject of a warrant, subpoena, or court order.
(2) Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section60-3203must update such systems from the databases used by the governmental entities enumerated in such subsection at the beginning of each law enforcement agency shift if such updates are available.
(3) Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section60-3203may manually query captured plate data only when a law enforcement officer determines that the vehicle or individuals associated with the license plate number are relevant and material to an ongoing criminal or missing persons investigation subject to the following limitations:
(a) Any manual entry must document the reason for the entry; and
(b) Manual entries must be automatically purged at the end of each law enforcement agency shift, unless the criminal investigation or missing persons investigation remains ongoing.

60-3205.
Operator; preserve data; written sworn statement; court order for disclosure; disclosures authorized.
(1)(a) An operator of an automatic license plate reader system shall, upon the request of a governmental entity or a defendant in a criminal case, take all necessary steps to preserve captured plate data in its possession pending the issuance of a warrant, subpoena, or order of a court.
(b) A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement:
(i) The particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and
(ii) The date or dates and timeframes for which captured plate data must be preserved.
(2) A governmental entity or defendant in a criminal case may apply for a court order for disclosure of captured plate data, which shall be issued by the court if the governmental entity or defendant in a criminal case offers specific and articulable facts showing there are reasonable grounds to believe the captured plate data is relevant and material to the criminal or civil action. Nothing in this subsection shall prevent the governmental entity from disclosing any captured plate data: (a) To the parties to a criminal or civil action; (b) for administrative purposes; (c) to alert the public of an emergency situation; or (d) relating to a missing person.

60-3206.
Governmental entity; duties; report; contents.
Except as otherwise provided in subdivision (3)(b) of this section, any governmental entity that uses an automatic license plate reader system shall:
(1) Adopt a policy governing use of the system and conspicuously post the policy on the governmental entity's Internet website or, if no website is available, in its main office;
(2) Adopt a privacy policy to ensure that captured plate data is not shared in violation of the Automatic License Plate Reader Privacy Act or any other law and conspicuously post the privacy policy on its Internet website or, if no website is available, in its main governmental office; and
(3)(a) Report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its automatic license plate reader practices and usage. The report shall also be conspicuously posted on the governmental entity's Internet website or, if no website is available, in its main office. The report shall include the following information, if captured by the automatic license plate reader system:
(i) The names of each list against which captured plate data was checked, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert; and
(ii) The number of manually-entered license plate numbers under subsection (3) of section60-3204, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert.
(b) The reporting requirements of this subsection shall not apply to governmental entities using an automatic license plate reader system pursuant to subdivisions (2)(b) through (e) of section60-3203.

60-3207.
Use of captured plate data and related evidence; prohibited.
No captured plate data and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this state, or a political subdivision thereof, if the disclosure of that information would be in violation of the Automatic License Plate Reader Privacy Act.

60-3208.
Violation of act; liability for damages.
Any person who violates the Automatic License Plate Reader Privacy Act shall be liable for damages that proximately cause injury to the business, person, or reputation of another individual or entity.

60-3209.
Data not considered public record; protection orders; effect.
(1) Captured plate data held by a governmental entity is not considered a public record for purposes of sections84-712to84-712.09and shall only be disclosed to the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered or pursuant to a disclosure order under subsection (2) of section60-3205or as the result of a match pursuant to subsection (2) of section60-3203.
(2) Upon the presentation to a governmental entity of a valid, outstanding protection order pursuant to the Protection from Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, or section28-311.09or28-311.10protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order under subsection (2) of section60-3205or as the result of a match pursuant to subsection (2) of section60-3203.

60-3301.
Terms, defined.
For purposes of sections60-3301to60-3311, the following definitions apply:
(1) Automated driving system means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis regardless of whether it is limited to a specific operational design domain, if any;
(2) Automated-driving-system-equipped vehicle means a motor vehicle equipped with an automated driving system;
(3) Conventional human driver means a human person who manually exercises in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a motor vehicle;
(4) Department means the Department of Motor Vehicles;
(5) Driverless-capable vehicle means a motor vehicle equipped with an automated driving system capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver;
(6) Dynamic driving task means all of the real-time operational and tactical functions required to operate a motor vehicle within its specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints;
(7) Minimal risk condition means a reasonably safe state to which an automated driving system brings an automated-driving-system-equipped vehicle upon experiencing a performance-related failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task, such as bringing the vehicle to a complete stop and activating the hazard lamps;
(8) On-demand driverless-capable vehicle network means a transportation service network that uses a software application or other digital means to dispatch driverless-capable vehicles for purposes of transporting persons or goods, including for-hire transportation, transportation for compensation, and public transportation; and
(9) Operational design domain means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed range, environmental conditions such as weather and time of day, and other domain constraints.

60-3302.
Driverless-capable vehicle; operation; conditions.
A driverless-capable vehicle may operate on the public roads of this state without a conventional human driver physically present in the vehicle, as long as the vehicle meets the following conditions:
(1) The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within its intended operational design domain, if any; and
(2) While in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, including, but not limited to, safely negotiating railroad crossings, unless an exemption has been granted by the department. The department shall consult with the railroad companies operating in this state when considering an exemption that affects vehicle operations at railroad crossings.

60-3303.
Automated-driving-system-equipped vehicle; operation; authorized; provisions applicable; department; duties.
(1) Notwithstanding any other provision of law, the operation on the public roads of this state of an automated-driving-system-equipped vehicle capable of performing the entire dynamic driving task within its operational design domain while a conventional human driver is present is lawful. Such operation shall be subject to the Nebraska Rules of the Road,

as applicable. In addition, the conventional human driver shall be licensed as required under the Motor Vehicle Operator's License Act, shall remain subject to the Nebraska Rules of the Road, shall operate the automated-driving-system-equipped vehicle according to the manufacturer's requirements and specifications, and shall regain manual control of the vehicle upon the request of the automated driving system.
(2) The automated driving system feature, while engaged, shall be designed to operate within its operational design domain in compliance with the Nebraska Rules of the Road, including, but not limited to, safely negotiating railroad crossings, unless an exemption has been granted by the department. The department shall consult with the railroad companies operating in this state when considering an exemption that affects vehicle operations at railroad crossings.

60-3304.
Proof of financial responsibility.
Before an automated-driving-system-equipped vehicle may operate on the public roads of this state, a person shall submit proof of financial responsibility satisfactory to the department that the automated-driving-system-equipped vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of the Motor Vehicle Safety Responsibility Act.

60-3305.
On-demand driverless-capable vehicle network; authorized.
(1) Notwithstanding any other provision of law, a person may operate an on-demand driverless-capable vehicle network. Such a network may provide transportation of persons or goods, including:
(a) For-hire transportation, including transportation for multiple passengers who agree to share the ride in whole or in part; and
(b) Public transportation.
(2) An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either (a) exclusively or (b) as part of a digital network that also connects passengers to human drivers who provide transportation services, consistent with applicable law, in vehicles that are not driverless-capable vehicles.

60-3306.
Nebraska Rules of the Road; how construed.
Subject to section60-3302, the Nebraska Rules of the Road shall not be construed as requiring a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system, and the automated driving system of such vehicle, when engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

60-3307.
Crash or collision; duties.
In the event of a crash or collision:
(1) The automated-driving-system-equipped vehicle shall remain on the scene of the crash or collision and otherwise comply with sections60-696to60-698; and
(2) The owner of the automated-driving-system-equipped vehicle, if capable, or a person on behalf of the automated-driving-system-equipped vehicle owner, shall report any crash or collision as required by section60-698.

60-3308.
Provisions of law governing vehicles and systems; limit on state and political subdivisions.
(1) Automated-driving-system-equipped vehicles and automated driving systems are governed exclusively by sections60-3301to60-3311. The department is the sole and exclusive state agency that may implement sections60-3301to60-3311.
(2) The state or any political subdivision shall not impose requirements, including performance standards, specific to the operation of automated-driving-system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks in addition to the requirements of sections60-3301to60-3311.
(3) The state or any political subdivision thereof shall not impose a tax or other requirements on an automated-driving-system-equipped vehicle, an automated driving system, or an on-demand driverless-capable vehicle network, where such tax or other requirements relate specifically to the operation of automated-driving-system-equipped vehicles.

60-3309.
Sections, how construed with respect to highways.
Nothing in sections60-3301to60-3311shall be construed to require the State of Nebraska or any political subdivision thereof to plan, design, construct, maintain, or modify any highway, as defined in section60-624, for the accommodation of an automated-driving-system-equipped vehicle or a driverless-capable vehicle.

60-3310.
Sections, how construed with respect to liability.
Nothing in sections60-3301to60-3311shall be construed to provide greater liability than is already allowed under the Political

Subdivisions Tort Claims Act or the State Tort Claims Act.

60-3311.
Title and registration provisions; department; powers.
The department is authorized to title and register, pursuant to the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act, automated-driving-system-equipped vehicles and driverless-capable vehicles that do not meet applicable federal motor vehicle safety standards but which have been granted an exemption by the National Highway Traffic Safety Administration.

60-3401.
Act, how cited.
Sections60-3401to60-3415shall be known and may be cited as the Peer-to-Peer Vehicle Sharing Program Act.

60-3402.
Terms, defined.
For purposes of the Peer-to-Peer Vehicle Sharing Program Act, unless the context otherwise requires:
(1) Agreement means the terms and conditions applicable to an owner and a driver that govern the use of a vehicle shared through a peer-to-peer vehicle sharing program. Agreement does not mean a rental agreement as defined in section44-4067;
(2) Delivery period means the period of time during which a vehicle is being delivered to the location at which the start time begins, if applicable, as documented by the agreement;
(3) Driver means an individual who has been authorized to drive a vehicle by an owner under an agreement;
(4) Owner means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing through a peer-to-peer vehicle sharing program;
(5) Peer-to-peer vehicle sharing program or program means a business platform that connects owners with drivers to enable the sharing of vehicles for financial consideration. A program is not a transportation network company as defined in section75-323or a rental car company as defined in section44-4067;
(6) Sharing means the authorized use of a vehicle by an individual other than an owner through a peer-to-peer vehicle sharing program;
(7) Sharing period means the period of time that commences with the delivery period or, if there is no delivery period, that commences with the start time and, in either case, ends at the termination time;
(8) Start time means the time when a vehicle becomes subject to the control of a driver at or after the time the reservation is scheduled to begin as documented in the records of a program;
(9) Termination time means the earliest of the following events:
(a) The expiration of the agreed upon period of time established for the use of a vehicle according to the terms of the agreement if the vehicle is delivered to the location specified in the agreement;
(b) When a vehicle is returned to an alternative location as agreed upon by the owner and driver as communicated through the peer-to-peer vehicle sharing program. Such alternative location shall be incorporated into the agreement; and
(c) When an owner, or the owner's authorized designee, takes possession and control of the vehicle; and
(10) Vehicle means a motor vehicle as defined in section60-471that is available for use through a peer-to-peer vehicle sharing program. Vehicle does not include any motor vehicle used as or offered for use as a rental vehicle under section44-4067, any commercial motor vehicle as defined in section60-465, or any vehicle subject to section75-363.

60-3403.
Financial liability; assumption; conditions; applicability.
(1) Except as provided in subsection (2) of this section, a peer-to-peer vehicle sharing program shall assume financial liability on behalf of an owner for any claim for bodily injury or property damage to third parties or uninsured and underinsured motorist losses during the sharing period in an amount stated in the agreement. Such amount shall not be less than the amount required in section60-310.
(2) The assumption of financial liability by a program under subsection (1) of this section does not apply if the owner:
(a) Makes a material, intentional, or fraudulent misrepresentation, or a material, intentional, or fraudulent omission, to a program relating to the vehicle or the agreement prior to the sharing period in which the assumption of such liability would otherwise be required; or
(b) Acts in concert with a driver to trigger the assumption of such liability that would otherwise be required.
(3) The assumption of financial liability under subsection (1) of this section applies to bodily injury, property damage, and uninsured and underinsured motorist losses by injured third parties.

60-3404.
Motor vehicle liability insurance policy; other acceptable means of demonstrating financial responsibility; coverage.
(1) A program shall require during each sharing period that the owner and driver are insured under a motor vehicle liability insurance policy that:
(a) Provides financial responsibility in amounts no less than the minimum amounts required by section60-310; and

(b)(i) Recognizes that the vehicle is made available and used through the program; or
(ii) Does not exclude use of the vehicle by a driver through the program.
(2) The financial responsibility required under subsection (1) of this section may be satisfied by motor vehicle liability insurance or other acceptable means of demonstrating financial responsibility in Nebraska, voluntarily maintained by:
(a) The owner;
(b) The driver;
(c) The program; or
(d) Any combination of owner, driver, and program.
(3) The financial responsibility described in subsection (1) of this section and satisfied pursuant to subsection (2) of this section shall be the primary coverage during the sharing period in the event that a claim occurs in another state with minimum financial responsibility limits higher than those required under section60-310, and during the sharing period the coverage maintained under subsection (2) of this section shall satisfy any difference in minimum coverage amounts, up to the applicable policy limits.
(4) The insurer, insurers, or program providing coverage under section60-3403or60-3404shall assume primary financial liability for a claim when:
(a) A dispute exists as to who was in control of the vehicle at the time of the loss and the program does not have available, did not retain, or fails to provide the information required by section60-3407; or
(b) A dispute exists as to whether the vehicle was returned to the alternative location pursuant to subdivision (9)(b) of section60-3402.
(5) If financial responsibility maintained by the owner or the driver in accordance with subsection (2) of this section has lapsed or does not provide the required financial responsibility, the program or its insurer shall provide the coverage required by subsection (1) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of section60-3403.
(6) Financial responsibility maintained by the program shall not be dependent on another insurer first denying a claim, nor shall another motor vehicle liability insurance policy be required to first deny a claim.
(7) Nothing in the Peer-to-Peer Vehicle Sharing Program Act:
(a) Limits the liability of a program for any act or omission of the program itself that results in injury or economic loss to any person as a result of the use of a vehicle through the program; or
(b) Limits the ability of a program, by contract, to seek indemnification from an owner or a driver for economic loss sustained by the program resulting from a breach of the terms and conditions of an agreement by such owner or driver.

60-3405.
Lien; notice of violation of contract.
At the time an owner makes a vehicle available for use through a program and immediately prior to each time such owner offers such vehicle for use through such program, the program shall notify the owner that if the vehicle has a lien against it, the use of the vehicle through the program, including such use without physical damage insurance coverage, may violate the terms of the contract with the lienholder.

60-3406.
Motor vehicle liability insurance policy; exclusions.
(1) An authorized insurer that writes motor vehicle liability insurance in Nebraska may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under the owner's motor vehicle liability insurance policy, including:
(a) Liability coverage for bodily injury and property damage;
(b) Personal injury protection coverage;
(c) Uninsured and underinsured motorist coverage;
(d) Medical payments coverage;
(e) Comprehensive physical damage coverage; and
(f) Collision physical damage coverage.
(2) Nothing in the this section invalidates, limits, or restricts an insurer's ability under existing law to underwrite any insurance policy. Nothing in the Peer-to-Peer Vehicle Sharing Program Act invalidates, limits, or restricts an insurer's ability to cancel and nonrenew insurance policies.

60-3407.
Records pertaining to use.
(1) A program shall collect and verify records pertaining to the use of a vehicle, including sharing periods, sharing period pick-up and drop-off locations, fees paid by each driver, and revenue received by each owner.
(2) A program shall provide the information collected pursuant to subsection (1) of this section upon request to the owner, the owner's insurer, and the driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation.
(3) A program shall retain the records required in this section for a period of not less than four years.

60-3408.

Insurer; seek recovery against program.
An insurer that defends or indemnifies a claim arising from the operation of a vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the program if the claim is made against the owner or driver for loss or injury that occurs during the sharing period.

60-3409.
Insurable interest; coverage by program.
(1) A program shall have an insurable interest in a vehicle during the sharing period.
(2) Nothing in this section shall impose liability on a program to maintain the coverage required by section60-3403or60-3404.
(3) A program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for:
(a) Liabilities assumed by the program under an agreement;
(b) Liability of an owner or driver; or
(c) Damage or loss to a vehicle.

60-3410.
Vicarious liability; exempt.
A program and an owner shall be exempt from vicarious liability in accordance with 49 U.S.C. 30106(a), as such section existed on January 1, 2023, and under any state or local law that imposes liability solely based on vehicle ownership.

60-3411.
Agreement; disclosures required.
(1) Each agreement made in Nebraska shall disclose to each owner and driver:
(a) Any right of the program to seek indemnification from an owner or a driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the agreement by such owner or driver;
(b) That a motor vehicle liability insurance policy issued to an owner or a driver may not provide a defense or indemnity for any claim asserted by the program;
(c) That a program's financial responsibility afforded to each owner and driver is available only during the sharing period;
(d) That for any use of a vehicle by a driver after the termination time, a driver or owner may not have coverage;
(e) The daily rate, fees, costs, and, if applicable, any insurance or protection package costs that are charged to an owner or a driver; and
(f) That an owner's motor vehicle liability insurance may not provide coverage for the vehicle.
(2) Each agreement made in Nebraska shall disclose to each driver:
(a) An emergency telephone number to contact personnel capable of fielding roadside assistance and other customer service inquiries; and
(b) Any conditions under which a driver shall maintain a personal motor vehicle liability insurance policy and any required coverage limits on a primary basis in order to use a vehicle through the program.

60-3412.
Equipment; responsibility; indemnity, when.
A program shall have sole responsibility for any equipment, such as a global positioning system or other special equipment, that is put in or on a vehicle to monitor or facilitate sharing and shall agree to indemnify and hold harmless the owner for any damage to or theft of such equipment during the sharing period not caused by the owner. A program has the right to seek indemnity from a driver for any loss or damage to such equipment that occurs during the sharing period.

60-3413.
Vehicle; responsibilities of program and owner.
(1) At the time an owner makes a vehicle available for use by a program and immediately prior to each time the owner offers such vehicle for use by such program, the program shall:
(a) Verify that the vehicle does not have any safety recalls for which the repairs have not been made; and
(b) Notify the owner of the requirements under subsection (2) of this section.
(2) An owner shall:
(a) Not make a vehicle available for use through a program if the owner has received actual notice of a safety recall on such vehicle until the safety recall repair has been made;
(b) Upon receipt of actual notice of a safety recall on a vehicle when such vehicle is offered for use through a program, remove the vehicle from availability as soon as practicably possible and until the safety recall repair has been made; and
(c) Upon receipt of actual notice of a safety recall on a vehicle, and when the vehicle is in the possession of a driver, notify the program of the safety recall so that the program may notify the driver and the vehicle can be removed from use until the owner makes the necessary safety recall repair.

60-3414.

Agreement; driver; qualifications; records.
(1) A program shall not enter into an agreement with any driver unless such driver:
(a) Holds an operator's license issued in Nebraska authorizing the driver to operate vehicles of the class of vehicle used by the program; or
(b) Is a nonresident who:
(i) Holds a driver's license or an operator's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of vehicle used by the program; and
(ii) Is at least the same age as that required of a resident to drive in Nebraska.
(2) A program shall keep a record of:
(a) The name and address of each driver; and
(b) The driver's license number and place of issuance of such license for each driver who operates a vehicle under an agreement.

60-3415.
Act, how construed.
Nothing in the Peer-to-Peer Vehicle Sharing Program Act shall be construed to limit the powers of an airport authority under Nebraska law.

Chapter 53: Nebraska Statutes

53-101.
Act, how cited.
Sections53-101to53-1,122shall be known and may be cited as the Nebraska Liquor Control Act.

53-101.01.
Statement of policy.
It is declared to be the policy of the Legislature to (1) regulate the transportation or importation of alcoholic liquor into this state when such alcoholic liquor is intended for delivery or use within the state, (2) promote adequate, economical, and efficient service by licensees selling alcoholic liquor within the State of Nebraska without unjust or undue discrimination, preference, or advantage, (3) generate revenue by imposing an excise tax upon alcoholic liquor, and (4) promote the health, safety, and welfare of the people of the state and encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the manufacture, distribution, and sale of alcoholic liquor.

53-101.02.
Farm wineries; legislative intent.
It is the intent of the Legislature to encourage the production, use in manufacturing, and consumption of agricultural products grown within the state by providing for the existence of farm winery operations. The Legislature recognizes that the creation of farm wineries will stimulate the creation of jobs and investments in small communities, encourage the use of lands upon which grapes and other wine-related crops may be grown, and provide tax revenue which would not otherwise be realized.

53-101.05.
Act to be liberally construed.
The Nebraska Liquor Control Act shall be liberally construed to the end that the health, safety, and welfare of the people of the State of Nebraska are protected and temperance in the consumption of alcoholic liquor is fostered and promoted by sound and careful control and regulation of the manufacture, sale, and distribution of alcoholic liquor.

53-103.
Definitions, where found.
For purposes of the Nebraska Liquor Control Act, the definitions found in sections53-103.01to53-103.52apply.

53-103.01.
Alcohol, defined.
Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol and alcohol processed or sold in a gaseous form. Alcohol does not include denatured alcohol or wood alcohol.

53-103.02.
Alcoholic liquor, defined.
(1) Alcoholic liquor includes alcohol, spirits, wine, beer, and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. Alcoholic liquor also includes confections or candy that contains more than one-half of one percent alcohol.
(2) The Nebraska Liquor Control Act does not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations adopted and promulgated pursuant to such acts, (b) flavoring extracts, syrups, medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the act applies to alcoholic liquor used in the manufacture, preparation, or compounding of such products or confections or candy that contains more than one-half of one percent alcohol, or (c) wine intended for use and used by any church or religious organization for sacramental purposes.

53-103.03.
Beer, defined.
Beer means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in

water and includes, but is not limited to, beer, ale, stout, lager beer, porter, near beer, flavored malt beverage, and hard cider.

53-103.04.
Brand, defined.
Brand means alcoholic liquor identified
as the product of a specific manufacturer.

53-103.05.
Brewpub, defined.
Brewpub
means any restaurant or hotel which produces on its premises a maximum of twenty thousand barrels of beer per year.

53-103.06.
Campus, defined.
Campus, as it pertains to the southern
boundary of the main campus of the University of Nebraska-Lincoln, means the
south right-of-way line of R Street and abandoned R Street from 10th to 17th
streets and, as it pertains to the western boundary of the main campus of
the University of Nebraska-Lincoln, means the east right-of-way line of 10th
Street from R Street to Holdrege Street (Salt Creek Roadway).

53-103.07.
Cancel, defined.
Cancel means to discontinue all rights
and privileges of a license.

53-103.08.
Cigar shop, defined.
Cigar shop means an establishment operated by a holder of a Class C liquor license which:
(1) Does not sell food;
(2) In addition to selling alcohol, annually receives ten percent or more of its gross revenue from the sale of cigars, other tobacco products, and tobacco-related products, except from the sale of cigarettes as defined in section69-2702. A cigar shop shall not discount alcohol if sold in combination with cigars or other tobacco products and tobacco-related products;
(3) Has a walk-in humidor on the premises; and
(4) Does not permit the smoking of cigarettes.

53-103.09.
Club, defined.
(1) Club means a corporation (a) which is organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, (b) which is kept, used, and maintained by its members through the payment of annual dues, and (c) which owns, hires, or leases a building or space in a building suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests.
(2) The affairs and management of such club shall be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and no member, officer, agent, or employee of the club shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members other than any salary fixed and voted at any annual meeting by the members or by the governing body of the club out of the general revenue of the club.

53-103.10.
Commission, defined.
Commission means the Nebraska
Liquor Control Commission.

53-103.11.
Consume, defined.
Consume means knowingly and intentionally
drinking or otherwise ingesting alcoholic liquor.

53-103.12.
Craft brewery, defined.

Craft brewery means a
brewpub or a microbrewery.

53-103.13.
Farm winery, defined.
Farm winery means any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least sixty percent of the finished product is grown in this state or which meets the requirements of section53-123.13.

53-103.14.
Franchise or agreement, defined.
Franchise or agreement,
with reference to the relationship between a manufacturer and wholesaler,
includes one or more of the following:
(1) A commercial relationship
of a definite duration or continuing indefinite duration which is not required
to be in writing;
(2)
A relationship by which the wholesaler is granted the right to offer and sell
the manufacturer's brands by the manufacturer;
(3) A relationship by which the franchise,
as an independent business, constitutes a component of the manufacturer's
distribution system;
(4)
A relationship by which the operation of the wholesaler's business is substantially
associated with the manufacturer's brand, advertising, or other commercial
symbol designating the manufacturer; and
(5) A relationship by which the operation of the wholesaler's
business is substantially reliant on the manufacturer for the continued supply
of beer.

53-103.15.
Generic label, defined.
Generic label means a
label which is not protected by a registered trademark, either in whole or
in part, or to which no person has acquired a right pursuant to state or federal
statutory or common law.

53-103.16.
Hotel, defined.
Hotel means any building or other structure
(1) which is kept, used, maintained, advertised, and held out to the public
to be a place where food is actually served and consumed and sleeping accommodations
are offered for adequate pay to travelers and guests, whether transient, permanent,
or residential, (2) in which twenty-five or more rooms are used for the sleeping
accommodations of such guests, and (3) which has one or more public dining
rooms where meals are served to such guests, such sleeping accommodations
and dining rooms being conducted in the same buildings in connection therewith
and such building or buildings or structure or structures being provided with
adequate and sanitary kitchen and dining room equipment and capacity.

53-103.17.
Local governing body, defined.
Local governing body means
(1) the city council or village board of trustees of a city or village within
which the licensed premises are located or (2) if the licensed premises are
not within the corporate limits of a city or village, the county board of
the county within which the licensed premises are located.

53-103.18.

Manager, defined.
Manager means a person appointed by a corporation or limited liability company to oversee the daily operation of the business licensed in Nebraska. A manager shall meet all the requirements of the Nebraska Liquor Control Act as though he or she were the applicant, including residency.

53-103.19.
Manufacture, defined.
Manufacture means to distill,
rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill
an original package with any alcoholic liquor and includes blending but does
not include the mixing or other preparation of drinks for serving by those
persons authorized and permitted in the Nebraska Liquor Control Act to serve
drinks for consumption on the premises where sold.

53-103.20.
Manufacturer, defined.
Manufacturer means every brewer, fermenter, distiller, rectifier, winemaker, blender, processor, bottler, restaurant, hotel, or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying, or bottling alcoholic liquor, including a wholly owned affiliate or duly authorized agent for a manufacturer.

53-103.21.
Microbrewery, defined.
Microbrewery means any small brewery producing a maximum of twenty thousand barrels of beer per year.

53-103.22.
Microdistillery, defined.
Microdistillery means a distillery located in Nebraska that is licensed to distill liquor on the premises of the distillery licensee and produces one hundred thousand or fewer gallons of liquor annually.

53-103.23.
Minor, defined.
Minor means any person, male or female,
under twenty-one years of age, regardless of marital status.

53-103.24.
Near beer, defined.
Near beer means beer containing
less than one-half of one percent of alcohol by volume.

53-103.25.
Nonbeverage user, defined.
Nonbeverage user means
every manufacturer of any of the products set forth and described in subsection
(4) of section53-160, when such product contains alcoholic liquor, and all
laboratories, hospitals, and sanatoria using alcoholic liquor for nonbeverage
purposes.

53-103.26.
Nonprofit corporation, defined.
Nonprofit corporation
means any corporation organized under the laws of this state, not for profit,
which has been exempted from the payment of federal income taxes.

53-103.27.
Original package, defined.
Original package means
any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle
or container used, corked or capped, sealed, and labeled by the manufacturer
of alcoholic liquor to contain and to convey any alcoholic liquor.

53-103.28.

Person, defined.
Person means any natural person, trustee, corporation, partnership, or limited liability company.

53-103.29.
Private label, defined.
Private label means a label which the purchasing wholesaler or retailer has protected, in whole or in part, by a trademark registration or which the purchasing wholesaler or retailer has otherwise protected pursuant to state or federal statutory or common law.

53-103.30.
Restaurant, defined.
Restaurant means any public place (1) which is kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, (2) which has no sleeping accommodations, and (3) which has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

53-103.31.
Retailer, defined.
Retailer means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form except as provided in section53-175.

53-103.32.
Revoke, defined.
Revoke means to permanently void and recall all rights and privileges of a license.

53-103.33.
Sale, defined.
Sale means any transfer, exchange, or barter in any manner or by any means for a consideration and includes any sale made by any person, whether principal, proprietor, agent, servant, or employee.

53-103.34.
Sampling, defined.
Sampling means consumption on the premises of a retail licensee of not more than five samples of one fluid ounce or less of alcoholic liquor by the same person in a twenty-four-hour period.

53-103.35.
Sell, defined.
Sell means to solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell.

53-103.36.
Sell at retail and sale at retail, defined.
Sell at retail and sale at retail means sale for use or consumption and not for resale in any form except as provided in section53-175.

53-103.37.
Shipping license, defined.

Shipping license means
a license granted pursuant to section53-123.15.

53-103.38.
Spirits, defined.
Spirits means any beverage which contains alcohol obtained
by distillation, mixed with water or other substance in solution. Spirits includes brandy, rum, whiskey, gin, or other spirituous liquors and such liquors when rectified, blended, or otherwise
mixed with alcohol or other substances. Spirits
does not include flavored malt beverages.

53-103.39.
Suspend, defined.
Suspend means to cause a temporary interruption
of all rights and privileges of a license.

53-103.40.
Territory or sales territory, defined.
Territory or sales territory
means the wholesaler's area of sales responsibility for the brand or brands
of the manufacturer.

53-103.41.
Wholesaler, defined.
Wholesaler means a person importing or causing to be imported into the state or purchasing or causing to be purchased within the state alcoholic liquor for sale or resale to retailers licensed under the Nebraska Liquor Control Act, whether the business of the wholesaler is conducted under the terms of a franchise or any other form of an agreement with a manufacturer or manufacturers, or who has caused alcoholic liquor to be imported into the state or purchased in the state from a manufacturer or manufacturers and was licensed to conduct such a business by the commission on May 1, 1970, or has been so licensed since that date. Wholesaler includes a distributor, distributorship, and jobber.

53-103.42.
Wine, defined.
Wine means any alcoholic beverage obtained
by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol
or spirits.

53-103.43.
Flavored malt beverage, defined.
Flavored malt
beverage means a beer that derives not more than forty-nine percent of its total alcohol content from flavors or flavorings containing alcohol obtained by distillation, except that in the case of a malt beverage with an alcohol content of more than six percent by volume, not more than one and one-half percent of the volume of the malt beverage may consist of alcohol derived from flavors, flavorings, or other nonbeverage ingredients containing alcohol obtained by distillation.

53-103.44.
Hard cider, defined.
Hard cider means still wine (1)(a) derived primarily from apples or apple concentrate and water such that apple juice, or the equivalent amount of concentrate reconstituted to the original brix of the juice prior to concentration, represents more than fifty percent of the volume of the finished product or (b) derived primarily from pears or pear concentrate and water such that pear juice, or the equivalent amount of concentrate reconstituted to the original brix of the juice prior to concentration, represents more than fifty percent of the volume of the finished product, (2) containing at least one-half of one percent and less than eight and one-half percent alcohol by volume, (3) having the taste, aroma, and characteristics generally attributed to hard cider, and (4) sold or offered for sale as hard cider.

53-103.45.

Pedal-pub vehicle, defined.
Pedal-pub vehicle means a multi-passenger, human-powered vehicle.

53-103.46.
Powdered alcohol, defined.
Powdered alcohol means alcohol prepared in a powdered form for either direct use or consumption after the powder is combined with a liquid.

53-103.47.
Bottle club, defined.
Bottle club means an operation, whether formally organized as a club having a regular membership list, dues, officers, and meetings or not, keeping and maintaining premises where persons who have made their own purchases of alcoholic liquor congregate for the express purpose of consuming alcoholic liquor upon the payment of a fee or other consideration.

53-103.48.
Farmers market, defined.
Farmers market means any common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats, and other farm products directly to consumers.

53-103.49.
Ready-to-drink cocktail, defined.
Ready-to-drink cocktail means a beverage or confection containing spirits in an original package which contains twelve and one-half percent or less alcohol by volume.

53-103.50.
Channel pricing, defined.
Channel pricing means a pricing strategy that differentiates the price charged for a product based upon the type of license held by the retailer and the primary use of the premises on which the retailer operates.

53-103.51.
Primary source of supply in the United States, defined.
(1) Primary source of supply in the United States means:
(a) The manufacturer, producer, or owner of any alcoholic liquor at the time it becomes a marketable product in the United States;
(b) The bottler of any alcoholic liquor in the United States;
(c) The exclusive agent within the United States or any of the states of any manufacturer, producer, owner, or bottler of any alcoholic liquor outside the United States; or
(d) A licensed Nebraska craft brewery, farm winery, microdistillery, or manufacturer.
(2) To be the primary source of supply in the United States, the licensee causing such alcoholic liquor to be imported into Nebraska must be the first source, such as the manufacturer or the source closest to the manufacturer, in the channel of commerce from which the product can be secured by Nebraska licensed wholesalers.

53-103.52.
Rickhouse, defined.
Rickhouse means an offsite bonded warehouse which is kept and maintained for the purpose of storing spirits in barrels for aging in order to impart flavor from the barrel into the spirits.

53-105.
Nebraska Liquor Control Commission; creation; members; appointment; qualifications.
There is hereby created the Nebraska Liquor Control Commission, consisting of three members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature, no more than two of whom shall be members of the same political party, and no two shall be citizens of the same congressional district.

53-106.
Commission; members; term; removal; not to hold other office.
The Governor shall appoint three members of the commission, one of whom he shall designate as chairman. One member shall be appointed every two years and shall hold office for a period of six years. Any appointee may be removed by the Governor, after an opportunity to be heard, for malfeasance, misfeasance or neglect in office. No person shall be appointed to the commission, or continue to hold that office after appointment, while holding any other office or position under the laws of this state, any other state, or of the United States.

53-107.

Commission; quorum; executive director; duties.
A majority of the commission shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the commission. Every act of a majority of the members of the commission shall be deemed to be the act of the commission. The commission shall have an executive director, to be appointed by it subject to the approval of the Governor, who shall keep a record of all proceedings, transactions, communications, and official acts of the commission. The executive director shall be the custodian of all records and perform such other duties as the commission may prescribe.

53-108.
Employees; appointment.
The commission may, with the advice and approval of the Governor, appoint or employ such clerks and other employees as may be necessary to carry out the Nebraska Liquor Control Act or to perform the duties and exercise the powers conferred by law upon the commission.

53-109.
Commissioners and employees; bonds or insurance.
Before entering upon the duties of his or her office, each commissioner shall be bonded or insured as required by section11-201. Employees of the commission who are accountable for public funds shall be bonded or insured as required by section11-201to secure the safety of such funds. The premium shall be paid by the State of Nebraska out of the General Fund. Before entering upon the duties of his or her office, the executive director of the commission shall be bonded or insured as required by section11-201.

53-110.
Commissioners
and employees; qualifications;
employment by licensee authorized; restrictions.
(1) No
person shall be appointed as a commissioner, the executive director of the commission, or an employee of the commission who is not a citizen of the United States and who has not resided within the State of Nebraska successively for two years next preceding the date of his or her appointment.
(2) No person (a) convicted
of or who has pleaded guilty to a felony or any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor prior or subsequent to the passage of the Nebraska Liquor Control Act, (b) who has paid a fine or penalty in settlement of any prosecution against him or her for any violation of such laws, or (c) who has forfeited his or her bond to appear in court to answer charges for any such violation shall be appointed commissioner.
(3)(a) Except as otherwise provided in
subdivision (b) of this subsection, no commissioner or employee of the commission may, directly or indirectly, individually, as a member of a partnership, as a member of a limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale, or distribution of alcoholic liquor, receive any compensation or profit from such manufacture, sale, or distribution, or have any interest whatsoever in the purchases or sales made by the persons authorized by the act to purchase or to sell alcoholic liquor.
(b) With the
written approval of the executive director, an employee of the commission, other than the executive director or a division manager, may accept part-time or seasonal employment with a person licensed or regulated by the commission. No such employment shall be approved if the licensee receives more than fifty percent of the licensee's gross revenue from the sale or dispensing of alcoholic liquor.
(4) This
section shall not prevent any commissioner, the executive director, or any employee from purchasing and keeping in his or her possession for the use of himself, herself, or members of his or her family or guests any alcoholic liquor which may be purchased or kept by any person pursuant to the act.

53-111.

Gifts and gratuities forbidden; violation; penalty.
A commissioner, the executive director of the commission, or any person appointed or employed by the commission shall not solicit or accept any gift, gratuity, emolument, or employment from any person subject to the Nebraska Liquor Control Act or from any officer, agent, or employee thereof or solicit, request from, or recommend, directly or indirectly, to any such person or to any officer, agent, or employee thereof the appointment of any person to any place or position. Any such person and every officer, agent, or employee thereof may not offer to any commissioner, the executive director, or any person appointed or employed by the commission any gift, gratuity, emolument, or employment. If a commissioner, the executive director, or any person appointed or employed by the commission violates this section, he or she shall be removed from his or her office or employment. Every person violating this section shall be guilty of a Class II misdemeanor.

53-112.
Commissioners and executive director; compensation; expenses.
Each member of the commission shall receive an annual salary of not to exceed twelve thousand five hundred dollars, to be fixed by the Governor, payable monthly, and in addition expenses authorized in section53-113incurred on behalf of the commission. The salary of the executive director of the commission shall be fixed by the commission, payable monthly.

53-113.
Commissioners and employees; expenses and mileage.
The commissioners, the executive director of the commission, and all employees of the commission shall be reimbursed for expenses incurred in the discharge of their official duties as provided in sections81-1174to81-1177. The commission may also incur necessary expenses for office furniture and other incidental expenses. No commissioner, executive director, or employee of the commission shall request or be allowed mileage or other traveling expenses unless such sections are strictly complied with.

53-114.
Meetings; office; branch offices; seal; certified copies of records as evidence.
The office of the commission shall be in Lincoln, but the commission may, with the approval of the Governor, establish and maintain branch offices at places other than the seat of government. The commission shall hold regular meetings at least once a month and may hold such special meetings as it deems necessary at any time and at any place within the state. The commission may, for authentication of its records, process, and proceedings, adopt, keep, and use a common seal, of which seal judicial notice shall be taken in all of the courts of the state. Any process, notice, or other paper which the commission is authorized by law to issue shall be deemed sufficient if signed by the chairperson and executive director of the commission and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the commission and all reports and documents filed with the commission may be proved in any court of this state by copy thereof certified to by the executive director attached.

53-115.
Assistant attorney general assigned to commission; compensation; payment.
The Attorney General of Nebraska shall designate an assistant attorney general or assistant attorneys general, when requested by the commission and directed by the Governor, and the services of such assistant attorney general or assistant attorneys general shall be available to the commission whenever demanded. The compensation of such assistant attorney general or assistant attorneys general as are assigned to the commission shall be paid by the office of the Attorney General.

53-116.
Power to regulate and control alcoholic liquor.
The power to regulate all phases of the control of the manufacture, distribution, sale, and traffic of alcoholic liquor, except as specifically delegated in the Nebraska Liquor Control Act, is vested exclusively in the commission.

53-116.01.
Retail licensees; bottle club licensees; inspection of premises; suspend, cancel, or revoke license; when; charter bus; inspection; when.
(1) The commission and local governing bodies shall cause frequent inspection to be made on the premises of all retail licensees and bottle club licensees, and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense.
(2) The commission and local governing bodies may inspect a charter bus providing service under a certificate of public convenience and necessity granted by the Public Service Commission when the owner or operator of the charter allows the consumption of alcoholic liquor in the charter bus by an individual who is twenty-one years of age or older so long as the inspection is performed when the bus has stopped for the purpose of allowing passengers to embark or disembark.

53-116.02.

Licensee; violations; forfeiture or revocation of license.
Whenever any retail licensee, bottle club licensee, craft brewery licensee, or microdistillery licensee has been convicted by any court of a violation of the Nebraska Liquor Control Act, the licensee may, in addition to the penalties for such offense, incur a forfeiture of the license and all money that had been paid for the license. The local governing body may conditionally revoke the license subject to a final order of the commission, or the commission may revoke the license in an original proceeding brought before it for that purpose.

53-117.
Powers, functions, and duties.
The commission has the following powers, functions, and duties:
(1) To receive applications for and to issue licenses to and suspend, cancel, and revoke licenses of manufacturers, wholesalers, nonbeverage users, retailers, railroads including owners and lessees of sleeping, dining, and cafe cars, airlines, boats, bottle clubs, special party buses, and pedal-pub vehicles in accordance with the Nebraska Liquor Control Act;
(2) To fix by rules and regulations the standards of manufacture of alcoholic liquor not inconsistent with federal laws in order to insure the use of proper ingredients and methods in the manufacture and distribution thereof and to adopt and promulgate rules and regulations not inconsistent with federal laws for the proper labeling of containers, barrels, casks, or other bulk containers or of bottles of alcoholic liquor manufactured or sold in this state. The Legislature intends, by the grant of power to adopt and promulgate rules and regulations, that the commission have broad discretionary powers to govern the traffic in alcoholic liquor and to enforce strictly all provisions of the act in the interest of sanitation, purity of products, truthful representations, and honest dealings in a manner that generally will promote the public health and welfare. All such rules and regulations shall be absolutely binding upon all licensees and enforceable by the commission through the power of suspension or cancellation of licenses, except that all rules and regulations of the commission affecting a club possessing any form of retail license or bottle club license shall have equal application to all such licenses or shall be void;
(3) To call upon other administrative departments of the state, county and municipal governments, county sheriffs, city police departments, village marshals, peace officers, and prosecuting officers for such information and assistance as the commission deems necessary in the performance of its duties. The commission shall enter into an agreement with the Nebraska State Patrol in which the Nebraska State Patrol shall hire six new patrol officers and, from the entire Nebraska State Patrol, shall designate a minimum of six patrol officers who will spend a majority of their time in administration and enforcement of the Nebraska Liquor Control Act;
(4) To recommend to local governing bodies rules and regulations not inconsistent with law for the distribution and sale of alcoholic liquor throughout the state;
(5) To inspect or cause to be inspected any premises where alcoholic liquor is manufactured, distributed, or sold and, when sold on unlicensed premises or on any premises in violation of law, to bring an action to enjoin the use of the property for such purpose;
(6) To hear and determine appeals from orders of a local governing body in accordance with the act;
(7) To conduct or cause to be conducted an audit to inspect any licensee's records and books;
(8) In the conduct of any hearing or audit authorized to be held by the commission (a) to examine or cause to be examined, under oath, any licensee and to examine or cause to be examined the books and records of such licensee, (b) to hear testimony and take proof material for its information in the discharge of its duties under the act, and (c) to administer or cause to be administered oaths;
(9) To investigate the administration of laws in relation to alcoholic liquor in this and other states and to recommend to the Governor and through him or her to the Legislature amendments to the act; and
(10) To receive, account for, and remit to the State Treasurer state license fees and taxes provided for in the act.

53-117.01.
Subpoenas; issuance; witnesses; documents.
In the discharge of any duty herein imposed the commission shall have authority to issue subpoenas and to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony.

53-117.02.
Disobedience to subpoena; refusal to testify; proceedings for contempt.
In case of disobedience on the part of any person to any subpoena issued by the commission or the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court for the county in which such hearing was convened, on the application of a member of the commission, to compel obedience by proceedings for contempt as in the case of disobedience to the requirements of a subpoena issued from such court or a refusal to testify therein.

53-117.03.
Employee and
management training; commission; powers and duties; fees; certification.
(1) On or before January 1, 2007, the commission shall adopt
and promulgate rules and regulations governing programs which provide training
for persons employed in the sale and service of alcoholic liquor and management
of licensed premises. Such rules and regulations may include, but need not

be limited to:
(a) Minimum standards governing training of beverage servers, including standards and requirements governing curriculum, program trainers, and certification requirements;
(b) Minimum standards governing training in management of licensed premises, including standards and requirements governing curriculum, program trainers, and certification requirements;
(c) Minimum standards governing the methods allowed for training programs which may include the Internet, interactive video, live training in various locations across the state, and other means deemed appropriate by the commission;
(d) Methods for approving beverage-server training organizations and programs. All beverage-server training programs approved by the commission shall issue a certificate of completion to all persons who successfully complete the program and shall provide the names of all persons completing the program to the commission;
(e) Enrollment fees in an amount determined by the commission to be necessary to cover the administrative costs, including salary and benefits, of enrolling in a training program offered by the commission pursuant to subsection (2) of this section, but not to exceed thirty dollars; and
(f) Procedures and fees for certification, which fees shall be in an amount determined by the commission to be sufficient to defray the administrative costs, including salary and benefits, associated with maintaining a list of persons certified under this section and issuing proof of certification to eligible individuals but shall not exceed twenty dollars.
(2) The commission may create a program to provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. The program shall include training on the issues of sales and service of alcoholic liquor to minors and to visibly inebriated purchasers. The commission may charge each person enrolling in the program an enrollment fee as provided in the rules and regulations, but such fee shall not exceed thirty dollars. All such fees shall be collected by the commission and remitted to the State Treasurer for credit to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.
(3) A person who has completed a training program which complies with the rules and regulations, whether such program is offered by the commission or by another organization, may become certified by the commission upon the commission receiving evidence that he or she has completed such program and the person seeking certification paying the certification fee established under this section.

53-117.05.
Rules and regulations; statutes; commission; provide copies; fee authorized.
The commission shall provide without charge to any person licensed under the Nebraska Liquor Control Act a set of rules and regulations adopted and promulgated by the commission, a copy of the Nebraska Liquor Control Act, and any other information which the commission deems important in the area of liquor control in the State of Nebraska. The information may be printed in a booklet, a pamphlet, or any other form the commission may determine to be appropriate. The commission may update such material as often as it deems necessary. The commission may provide such material to any other person upon request and may charge a fee for the material. The fee shall be reasonable and shall not exceed any reasonable or necessary costs of producing the material for distribution.

53-117.06.
Nebraska Liquor Control Commission Rule and Regulation Cash Fund; created; use; investment.
Any money collected by the commission pursuant to section53-117.05,53-165.01, or53-167.02shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which fund is hereby created. The purpose of the fund shall be to cover any administrative costs, including salary and benefits, incurred by the commission in producing or distributing the material referred to in such sections and to defray the costs associated with electronic regulatory transactions, industry education events, enforcement training, and equipment for regulatory work. Transfers may be made from the fund to the General Fund at the direction

of the Legislature. Any money in the Nebraska Liquor Control Commission Rule and Regulation Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

53-117.07.
Proceedings to suspend, cancel, or revoke licenses before commission.
All proceedings for the suspension, cancellation, or revocation of licenses of manufacturers, wholesalers, nonbeverage users, craft breweries, microdistilleries, railroads, airlines, shippers, boats, special party buses, and pedal-pub vehicles shall be before the commission, and the proceedings shall be in accordance with rules and regulations adopted and promulgated by it not inconsistent with law. No such license shall be so suspended, canceled, or revoked except after a hearing by the commission with reasonable notice to the licensee and opportunity to appear and defend.

53-117.08.
License; suspend, cancel, or revoke; hearing; conviction; court; duty.
The license of any licensee who violates any of the provisions of the Nebraska Liquor Control Act shall be suspended, canceled, or revoked. If any licensee violates the regulations adopted and promulgated by the commission or any lawful ordinance of the local governing body, the commission may, after proper hearing, suspend, cancel, or revoke the license. If any licensee is convicted of a violation of the terms of the act, the court shall immediately notify the local governing body and the commission.

53-118.
Rules and regulations.
The commission shall adopt and promulgate rules and regulations to carry out the Nebraska Liquor Control Act. The rules and regulations shall include, among such other things as the commission may determine, provisions: (1) Prescribing conditions as to the issuance of duplicate licenses in lieu of those lost or destroyed; (2) determining for which violations of the rules and regulations licenses shall be suspended, canceled, or revoked; (3) establishing standards of purity, sanitation, honest advertising, and representation; and (4) covering any and all the other details which are necessary or convenient to the enforcement of the intent, purpose, and requirements of the act.

53-119.01.
Fire safety inspection; fee.
The commission may request the State Fire Marshal to inspect for fire safety pursuant to section81-502any premises for which an annually renewable retail license or bottle club license, or renewal of such a license, is sought. The State Fire Marshal shall assess a fee for such inspection pursuant to section81-505.01which shall be payable by the licensee or applicant for a license. The authority to make such investigations may be delegated to qualified local fire prevention personnel pursuant to section81-502.

53-120.
Ready-to-drink cocktails; production and sale; rules and regulations.
The commission may adopt and promulgate rules and regulations pertaining to the production and sale of ready-to-drink cocktails.

53-121.
License; delivery; method.
When delivering any type of license under the Nebraska Liquor Control Act to a licensee, the commission may use mail or electronic delivery.

53-122.
Sale of liquor
by drink; license issuance authorized; exception.
The
commission may issue licenses for the sale of alcoholic liquor, except beer,
by the drink subject to all the terms and conditions of the Nebraska Liquor
Control Act in all cities and villages in this state, except in those cases
when it affirmatively appears that the issuance will render null and void
prior conveyances of land to such city or village for public uses and purposes
by purchase, gift, or devise, under the conditions and in the manner provided
in this section.

53-123.
Licenses; types.
Licenses issued by the commission shall be of the following types: (1) Manufacturer's license; (2) alcoholic liquor wholesale license, except beer; (3) beer wholesale license; (4) retail license; (5) railroad license; (6) airline license; (7) boat license; (8) nonbeverage

user's license; (9) farm winery license; (10) craft brewery license; (11) shipping license; (12) special designated license; (13) catering license; (14) microdistillery license; (15) entertainment district license; (16) pedal-pub vehicle license; (17) bottle club license; (18) special party bus license; and (19) promotional farmers market special designated license.

53-123.01.
Manufacturer's license; rights of licensee; craft brewery license holder; when required to obtain manufacturer's license; rights of holder.
(1) A manufacturer's license shall allow the manufacture, storage, and sale of alcoholic liquor to wholesale licensees in this state and to such persons outside the state as may be permitted by law, except that nothing in the Nebraska Liquor Control Act shall prohibit a manufacturer of beer from distributing tax-paid samples of beer at the premises of a licensed manufacturer for consumption on the premises. A manufacturer's license issued pursuant to this section shall be the only license required by the Nebraska Liquor Control Act for the manufacture and retail sale of beer manufactured on the licensed premises for consumption on the licensed premises.
(2)(a) A licensee who or which first obtains a craft brewery license pursuant to section53-123.14, holds such license for not less than three years, and operates a brewpub or microbrewery on the licensed premises of such craft brewery license shall obtain a manufacturer's license when the manufacture of beer on the licensed premises exceeds twenty thousand barrels per year. The manufacturer's license shall authorize the continued retail sale of beer for consumption on or off the premises but only to the extent the premises were previously licensed as a craft brewery. The sale of any beer other than beer manufactured by the licensee, wine, or alcoholic liquor for consumption on the licensed premises shall require the appropriate retail license. The holder of such manufacturer's license may continue to operate up to five retail locations which are in operation at the time such manufacturer's license is issued and shall divest itself from retail locations in excess of five locations. The licensee shall not begin operation at any new retail location even if the licensee's production is reduced below twenty thousand barrels per year.
(b) The holder of such manufacturer's license may obtain an annual catering license pursuant to section53-124.12, a special designated license pursuant to section53-124.11, or an entertainment district license pursuant to section53-123.17.
(3) A holder of a manufacturer's license to manufacture spirits may operate a rickhouse that meets the requirements for a distilled spirit plant pursuant to 26 U.S.C. 5178, as such section existed on January 1, 2024, if such manufacturer receives authorization from the commission and notifies the commission of the location of such rickhouse in a manner prescribed by the commission.

53-123.02.
Alcoholic liquor wholesale license, except beer; rights of licensee; sampling.
An alcoholic liquor wholesale license, except beer, shall (1) allow the wholesale purchase, importation, and storage of alcoholic liquor and sale of alcoholic liquor, except beer, to licensees in this state and to persons outside the state as may be permitted by law and (2) allow the sampling of tax-paid alcoholic liquor, except beer, upon the premises of the licensed wholesaler by a licensed retailer or allow sampling on the premises of any licensed retailer, whether the license permits consumption on or off the licensed premises, or both, in the manner prescribed by the commission. The sampling authorized under this section shall be limited to persons licensed as wholesalers or retailers and their employees.

53-123.03.
Beer wholesale license; rights of licensee; designated territory.
A beer wholesale license shall (1) allow the wholesale purchase, importation, and storage of beer and sale, including delivery, of the brand or brands described in such license to licensees in this state in the sales territory prescribed in the license for each brand and to such persons outside the state as may be permitted by law, (2) allow the licensed wholesaler to do all things incident to the carrying on of the wholesale beer business, including the sampling of tax-paid beer upon the premises of the licensed wholesaler by a licensed retailer in the manner prescribed by the commission, and (3) allow the sampling of tax-paid beer upon the premises of any retailer, whether the license permits consumption on or off the licensed premises, or both, in a manner prescribed by the commission.
The sampling authorized under subdivision (3) of this section shall be limited to persons licensed as wholesalers or retailers and their employees.
The license shall designate the territory within which the licensed wholesaler may sell the designated product of any brewer as agreed upon by the licensee and the brewer.

53-123.04.
Retail license; rights of licensee; sampling; removal of unsealed bottle of wine; conditions; sales for consumption off the premises; conditions; notice to commission, required.
(1) A retail license shall allow the licensee to sell and offer for sale at retail either in the original package or otherwise, as prescribed in the retail license, on the premises specified in the retail license or the entertainment district license or on the premises where catering is occurring, alcoholic liquor or beer for use or consumption but not for resale in any form except as provided in section53-175.
(2) Nothing in the Nebraska Liquor Control Act shall prohibit a holder of a Class D license from allowing the sampling of tax-paid wine for consumption on the premises by such licensee or his or her employees in cooperation with a licensed wholesaler in the manner prescribed by the commission.

(3)(a) A restaurant holding a license to sell alcoholic liquor at retail for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased a full-course meal and consumed a portion of the bottle of wine with such full-course meal on the licensed premises. The licensee or his or her agent shall (i) securely reseal such bottle and place the bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been opened or tampered with and (ii) provide a dated receipt to the customer and attach to such bag a copy of the dated receipt for the resealed bottle of wine and the full-course meal.
(b) If the resealed bottle of wine is transported in a motor vehicle, it must be placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
(c) For purposes of this subsection, full-course meal means a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking.
(4) The holder of a Class C liquor license as described in subdivision (6)(a)(iii) of section53-124may sell alcoholic liquor not in the original package, such as a mixed drink or cocktail, to a person twenty-one years of age or older for consumption off the premises if (a) the alcoholic liquor is (i) not partially consumed and (ii) in a labeled and sealed container with a tamper-evident lid, cap, or seal, as approved by the commission, and (b) for alcoholic liquor transported in a motor vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
(5) The holder of a Class I liquor license as described in subdivision (6)(a)(v) of section53-124may sell alcoholic liquor not in the original package, such as a mixed drink or cocktail, to a person twenty-one years of age or older for consumption off the premises if (a) the alcoholic liquor is (i) not partially consumed, (ii) in a labeled and sealed container with a tamper-evident lid, cap, or seal, as approved by the commission, and (iii) purchased along with food, and (b) for alcoholic liquor transported in a motor vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
(6) A licensee intending to sell alcoholic liquor in the manner authorized under subsections (4) and (5) of this section shall provide notice of such intention to the commission during initial licensure or upon the licensee's annual renewal.

53-123.05.
Railroad or airline license; rights of licensee.
(1) The commission may issue a license to any airline company, dining car company, sleeping car company, or railroad company operating in this state which authorizes the holder thereof to keep for sale and to sell or dispense alcoholic liquor for consumption in its airplanes, dining cars, sleeping cars, buffet cars, observation cars, and any other cars used for transportation or accommodation of passengers. Each such company shall keep a duplicate of such license posted in each car or airplane where such alcoholic liquor is served.
(2) Every such license shall expire on April 30 of each year. Each such license shall be good throughout this state as a state license. Only one such license shall be required for all cars or airplanes operated in this state by the same owner. No further license shall be required or tax levied by any county, city, or village for the privilege of selling or dispensing alcoholic liquor for consumption in such cars or airplanes. Nothing in the Nebraska Liquor Control Act shall apply to or affect the right of holders of such licenses to transport within this state or to import into this state alcoholic liquor to be kept for dispensing or sale or to be sold while actually en route in the cars or airplanes of such licensees.

53-123.06.
Boat license; rights of licensee.
A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat which maintains a public dining room or restaurant thereon.

53-123.07.
Nonbeverage user's license; rights of licensee; importation of alcohol; classes of license.
A nonbeverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or wholesaler without the imposition of any tax upon the business of such licensed manufacturer or wholesaler as to such alcoholic liquor to be used by such licensed nonbeverage user solely for the nonbeverage purposes set forth in subsection (4) of section53-160. If any licensed nonbeverage user is engaged in the business of manufacturing, compounding, or preparing pharmaceutical products or similar preparations or products containing alcohol to be sold in both intrastate and interstate commerce, such nonbeverage user's license shall allow the licensee to purchase at wholesale or otherwise from manufacturers or wholesalers not licensed in the state and to import alcohol either in barrels, drums, casks, or other containers. If any licensed nonbeverage user is engaged in the business of manufacturing or preparing food products containing alcoholic liquor to be sold in both intrastate and interstate commerce, such nonbeverage user's license shall allow the licensee to purchase at wholesale from alcoholic liquor wholesalers licensed within the state alcoholic liquor either in barrels, drums, casks, or other containers, and such alcoholic liquor wholesalers may cause such alcoholic liquor to be shipped or delivered directly to such nonbeverage user from the source of supply, in which event all such shipments or deliveries shall be considered as received by such alcoholic liquor wholesalers within this state and at their licensed premises and purchased by such alcoholic liquor wholesalers and for their account, and all such shipments or deliveries shall be

recorded and reported by such alcoholic liquor wholesalers as required by section53-165. All such licenses shall be divided and classified and shall permit the purchase during the term for which such licenses are issued of limited and stated quantities of alcoholic liquor as follows:
Class 1, not to exceed.....100 gallons
Class 2, not to exceed.....1,000 gallons
Class 3, not to exceed.....5,000 gallons
Class 4, not to exceed.....10,000 gallons
Class 5, in excess of.....10,000 gallons.

53-123.08.
Bottle club license; rights of licensee.
(1) A bottle club may be operated by a club, an individual, a partnership, a limited liability company, or a corporation. An accurate and current membership list shall be maintained upon the licensed premises which contains the names and residences of the members but shall not be subject to disclosure except as required by warrant, subpoena, or court order.
(2) A bottle club shall not operate on any day between the hours of 5 a.m. and 6 a.m.
(3) The holder of a bottle club license shall not simultaneously hold another license under the Nebraska Liquor Control Act.
(4) The holder of a bottle club license shall be subject to all provisions of the Nebraska Liquor Control Act and the rules and regulations adopted and promulgated under the act that govern the operation of retail licensees except as otherwise provided in subsection (2) of this section.

53-123.09.
Beer wholesaler; delivery outside territory; unlawful; penalty.
(1) It shall be unlawful for any beer wholesaler to deliver beer to any retail licensee located outside the geographic territory designated on the beer wholesaler's license.
(2) If any person violates subsection (1) of this section, such person's license shall be suspended or revoked by the commission in the manner provided by the Nebraska Liquor Control Act.

53-123.10.
Farm winery license; when issued.
A license to operate a farm winery may be issued by the commission upon an applicant's compliance with section53-123.12and such other requirements as the commission adopts and promulgates by rule and regulation to administer sections53-101.02and53-123.10to53-123.13.

53-123.11.
Farm winery license; rights of licensee; removal of unsealed bottle of wine; conditions; sales for consumption off the premises; conditions; notice to commission, required.
(1) A farm winery license shall entitle the holder to:
(a) Sell wines produced at the farm winery onsite at wholesale and retail and to sell wines produced at the farm winery at off-premises sites holding the appropriate retail license;
(b) Sell wines produced at the farm winery at retail for consumption on the premises as designated pursuant to section53-123.12;
(c) Permit a customer to remove one unsealed bottle of wine for consumption off the premises. The licensee or his or her agent shall (i) securely reseal such bottle and place the bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been opened or tampered with and (ii) provide a dated receipt to the customer and attach to such bag a copy of the dated receipt for the resealed bottle of wine. If the resealed bottle of wine is transported in a motor vehicle, it must be placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk;
(d) Ship wines produced at the farm winery by common carrier and sold at retail to recipients in and outside the State of Nebraska, if the output of such farm winery for each calendar year as reported to the commission by December 31 of each year does not exceed thirty thousand gallons. In the event such amount exceeds thirty thousand gallons, the farm winery shall be required to use a licensed wholesaler to distribute its wines for the following calendar year, except that this requirement shall not apply to wines produced and sold onsite at the farm winery pursuant to subdivision (1)(a) of this section;
(e) Allow sampling and sale of the wine at the farm winery and at four branch outlets in the state in reasonable amounts;
(f) Sell wines produced at the farm winery to other Nebraska farm winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such regulations existed on January 1, 2008;
(g) Purchase distilled spirits from licensed microdistilleries in Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm winery wine to be used in the production of fortified wine at the purchasing licensed farm winery;
(h) Store and warehouse products produced at the farm winery in a designated, secure, offsite storage facility if the holder of the farm winery license notifies the commission of the location of the facility and maintains, at the farm winery and at the facility, a separate perpetual inventory of the product stored at the facility. Consumption of alcoholic liquor at the facility is strictly prohibited; and

(i) Sell alcoholic liquor authorized under a farm winery license not in its original package, such as sangria or wine slushies, to a person twenty-one years of age or older for consumption off the premises if (i) the alcoholic liquor is (A) not partially consumed and (B) in a labeled and sealed container with a tamper-evident lid, cap, or seal, as approved by the commission, and (ii) for alcoholic liquor transported in a motor vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk. A farm winery which sells alcoholic liquor authorized under a farm winery license not in its original package for consumption off the premises shall provide notice to the commission during a farm winery licensee's initial licensure or at the time of the annual renewal of such license regarding such sales.
(2) No farm winery shall manufacture wine in excess of fifty thousand gallons per year.
(3) A farm winery may manufacture and sell hard cider on its licensed premises. A farm winery shall not otherwise distribute the hard cider it manufactures except by sale to a wholesaler licensed under the Nebraska Liquor Control Act.
(4) A holder of a farm winery license may sell beer or other alcoholic liquor not produced by the farm winery at retail for consumption on the premises if the holder is also issued the appropriate retail license for such sales at such location.
(5) A holder of a farm winery license may obtain a special designated license pursuant to section53-124.11.
(6) A holder of a farm winery license may obtain an annual catering license pursuant to section53-124.12.
(7) A holder of a farm winery license may obtain a promotional farmers market special designated license pursuant to section53-124.16.

53-123.12.
Farm winery license; application requirements; renewal; fees; licensed premises; temporary expansion; procedure.
(1) Any person desiring to obtain a new license to operate a farm winery shall:
(a) File an application with the commission upon such forms as the commission from time to time prescribes;
(b) Pay the license fee to the commission under sections53-124and53-124.01, which fee shall be returned to the applicant if the application is denied; and
(c) Pay the nonrefundable application fee to the commission in the sum of four hundred dollars.
(2) To renew a farm winery license, a farm winery licensee shall file an application with the commission, pay the license fee under sections53-124and53-124.01, and pay the renewal fee of forty-five dollars.
(3) License fees, application fees, and renewal fees may be paid to the commission by certified or cashier's check of a bank within this state, personal or business check, United States post office money order, or cash in the full amount of such fees.
(4) For a new license, the commission shall then notify the municipal clerk of the city or incorporated village where such license is sought or, if the license is not sought within a city or incorporated village, the county clerk of the county where such license is sought of the receipt of the application and shall include with such notice one copy of the application. No such license shall then be issued by the commission until the expiration of at least forty-five days from the date of receipt by mail or electronic delivery of such application from the commission. Within thirty-five days from the date of receipt of such application from the commission, the local governing bodies of nearby cities or villages or the county may make and submit to the commission recommendations relative to the granting of or refusal to grant such license to the applicant.
(5)(a) A farm winery licensee may apply to the local governing body for a temporary expansion of the licensed premises to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifty days for calendar year 2020 and, for each calendar year thereafter, not to exceed fifteen days per calendar year. The temporary area shall comply with the Nebraska Liquor Control Act for consumption on the premises and shall be subject to the following conditions: (i) The temporary area shall be enclosed during the temporary expansion by a temporary fence or other means approved by the county, city, or village; (ii) the temporary area shall have easily identifiable entrances and exits; and (iii) the licensee shall ensure that the area meets all sanitation requirements for a licensed premises. The local governing body shall electronically notify the commission within five days after the authorization of any temporary expansion pursuant to this subsection.
(b) The licensee shall file an application with the local governing body which shall contain (i) the name of the applicant, (ii) the premises for which a temporary expansion is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (iii) the name of the owner or lessee of the premises for which the temporary expansion is requested, (iv) sufficient evidence that the licensee will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (v) a statement of the type of activity to be carried on during the time period for which a temporary expansion is requested, and (vi) sufficient evidence that the temporary expansion will be supervised by persons or managers who are agents of and directly responsible to the licensee.
(c) No temporary expansion provided for by this subsection shall be granted without the approval of the local governing body. The local governing body may establish criteria for approving or denying a temporary expansion. The local governing body may designate an agent to determine whether a temporary expansion is to be approved or denied. Such agent shall follow criteria established by the local governing body in making the determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body.
(d) For purposes of this section, the local governing body shall be that of the city or village within which the premises for which the temporary expansion is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be that of the county within which the premises for which the temporary expansion is requested are

located.
(e) The decision of the local governing body shall be final. If the applicant does not qualify for a temporary expansion, the temporary expansion shall be denied by the local governing body.
(f) The city, village, or county clerk shall deliver confirmation of the temporary expansion to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

53-123.13.
Farm winery; waiver of requirement; when; conditions.
(1) If the operator of a farm winery is unable to produce or purchase sixty percent of the grapes, fruit, or other suitable agricultural products used in the farm winery from within the state due to natural disaster which causes substantial loss to the Nebraska-grown crop, such operator may petition the commission to waive the sixty-percent requirement prescribed in section53-103.13for one year.
(2) It shall be within the discretion of the commission to waive the sixty-percent requirement taking into consideration the availability of products used in farm wineries in this area and the ability of such operator to produce wine from products that are abundant within the state.
(3) If the operator of a farm winery is granted a waiver, any product purchased as concentrated juice from grapes or other fruits from outside of Nebraska, when reconstituted from concentrate, may not exceed in total volume along with other products purchased the total percentage allowed by the waiver.
(4) Any product purchased under the waiver or as part of the forty percent of allowable product purchased that is not Nebraska-grown for the production of wine shall not exceed the forty percent volume allowed under state law if made from concentrated grapes or other fruit, when reconstituted. The concentrate shall not be reduced to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.

53-123.14.
Craft brewery license; rights of licensee; self-distribution; conditions.
(1) Any person who operates a craft brewery shall obtain a license pursuant to the Nebraska Liquor Control Act. A license to operate a craft brewery shall permit the production of a maximum of twenty thousand barrels of beer per year in the aggregate from all physical locations comprising the licensed premises. A craft brewery may also sell to beer wholesalers for sale and distribution to licensed retailers. A craft brewery license issued pursuant to this section shall be the only license required by the Nebraska Liquor Control Act for the manufacture and retail sale of beer for consumption on or off the licensed premises, except that the sale of any beer other than beer manufactured by the craft brewery licensee, wine, or alcoholic liquor by the drink for consumption on the licensed premises shall require the appropriate retail license. Any license held by the operator of a craft brewery shall be subject to the act. A holder of a craft brewery license may obtain an annual catering license pursuant to section53-124.12, a special designated license pursuant to section53-124.11, an entertainment district license pursuant to section53-123.17, or a promotional farmers market special designated license pursuant to section53-124.16. For purposes of this section, licensed premises may include up to five separate physical locations.
(2)(a) A holder of a craft brewery license may directly sell for resale up to two hundred fifty barrels per calendar year of beer produced at its licensed premises directly to retail licensees located in the State of Nebraska which hold the appropriate retail license if the holder of the craft brewery license:
(i) Only self-distributes its beer in a territory in which the craft brewery licensee has not entered into a distribution agreement with a licensed Nebraska wholesaler for the territory where such retail licensee is located;
(ii) Self-distributes its beer utilizing only persons exclusively and solely employed by the craft brewery licensee in vehicles exclusively and solely owned or leased by the craft brewery licensee; and
(iii) Complies with all relevant statutes, rules, and regulations that apply to Nebraska beer wholesalers regarding distribution of such beer.
(b) A holder of a craft brewery license self-distributing beer in accordance with subdivision (2)(a) of this section may only self-distribute beer brewed at its licensed brewery premises and shall not distribute beer produced by any other licensee.
(3) A holder of a craft brewery license may store and warehouse tax-paid products produced on such licensee's licensed premises in a designated, secure, offsite storage facility if the holder of the craft brewery license receives authorization from the commission and notifies the commission of the location of the storage facility and maintains, at the craft brewery and at the storage facility, a separate perpetual inventory of the product stored at the storage facility. Consumption of alcoholic liquor at the storage facility is strictly prohibited.
(4) The commission may adopt and promulgate rules and regulations pertaining to distribution rights of craft brewery licensees.

53-123.15.
Shipping license; when required; rights of licensee; application; contents; violation; disciplinary action; holder of license; duties; report; contents.
(1) No person shall order or receive alcoholic liquor in this state which has been shipped directly to him or her from outside this state by any person other than a holder of a shipping license issued by the commission, except that a licensed wholesaler may receive not more than three gallons of wine in any calendar year from any person who is not a holder of a shipping license.
(2) The commission may issue a shipping license to a manufacturer. Such license shall allow the licensee to ship alcoholic liquor

only to a licensed wholesaler. A person who receives a license pursuant to this subsection shall pay the fee required in sections53-124and53-124.01for a manufacturer's shipping license. Such fee shall be collected by the commission and be remitted to the State Treasurer for credit to the General Fund, except that the fee received for a shipping license issued to a beer manufacturer pursuant to this subsection shall be credited to the Nebraska Beer Industry Promotional Fund.
(3) The commission may issue a shipping license to any person who deals with vintage wines, which shipping license shall allow the licensee to distribute such wines to a licensed wholesaler in the state. For purposes of distributing vintage wines, a licensed shipper must utilize a designated wholesaler if the manufacturer has a designated wholesaler. For purposes of this section, vintage wine shall mean a wine verified to be ten years of age or older and not available from a primary American source of supply. A person who receives a license pursuant to this subsection shall pay the fee required in sections53-124and53-124.01for a vintage wine dealer's shipping license. Such fee shall be collected by the commission and be remitted to the State Treasurer for credit to the General Fund.
(4) The commission may issue a shipping license to any manufacturer who sells and ships alcoholic liquor from another state directly to a consumer in this state if the manufacturer satisfies the requirements of subsections (7) through (9) of this section. A manufacturer who receives a license pursuant to this subsection shall pay the fee required in sections53-124and53-124.01for a manufacture direct sales shipping license. Such fee shall be collected by the commission and remitted to the State Treasurer for credit to the Winery and Grape Producers Promotional Fund.
(5) The commission may issue a shipping license to any retailer who is licensed within or outside Nebraska, who is authorized to sell alcoholic liquor at retail in the state of domicile of the retailer, and who is not a manufacturer if such retailer satisfies the requirements of subsections (7) through (9) of this section to ship alcoholic liquor from another state directly to a consumer in this state. A retailer who receives a license pursuant to this subsection shall pay the fee required in sections53-124and53-124.01for a retail direct sales shipping license. Such fee shall be collected by the commission and remitted to the State Treasurer for credit to the Winery and Grape Producers Promotional Fund.
(6) The application for a shipping license under subsection (2) or (3) of this section shall be in such form as the commission prescribes. The application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:
(a) To comply with and be bound by sections53-162and53-164.01in making and filing reports, paying taxes, penalties, and interest, and keeping records;
(b) To permit and be subject to all of the powers granted by section53-164.01to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; and
(c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers, the commission may suspend, cancel, or revoke such shipping license for such period of time as it may determine.
(7) The application for a shipping license under subsection (4) or (5) of this section shall be in such form as the commission prescribes. The application shall require an applicant which is a manufacturer, a craft brewery, a craft distillery, or a farm winery to identify the brands of alcoholic liquor that the applicant is requesting the authority to ship either into or within Nebraska. For all applicants, unless otherwise provided in this section, the application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers or retailers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:
(a) To comply with and be bound by sections53-162and53-164.01in making and filing reports, paying taxes, penalties, and interest, and keeping records;
(b) To permit and be subject to all of the powers granted by section53-164.01to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States;
(c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers or retailers, the commission may suspend, cancel, or revoke such shipping license for such period of time as it may determine;
(d) That the applicant agrees to notify the commission of any violations in the state in which he or she is domiciled and any violations of the direct shipping laws of any other states. Failure to notify the commission within thirty days after such a violation may result in a hearing before the commission pursuant to which the license may be suspended, canceled, or revoked; and
(e) That the applicant, if a manufacturer, craft brewery, craft distillery, or farm winery, agrees to notify any wholesaler licensed in Nebraska that has been authorized to distribute such brands that the application has been filed for a shipping license. The notice shall be in writing and in a form prescribed by the commission. The commission may adopt and promulgate rules and regulations as it reasonably deems necessary to implement this subdivision, including rules and regulations that permit the holder of a shipping license under this subdivision to amend the shipping license by, among other things, adding or deleting any brands of alcoholic liquor identified in the shipping license.
(8) Any manufacturer or retailer who is granted a shipping license under subsection (4) or (5) of this section shall:

(a) Only ship the brands of alcoholic liquor identified on the application;
(b) Only ship alcoholic liquor that is owned by the holder of the shipping license;
(c) Only ship alcoholic liquor that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury;
(d) Not ship any alcoholic liquor products that the manufacturers or wholesalers licensed in Nebraska have voluntarily agreed not to bring into Nebraska at the request of the commission;
(e) Not ship more than nine liters of alcoholic liquor per month to any person in Nebraska to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale; and
(f) Cause the direct shipment of alcoholic liquor to be by approved common carrier only. The commission shall adopt and promulgate rules and regulations pursuant to which common carriers may apply for approval to provide common carriage of alcoholic liquor shipped by a holder of a shipping license issued pursuant to subsection (4) or (5) of this section. The rules and regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he or she is at least twenty-one years of age, (ii) the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the commission, and (iii) the commission-approved common carrier to submit to the commission such information as the commission may prescribe. The commission-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of twenty-one years and refuses to present valid identification. All holders of shipping licenses shipping alcoholic liquor pursuant to this subdivision shall affix a conspicuous notice in sixteen-point type or larger to the outside of each package of alcoholic liquor shipped within or into the State of Nebraska, in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the holder of the shipping license shall be liable only for their independent acts.
(9) For purposes of sections53-160,77-2703, and77-27,142, each shipment of alcoholic liquor by the holder of a shipping license under subsection (3), (4), or (5) of this section shall constitute a sale in Nebraska by establishing a nexus in the state. The holder of the shipping license shall collect all the taxes due to the State of Nebraska and any political subdivision and remit any excise taxes monthly to the commission and any sales taxes to the Department of Revenue.
(10) By July 1, 2014, the commission shall report to the General Affairs Committee of the Legislature the number of shipping licenses issued for license years 2013-14 and 2014-15. The report shall be made electronically.

53-123.16.
Microdistillery license; rights of licensee.
(1) Any person who operates a microdistillery shall obtain a license pursuant to the Nebraska Liquor Control Act. A license to operate a microdistillery shall permit the licensee to produce a maximum of one hundred thousand gallons of liquor per year in the aggregate from all physical locations comprising the licensed premises. For purposes of this section, licensed premises may include up to five separate physical locations. A microdistillery may also sell to licensed wholesalers for sale and distribution to licensed retailers. A microdistillery license issued pursuant to this section shall be the only license required by the Nebraska Liquor Control Act for the manufacture and retail sale of microdistilled product for consumption on or off the licensed premises, except that the sale of any beer, wine, or alcoholic liquor, other than microdistilled product manufactured by the microdistillery licensee, by the drink for consumption on the microdistillery premises shall require the appropriate retail license. Any license held by the operator of a microdistillery shall be subject to the act. A holder of a microdistillery license may obtain an annual catering license pursuant to section53-124.12, a special designated license pursuant to section53-124.11, an entertainment district license pursuant to section53-123.17, or a promotional farmers market special designated license pursuant to section53-124.16. The commission may, upon the conditions it determines, grant to any microdistillery licensed under this section a special license authorizing the microdistillery to purchase and to import, from such persons as are entitled to sell the same, wines or spirits to be used solely as ingredients and for the sole purpose of blending with and flavoring microdistillery products as a part of the microdistillation process.
(2) A holder of a microdistillery license may directly sell for resale up to five hundred gallons per calendar year of microdistilled products produced at its licensed premises directly to retail licensees located in the State of Nebraska which hold the appropriate retail license if the holder of the microdistillery license:
(a) Self-distributes its microdistilled products utilizing only persons employed by the microdistillery licensee; and
(b) Complies with all relevant statutes, rules, and regulations that apply to Nebraska wholesalers regarding distribution of microdistilled products.
(3) A holder of a microdistillery license may store and warehouse tax-paid products produced on such licensee's licensed premises in a designated, secure, offsite storage facility if the holder of the microdistillery license receives authorization from the commission and notifies the commission of the location of the storage facility and maintains, at the microdistillery and at the storage facility, a separate perpetual inventory of the product stored at the storage facility. Consumption of alcoholic liquor at the storage facility is strictly prohibited.
(4) A holder of a microdistillery license may operate a rickhouse that meets the requirements for a distilled spirit plant pursuant to 26 U.S.C. 5178, as such section existed on January 1, 2024, if such licensee receives authorization from the commission and notifies the commission of the location of such rickhouse in a manner prescribed by the commission.
(5) The commission may adopt and promulgate rules and regulations relating to the distribution rights of microdistillery licensees.

53-123.17.

Entertainment district license; rights of licensee; application; fee; commission; duties; occupation tax; local governing body; powers.
(1) A local governing body may designate an entertainment district in which a commons area may be used by retail, craft brewery, and microdistillery licensees and holders of a manufacturer's license which obtain an entertainment district license. The local governing body may, at any time, revoke such designation if it finds that the commons area threatens the health, safety, or welfare of the public or has become a common nuisance. The local governing body shall file the designation or the revocation of the designation with the commission.
(2) An entertainment district license allows the sale of alcoholic liquor for consumption on the premises within the confines of a commons area. The consumption of alcoholic liquor in the commons area shall only occur during the hours authorized for sale of alcoholic liquor for consumption on the premises under section53-179and while food service is available in the commons area. Only the holder of an entertainment district license or employees of such licensee may sell or dispense alcoholic liquor in the commons area.
(3) An entertainment district licensee shall serve alcoholic liquor to be consumed in the commons area in containers that prominently displays the licensee's trade name or logo or some other mark that is unique to the licensee under the licensee's retail license, craft brewery license, microdistillery license, or manufacturer's license. An entertainment district licensee may allow alcohol sold by another entertainment district licensee to enter the licensed premises of either licensee. No entertainment district licensee shall allow alcoholic liquor to leave the commons area or the premises licensed under its retail license, craft brewery license, microdistillery license, or manufacturer's license.
(4) If the licensed premises of the holder of a license to sell alcoholic liquor at retail issued under subsection (6) of section53-124, a craft brewery license, a microdistillery license, or a manufacturer's license is adjacent to a commons area in an entertainment district designated by a local governing body pursuant to this section, the holder of the license may obtain an annual entertainment district license as prescribed in this section. The entertainment district license shall be issued for the same period and may be renewed in the same manner as the retail license, craft brewery license, microdistillery license, or manufacturer's license.
(5) In order to obtain an entertainment district license, a person eligible under subsection (4) of this section shall:
(a) File an application with the commission upon such forms as the commission prescribes; and
(b) Pay an additional license fee of three hundred dollars for the privilege of serving alcohol in the entertainment district payable to the clerk of the local governing body in the same manner as license fees under subdivision (4) of section53-134.
(6) When an application for an entertainment district license is filed, the commission shall notify the clerk of the local governing body. The commission shall include with such notice one copy of the application by mail or electronic delivery. The local governing body and the commission shall process the application in the same manner as provided in section53-132.
(7) The local governing body may impose an occupation tax on the business of an entertainment district licensee doing business within the liquor license jurisdiction of the local governing body as provided in subdivision (11)(b) of this section in accordance with section53-132.
(8) The local governing body with respect to entertainment district licensees within its liquor license jurisdiction as provided in subdivision (11)(b) of this section may cancel an entertainment district license for cause for the remainder of the period for which such entertainment district license is issued. Any person whose entertainment district license is canceled may appeal to the commission in accordance with section53-134.
(9) A local governing body may regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, any area it designates as an entertainment district.
(10) Violation of any provision of this section or any rules or regulations adopted and promulgated pursuant to this section by an entertainment district licensee may be cause to revoke, cancel, or suspend the retail license issued under subsection (6) of section53-124, craft brewery license, microdistillery license, or manufacturer's license held by such licensee.
(11) For purposes of this section:
(a) Commons area means an area:
(i) Within an entertainment district designated by a local governing body;
(ii) Shared by authorized licensees with entertainment district licenses;
(iii) Abutting the licensed premises of such licensees;
(iv) Having limited pedestrian accessibility by use of a physical barrier, either on a permanent or temporary basis; and
(v) Closed to vehicular traffic when used as a commons area.
Commons area may include any area of a public or private right-of-way if the area otherwise meets the requirements of this section; and
(b) Local governing body means the governing body of the city or village in which the entertainment district licensee is located.

53-123.18.
Special party bus license.
(1) The commission may issue a license to any person providing special party bus service under a certificate of public convenience and necessity granted by the Public Service Commission when the person allows the consumption of alcoholic liquor in its special party bus by an individual who is twenty-one years of age or older. Each licensee shall keep a duplicate of such license in each special party bus where such alcoholic liquor is consumed.
(2) Each license shall expire on April 30 of each year. Each license shall be good throughout this state as a state license. Only one license shall be required for all special party buses operated in this state by the same owner. No further license shall be required or

tax levied by any county, city, or village for the privilege of allowing consumption of alcoholic liquor in such buses.

53-124.
Licenses; types; classification; fees; where paid; license year.
(1) At the time application is made to the commission for a license of any type, the applicant shall pay the fee provided in section53-124.01and, if the applicant is an individual, provide the applicant's social security number. The commission shall issue the types of licenses described in this section.
(2) There shall be an airline license, a boat license, a special party bus license, a pedal-pub vehicle license, and a railroad license. The commission shall charge one dollar for each duplicate of an airline license, a special party bus license, a pedal-pub vehicle license, or a railroad license.
(3)(a) There shall be a manufacturer's license for alcohol and spirits, for beer, and for wine. The annual fee for a manufacturer's license for beer shall be based on the barrel daily capacity as follows:
(i) 1 to 100 barrel daily capacity, or any part thereof, tier one;
(ii) 100 to 150 barrel daily capacity, tier two;
(iii) 150 to 200 barrel daily capacity, tier three;
(iv) 200 to 300 barrel daily capacity, tier four;
(v) 300 to 400 barrel daily capacity, tier five;
(vi) 400 to 500 barrel daily capacity, tier six;
(vii) 500 barrel daily capacity, or more, tier seven.
(b) For purposes of this subsection, daily capacity means the average daily barrel production for the previous twelve months of manufacturing operation. If no such basis for comparison exists, the manufacturing licensee shall pay in advance for the first year's operation a fee of five hundred dollars.
(4) There shall be five classes of nonbeverage users' licenses: Class 1, Class 2, Class 3, Class 4, and Class 5.
(5) In lieu of a manufacturer's, a retailer's, or a wholesaler's license, there shall be a license to operate issued for a craft brewery, a farm winery, or a microdistillery.
(6)(a) There shall be six classes of retail licenses:
(i) Class A: Beer only, for consumption on the premises;
(ii) Class B: Beer only, for consumption off the premises, sales in the original packages only;
(iii) Class C: Alcoholic liquor, for consumption on the premises and off the premises, sales in original packages only except as provided in subsection (4) of section53-123.04. If a Class C license is held by a nonprofit corporation, it shall be restricted to consumption on the premises only. A Class C license may have a sampling designation restricting consumption on the premises to sampling, but such designation shall not affect sales for consumption off the premises under such license;
(iv) Class D: Alcoholic liquor, including beer, for consumption off the premises, sales in the original packages only, except as provided in subdivision (6)(a)(vi) of this section and subsection (2) of section53-123.04;
(v) Class I: Alcoholic liquor, for consumption on the premises except as provided in subsection (5) of section53-123.04; and
(vi) Class J: Alcoholic liquor, including beer, for consumption off the premises, sales in the original packages only, for a retail licensee whose annual gross revenue from the sale of alcohol does not exceed twenty percent of the licensee's total annual gross revenue from all retail sales.
(b) All applicable license fees shall be paid by the applicant or licensee directly to the city or village treasurer in the case of premises located inside the corporate limits of a city or village and directly to the county treasurer in the case of premises located outside the corporate limits of a city or village.
(7) There shall be four types of shipping licenses as described in section53-123.15: Manufacturers, vintage wines, manufacture direct sales, and retail direct sales.
(8) There shall be two types of wholesale licenses: Alcoholic liquor and beer only. The annual fee shall be paid for the first and each additional wholesale place of business operated in this state by the same licensee and wholesaling the same product.
(9) There shall be a bottle club license. All applicable license fees shall be paid by the applicant or licensee directly to the city or village treasurer in the case of premises located inside the corporate limits of a city or village and directly to the county treasurer in the case of premises located outside the corporate limits of a city or village.
(10) The license year, unless otherwise provided in the Nebraska Liquor Control Act, shall commence on May 1 of each year and shall end on the following April 30, except that the license year for a Class C license shall commence on November 1 of each year and shall end on the following October 31. During the license year, no license shall be issued for a sum less than the amount of the annual license fee as fixed in section53-124.01, regardless of the time when the application for such license has been made, except that (a) when there is a purchase of an existing licensed business and a new license of the same class is issued or (b) upon the issuance of a new license for a location which has not been previously licensed, the license fee and occupation taxes shall be prorated on a quarterly basis as of the date of issuance.

53-124.01.
Fees for annual licenses.
(1) The fees for annual licenses finally issued by the commission shall be as provided in this section and section53-124.
(2) Airline license ... $100

(3) Boat license ... $50
(4) Bottle club license ... $300
(5) Special party bus license ... $75
(6) Manufacturer's license:
ClassFee - In DollarsAlcohol and spirits1,000Beer - tier one100Beer - tier two200Beer - tier three350Beer - tier four500Beer - tier five650Beer - tier six700Beer - tier seven800Wine250
(7) Nonbeverage user's license:
ClassFee - In DollarsClass 15Class 225Class 350Class 4100Class 5250
(8) Operator's license:
ClassFee - In DollarsCraft brewery250Farm winery250Microdistillery250
(9) Pedal-pub vehicle license ... $50
(10) Railroad license ... $100
(11) Retail license:
ClassFee - In DollarsClass A100Class B100Class C300Class D200Class I250Class J50
(12) Shipping license:
ClassFee - In DollarsManufacturer1,000Vintage wines1,000Manufacture direct sales500Retail direct sales500
(13) Wholesale license:
ClassFee - In DollarsAlcoholic liquor750Beer500

53-124.02.
Holder of license under prior law; how treated.
On May 1, 2005, the holder of a Class D-1 license, Class E license, or Class K license shall be issued a Class D license, the holder of a Class F license shall be issued a Class A license, and the holder of a Class H license, Class J license, or bottle club license shall be issued a Class I license. Any conditions placed on a Class D-1, Class E, Class F, Class H, Class J, Class K, or bottle club license by the local governing body or the commission prior to May 1, 2005, shall continue to apply to the license issued to such holder on such date.

53-124.11.
Special designated license; issuance; procedure; fee.
(1) The commission may issue a special designated license for sale or consumption of alcoholic liquor at a designated location to a retail licensee, a craft brewery licensee, a microdistillery licensee, a farm winery licensee, the holder of a manufacturer's license issued pursuant to subsection (2) of section53-123.01, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section. The applicant shall demonstrate meeting the requirements of this subsection.
(2)(a) No retail licensee, craft brewery licensee, microdistillery licensee, farm winery licensee, holder of a manufacturer's license issued pursuant to subsection (2) of section53-123.01, organization, or corporation enumerated in subsection (1) of this section may be issued a special designated license under this section for more than six calendar days in any one calendar year, except that a nonprofit corporation, the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, may be issued a special designated license for up to twelve calendar days in any one calendar year. Only one special designated license shall be required for any application for two or more consecutive days.
(b) A municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation, the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, may apply for special designated licenses for the same location in a single application. The application shall include all dates and times for which a special designated license is being requested at such location.
(c) This subsection shall not apply to any holder of a catering license.
(3) Except for any special designated license issued to a holder of a catering license or to an organization or corporation as provided in subdivision (2)(b) of this section, there shall be a fee of forty dollars for each day identified in the special designated license. For a special designated license issued to an organization or corporation as provided in subdivision (2)(b) of this section, there shall be a fee of forty dollars for the initial special designated license and ten dollars for each additional day beyond the first at the same location in such application. Such fee shall be submitted with the application for the special designated license, collected by the commission, and remitted to the State Treasurer for credit to the General Fund. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring an application or renewal fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The retail licensees, craft brewery licensees, microdistillery licensees, farm winery licensees, holders of manufacturer's licenses issued pursuant to subsection (2) of section53-123.01, municipal corporations, organizations, and nonprofit corporations enumerated in subsection (1) of this section seeking a special designated license shall file an application on such forms as the

commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which a special designated license is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) the name of the owner or lessee of the premises for which the special designated license is requested, (d) sufficient evidence that the holder of the special designated license, if issued, will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a special designated license is requested, and (f) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the special designated license.
(4) No special designated license provided for by this section shall be issued by the commission without the approval of the local governing body. The local governing body may establish criteria for approving or denying a special designated license. The local governing body may designate an agent to determine whether a special designated license is to be approved or denied. Such agent shall follow criteria established by the local governing body in making his or her determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body. For purposes of this section, the local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises for which the special designated license is requested are located.
(5) If the applicant meets the requirements of this section, a special designated license shall be granted and issued by the commission for use by the holder of the special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail licensee shall apply to the holder of a special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued special designated license, except that the commission may not designate exemption of sections53-180to53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a special designated license, the application shall be denied by the commission.
(6) A special designated license issued by the commission shall be mailed or delivered electronically to the city, village, or county clerk who shall deliver such license to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

53-124.12.
Annual catering license; issuance; procedure; fee; occupation tax.
(1) The holder of a license to sell alcoholic liquor at retail issued under subsection (6) of section53-124, a craft brewery license, a microdistillery license, a farm winery license, or a manufacturer's license issued under subsection (2) of section53-123.01may obtain an annual catering license as prescribed in this section. The catering license shall be issued for the same period and may be renewed in the same manner as the retail license, craft brewery license, microdistillery license, farm winery license, or manufacturer's license.
(2) Any person desiring to obtain a catering license shall file with the commission:
(a) An application upon such forms as the commission prescribes; and
(b) A license fee of one hundred dollars payable to the commission, which fee shall be returned to the applicant if the application is denied.
(3) When an application for a catering license is filed, the commission shall notify the clerk of the city or incorporated village in which such applicant is located or, if the applicant is not located within a city or incorporated village, the county clerk of the county in which such applicant is located, of the receipt of the application. The commission shall include with such notice one copy of the application by mail or electronic delivery. The local governing body and the commission shall process the application in the same manner as provided in section53-132.
(4) The local governing body with respect to catering licensees within its liquor license jurisdiction as provided in subsection (5) of this section may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the district court of the county in which the local governing body is located.
(5) For purposes of this section, local governing body means (a) the governing body of the city or village in which the catering licensee is located or (b) if such licensee is not located within a city or village, the governing body of the county in which such licensee is located.
(6) The local governing body may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the local governing body as provided in subsection (5) of this section. Such tax may not exceed double the license fee to be paid under this section.

53-124.13.
Catering licensee; special designated license; application; procedure; proceeds; violation; penalty.
(1) The holder of a catering license may deliver, sell, or dispense alcoholic liquor, including beer, for consumption at premises designated in a special designated license issued pursuant to section53-124.11.
(2) The holder of the catering license shall file an application seeking a special designated license for the event. The application shall be filed at least twenty-one days prior to the event for which the special designated license is requested unless the local governing body has established an expedited process for such applications, in which case the application shall be filed at least twelve days prior to the event. In addition to the information required by subsection (3) of section53-124.11, the applicant shall inform the commission of (a) the time of the event, (b) the name of the person or organization requesting the applicant's services, (c)

the opening and closing dates of the event, and (d) any other information the commission or local governing body deems necessary. A holder of a catering license shall not cater an event unless such licensee receives a special designated license for the event, except that the holder of a catering license who also holds a promotional farmers market special designated license under section53-124.16may cater a farmers market as prescribed in section53-124.17.
(3) If the organization for which the holder of a catering license is catering is a nonprofit organization exempted from the payment of federal income taxes, such organization may share with such licensee a part or all of the proceeds from the sale of any alcoholic liquor sold and dispensed pursuant to this section.
(4) For purposes of this section, local governing body means the governing body of the city or village in which the event will be held or, if the event will not be held within the corporate limits of a city or village, the governing body of the county in which such event will be held.
(5) Only the holder of a special designated license or employees of such licensee may dispense alcoholic liquor at the event which is being catered. Violation of any provision of this section or section53-124.12or any rules or regulations adopted and promulgated pursuant to such sections occurring during an event being catered by such licensee may be cause to revoke, cancel, or suspend the class of retail license issued under section53-124held by such licensee.

53-124.14.
Applicants outside cities and villages; airport authorities; Nebraska State Fair Board; issuance of licenses; when permitted.
(1) The commission may license the sale of alcoholic liquor at retail in the original package to applicants who reside in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village if the licensed premises are situated in an unincorporated village having a population of twenty-five inhabitants or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census.
(2) The commission may license the sale of beer at retail in any county outside the corporate limits of any city or village therein and license the sale of alcoholic liquor at retail for consumption on the premises and off the premises, sales in the original package only.
(3) The commission may license the sale of alcoholic liquor for consumption on the premises as provided in subdivision (6)(a)(iii) of section53-124on lands controlled by airport authorities when such land is located on and under county jurisdiction or by the Nebraska State Fair Board.

53-124.15.
Community college culinary education
program; catering license.
A
community college which offers a culinary education program may obtain a catering
license under this section upon applying for and receiving a Class I license
under the Nebraska Liquor Control Act. The catering license shall be issued
for the same period and may be renewed in the same manner as the Class I license.
A community college holding
a catering license and a Class I license under the act may sell alcoholic
beverages only (1) at events held by such culinary education program on the
campus of the community college or (2) at events catered by such culinary
education program as part of the requirements of such program.

53-124.16.
Promotional farmers market special designated license; issuance; conditions; application; fee; rights of licensee.
(1) The commission may issue a promotional farmers market special designated license to a craft brewery, microdistillery, or farm winery licensee to sell or dispense alcoholic liquor, which the holder is licensed to produce, at a farmers market outside of the manufacturer's designated premises under conditions specified in this section.
(2) A promotional farmers market special designated license issued under this section shall not be used without approval of the local governing body pursuant to section53-124.17.
(3) The craft brewery, microdistillery, or farm winery licensee seeking a promotional farmers market special designated license under this section shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which the applicant is licensed, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) sufficient evidence that the licensee will carry on the activities and business authorized by the license on behalf of the licensee, and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (d) a statement of the type of activity to be carried on during the time period for which a promotional farmers market special designated license is requested, (e) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the promotional farmers market special designated license, and (f) information on a safety and security plan for use of the promotional farmers market special designated license as required by the commission.
(4) There shall be a fee of fifteen dollars for a promotional farmers market special designated license payable to the commission and submitted with the application. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring an

application or renewal fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The promotional farmers market special designated license shall be issued for the same period and may be renewed in the same manner as the craft brewery, microdistillery, or farm winery license.
(5) If the applicant meets the requirements of this section, a promotional farmers market special designated license shall be granted and issued by the commission for use by the holder of the promotional farmers market special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail license shall apply to the holder of a promotional farmers market special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued promotional farmers market special designated license, except that the commission may not designate exemption from sections53-180to53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a promotional farmers market special designated license, the application shall be denied by the commission.
(6) A promotional farmers market special designated license issued by the commission shall be mailed or delivered to the licensee. The licensee shall comply with any rules and regulations adopted and promulgated by the commission. Violation of any provision of this section or section53-124.17may be cause to revoke, cancel, or suspend the promotional farmers market special designated license or the class of retail license issued under section53-124held by such licensee.

53-124.17.
Promotional farmers market special designated license holder; permit to sell or dispense; application; issuance; conditions; local governing body; duties.
(1) The holder of a promotional farmers market special designated license issued under section53-124.16may apply to the local governing body of a city, village, or county for a permit to use the promotional farmers market special designated license to sell or dispense alcoholic liquor, which the holder is licensed to produce, for consumption at a farmers market located within the jurisdiction of the local governing body.
(2) A permit may be issued to the licensee for the duration of an annual farmers market without reapplying to the local governing body. The local governing body may issue multiple permits to a licensee for each separate farmers market location within the jurisdiction of the local governing body.
(3) For purposes of this section, local governing body means the governing body of the city or village within which the farmers market for which the permit is requested is located or, if such farmers market is not within the corporate limits of a city or village, local governing body means the governing body of the county within which the farmers market for which the permit is requested is located.
(4) No permit shall be granted under this section without the approval of the local governing body and the submission of a safety and security plan containing such information as the local governing body may require for use of the promotional farmers market special designated license. The local governing body may establish criteria for approving or denying a permit. The local governing body may designate an agent to determine whether a permit is to be approved or denied. Such agent shall follow criteria established by the local governing body in making the determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body.
(5) The decision of the local governing body shall be final. If the applicant does not qualify for a permit to use the promotional farmers market special designated license to sell or dispense alcoholic liquor, including beer, for consumption at a farmers market, the permit shall be denied.
(6) The city, village, or county clerk shall deliver confirmation of the permit to use the promotional farmers market special designated license to sell or dispense alcoholic liquor, including beer, for consumption at a farmers market to the licensee upon receipt of any fee or tax imposed by such city, village, or county.
(7) The local governing body shall electronically notify the commission within five days after the authorization of any permit under this section for the holder of a promotional farmers market special designated license.

53-125.
Classes of persons to whom no license issued.
No license of any kind shall be issued to (1) a person who is not a resident of Nebraska, except in case of railroad, airline, boat, or special party bus licenses, (2) a person who is not of good character and reputation in the community in which he or she resides, (3) a person who is not a Nebraska resident and legally able to work in Nebraska, (4) a person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States, (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this subdivision on May 18, 1983, shall not prevent any person holding a license on such date from retaining or renewing such license if the conviction or plea occurred prior to May 18, 1983, (6) a person whose license issued under the Nebraska Liquor Control Act has been revoked for cause, (7) a person who at the time of application for renewal of any license issued under the act would not be eligible for such license upon initial application, (8) a partnership, unless one of the partners is a resident of Nebraska and unless all the members of such partnership are otherwise qualified to obtain a license, (9) a limited liability company, if any officer or director of the limited liability company or any member having an ownership interest in the aggregate of more than twenty-five percent of such company

would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, or if a manager of a limited liability company licensee would be ineligible to receive a license under this section for any reason, (10) a corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than twenty-five percent of the stock of such corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This subdivision shall not apply to railroad licenses, (11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, (12) a person who does not own the premises for which a license is sought or does not have a lease or combination of leases on such premises for the full period for which the license is to be issued, (13) except as provided in this subdivision, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such applicant shall become eligible for a liquor license only if the commission finds from the evidence that the public interest will not be infringed upon if such license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima facie evidence shall be overcome if it is shown to the satisfaction of the commission (a) that the licensed business will be the sole property of the applicant and (b) that such licensed premises will be properly operated, (14) a person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal, (15) a law enforcement officer, except that this subdivision shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization, or (16) a person less than twenty-one years of age.
When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent.

53-126.
License to corporation; conditions.
No corporation organized under the laws of this state, any other state, or any foreign country shall be issued any license provided for in the Nebraska Liquor Control Act unless such corporation is duly registered with the Secretary of State to transact business in this state. If such corporation is owned by a corporation, the owning corporation shall also be duly registered with the Secretary of State to transact business in this state.

53-129.
Retail, bottle club, craft brewery, and microdistillery licenses; premises to which applicable; temporary expansion; procedure.
(1) Except as otherwise provided in subsection (3) of this section, retail, bottle club, craft brewery, and microdistillery licenses issued under the Nebraska Liquor Control Act apply only to that part of the premises described in the application approved by the commission and in the license issued on the application. For retail and bottle club licenses, only one location shall be described in each license. For craft brewery and microdistillery licenses, up to five separate physical locations may be described in each license.
(2) After such license has been granted for the particular premises, the commission, with the approval of the local governing body and upon proper showing, may endorse upon the license permission to add to, delete from, or abandon the premises described in such license and, if applicable, to move from the premises to other premises approved by the local governing body. In order to obtain such approval, the retail, bottle club, craft brewery, or microdistillery licensee shall file with the local governing body a request in writing and a statement under oath which shows that the premises, as added to or deleted from or to which such move is to be made, comply in all respects with the requirements of the act. No such addition, deletion, or move shall be made by any such licensee until the license has been endorsed to that effect in writing by the local governing body and by the commission and the licensee furnishes proof of payment of the renewal fee prescribed in subsection (4) of section53-131.
(3)(a) A retail, bottle club, craft brewery, or microdistillery licensee may apply to the local governing body for a temporary expansion of its licensed premises to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifty days for calendar year 2020 and, for each calendar year thereafter, not to exceed fifteen days per calendar year. The temporary area shall otherwise comply with all requirements of the Nebraska Liquor Control Act.
(b) The licensee shall file an application with the local governing body which shall contain (i) the name of the applicant, (ii) the premises for which a temporary expansion is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (iii) the name of the owner or lessee of the premises for which the temporary expansion is requested, (iv) sufficient evidence that the licensee will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (v) a statement of the type of activity to be carried on during the time period for which a temporary expansion is requested, and (vi) sufficient evidence that the temporary expansion will be supervised by persons or managers who are agents of and directly responsible to the licensee.
(c) No temporary expansion provided for by this subsection shall be granted without the approval of the local governing body. The local governing body may establish criteria for approving or denying a temporary expansion. The local governing body may designate an agent to determine whether a temporary expansion is to be approved or denied. Such agent shall follow criteria established by the local governing body in making the determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body.

(d) For purposes of this section, the local governing body shall be that of the city or village within which the premises for which the temporary expansion is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be that of the county within which the premises for which the temporary expansion is requested are located.
(e) The decision of the local governing body shall be final. If the applicant does not qualify for a temporary expansion, the temporary expansion shall be denied by the local governing body.
(f) The city, village, or county clerk shall deliver confirmation of the temporary expansion to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

53-130.
Licenses; manufacturers, wholesalers, railroads, airlines, boats, special party buses, pedal-pub vehicles, and nonbeverage users; conditions on issuance; fees; renewal.
(1) New licenses to manufacturers, wholesalers, railroads, airlines, boats, special party buses, pedal-pub vehicles, and nonbeverage users of alcoholic liquor may be issued by the commission upon (a) written application in duplicate filed in the manner and on such forms as the commission prescribes and in which the applicant for a beer wholesale license sets forth the sales territory in Nebraska in which it is authorized by a manufacturer or manufacturers to sell their brand or brands and the name of such brand or brands, (b) receipt of bond, (c) payment in advance of the nonrefundable application fee of forty-five dollars and the license fee, and (d) such notice and hearing as the commission fixes by its own order.
(2) A notice of such application shall be served upon the manufacturer or manufacturers listed in any application for a beer wholesale license and upon any existing wholesaler licensed to sell the brand or brands in the described sales territory.
(3) A license so issued may be renewed without formal application upon payment of license fees and a renewal fee of forty-five dollars prior to or within thirty days after the expiration of the license. The payment of such fees shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application.

53-130.01.
Beer; manufacturers and shippers; file notice; contents.
Every manufacturer or shipper of beer shall, before commencing or continuing business, file with the commission a notice in writing stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the place of residence of such persons, a legal description of the premises on which the office of the manufacturer or shipper is situated and the title to such premises, and the name of the owner thereof.

53-131.
Retail, bottle club, craft brewery, and microdistillery licenses; application; fees; notice of application to city, village, or county; cigar shop; information required; renewal; fee.
(1) Any person desiring to obtain a new license to sell alcoholic liquor at retail, a bottle club license, a craft brewery license, or a microdistillery license shall file with the commission:
(a) An application upon forms prescribed by the commission, including the information required by subsection (3) of this section for an application to operate a cigar shop;
(b) The license fee if under sections53-124and53-124.01such fee is payable to the commission, which fee shall be returned to the applicant if the application is denied; and
(c) The nonrefundable application fee in the sum of four hundred dollars, except that the nonrefundable application fee for an application for a cigar shop shall be one thousand dollars.
(2) The commission shall notify the clerk of the city or village in which such license is sought or, if the license sought is not sought within a city or village, the county clerk of the county in which such license is sought, of the receipt of the application and shall include one copy of the application with the notice. No such license shall be issued or denied by the commission until the expiration of the time allowed for the receipt of a recommendation of denial or an objection requiring a hearing under subdivision (1)(a) or (b) of section53-133. During the period of forty-five days after the date of receipt by mail or electronic delivery of such application from the commission, the local governing body of such city, village, or county may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.
(3) For an application to operate a cigar shop, the application shall include proof of the cigar shop's annual gross revenue as requested by the commission and such other information as requested by the commission to establish the intent to operate as a cigar shop. The commission may adopt and promulgate rules and regulations to regulate cigar shops. The rules and regulations existing on August 1, 2014, applicable to cigar bars shall apply to cigar shops until amended or repealed by the commission.
(4) For renewal of a license under this section, a licensee shall file with the commission an application, the license fee as provided in subdivision (1)(b) of this section, and a renewal fee of forty-five dollars.

53-131.01.
License; application; form; contents; criminal history record check; false statement; penalty.

(1) The application for a new license shall be submitted upon such forms as the commission may prescribe. Such forms shall contain (a) the name and residence of the applicant and how long he or she has resided within the State of Nebraska, (b) the particular premises for which a license is desired designating the same by street and number if practicable or, if not, by such other description as definitely locates the premises, (c) the name of the owner of the premises upon which the business licensed is to be carried on, (d) a statement that the applicant is a resident of Nebraska and legally able to work in Nebraska, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this subdivision shall not apply to the spouse of a manager-applicant, (e) a statement that the applicant intends to carry on the business authorized by the license for himself or herself and not as the agent of any other persons and that if licensed he or she will carry on such business for himself or herself and not as the agent for any other person, (f) a statement that the applicant intends to superintend in person the management of the business licensed and that if so licensed he or she will superintend in person the management of the business, and (g) such other information as the commission may from time to time direct. The applicant shall also submit two legible sets of fingerprints to be furnished to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record check and the fee for such record check payable to the patrol.
(2) If any false statement is made in any part of such application, the applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

53-132.
Retail, bottle club, craft brewery, or microdistillery license; commission; duties.
(1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section53-133and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, cause a retail license, bottle club license, craft brewery license, or microdistillery license to be signed by its chairperson, attested by its executive director over the seal of the commission, and issued in the manner provided in subsection (4) of this section as a matter of course.
(2) A retail license, bottle club license, craft brewery license, or microdistillery license may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.
(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:
(a) The recommendation of the local governing body;
(b) The existence of a citizens' protest made in accordance with section53-133;
(c) The existing population of the city, village, or county and its projected growth;
(d) The nature of the neighborhood or community of the location of the proposed licensed premises;
(e) The existence or absence of other retail licenses, bottle club licenses, craft brewery licenses, or microdistillery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises and whether, as evidenced by substantive, corroborative documentation, the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;
(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;
(g) The adequacy of existing law enforcement;
(h) Zoning restrictions;
(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and
(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.
(4) Retail licenses, bottle club licenses, craft brewery licenses, or microdistillery licenses issued or renewed by the commission shall be mailed or delivered electronically to:
(a) The clerk of the city, village, or county who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (i) the license fee if by the terms of subsection (6) of section53-124the fee is payable to the treasurer of such city, village, or county, (ii) any fee for publication of notice of hearing before the local governing body upon the application for the license, (iii) the fee for publication of notice of renewal as provided in section53-135.01, and (iv) occupation taxes, if any, imposed by such city, village, or county except as otherwise provided in subsection (7) of this section; or
(b) The licensee, upon confirmation from the clerk of the city, village, or county that the necessary fees and taxes described in subdivision (4)(a) of this section have been received by the clerk of such city, village, or county.
(5) Notwithstanding any ordinance or charter power to the contrary, no city, village, or county shall impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village or within the boundaries of such county in any sum which exceeds two times the amount of the license fee required to be

paid under the act to obtain such license.
(6) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.
(7) Class J retail licensees shall not be subject to occupation taxes under subsection (4) of this section.

53-133.
Retail, bottle club, craft brewery, and microdistillery licenses; hearing; when held; procedure.
(1) The commission shall set for hearing before it any application for a retail license, bottle club license, craft brewery license, or microdistillery license relative to which it has received:
(a) Within forty-five days after the date of receipt of such application by the city, village, or county clerk, a recommendation of denial from the city, village, or county;
(b) Within ten days after the receipt of a recommendation from the city, village, or county, or, if no recommendation is received, within forty-five days after the date of receipt of such application by the city, village, or county clerk, objections in writing by not less than three persons residing within such city, village, or county, protesting the issuance of the license. Withdrawal of the protest does not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued;
(c) Within forty-five days after the date of receipt of such application by the city, village, or county clerk, objections by the commission or any duly appointed employee of the commission, protesting the issuance of the license; or
(d) An indication on the application that the location of a proposed retail or bottle club establishment is within one hundred fifty feet of a church as described in subsection (2) of section53-177and a written request by the church for a hearing.
(2) Hearings upon such applications shall be in the following manner: Notice indicating the time and place of such hearing shall be mailed or electronically delivered to the applicant, the local governing body, each individual protesting a license pursuant to subdivision (1)(b) of this section, and any church affected as described in subdivision (1)(d) of this section, at least fifteen days prior to such hearing. The notice shall state that the commission will receive evidence for the purpose of determining whether to approve or deny the application. Mailing or electronic delivery to the attorney of record of a party shall be deemed to fulfill the purposes of this section. The commission may receive evidence, including testimony and documentary evidence, and may hear and question witnesses concerning the application. The commission shall not use electronic delivery with respect to an applicant, a protestor, or a church under this section without the consent of the recipient to electronic delivery.

53-134.
Retail, bottle club, craft brewery, microdistillery, and entertainment district licenses; city and village governing bodies; county boards; powers, functions, and duties.
The local governing body of any city or village with respect to licenses within its corporate limits and the local governing body of any county with respect to licenses not within the corporate limits of any city or village but within the county shall have the following powers, functions, and duties with respect to retail, bottle club, craft brewery, microdistillery, and entertainment district licenses:
(1) To cancel or revoke for cause retail, craft brewery, microdistillery, or entertainment district licenses to sell or dispense alcoholic liquor or bottle club licenses, issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission;
(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the local governing body has been or is being violated and at such time examine the premises of such licensee in connection with such determination. Any law enforcement officer who determines that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the local governing body has been or is being violated shall report such violation in writing to the executive director of the commission (a) within thirty days after determining that such violation has occurred, (b) within thirty days after the conclusion of an ongoing police investigation, or (c) within thirty days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;
(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act;
(4) To receive retail license fees, bottle club license fees, craft brewery license fees, and microdistillery license fees as provided in sections53-124and53-124.01and entertainment district license fees as provided in section53-123.17and pay the same, after the license has been delivered to the applicant, to the city, village, or county treasurer;
(5) To examine or cause to be examined any applicant or any retail licensee, bottle club licensee, craft brewery licensee, microdistillery licensee, or entertainment district licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee except as otherwise provided for bottle club licensees in section53-123.08, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the local governing body may authorize its agent or attorney to act on its behalf;
(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section53-134.04, it

determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within thirty days after the date of the order by filing a notice of appeal with the commission. The commission shall handle the appeal in the manner provided for hearing on an application in section53-133;
(7) Upon receipt from the commission of the notice and copy of application as provided in section53-131, to fix a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission, and after such hearing the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such city, village, or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs;
(8) To review and authorize an application by a retail, bottle club, craft brewery, farm winery, or microdistillery licensee for a temporary expansion of its licensed premises within the jurisdiction of the local governing body to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifty days for calendar year 2020 and, for each calendar year thereafter, not to exceed fifteen days per calendar year, as provided in sections53-123.12and53-129; and
(9) To review and authorize an application by a craft brewery, farm winery, or microdistillery licensee that holds a promotional farmers market special designated license for a permit to use such promotional farmers market special designated license to sell or dispense alcoholic liquor, which the holder is licensed to produce, at a farmers market within the jurisdiction of the local governing body as provided in section53-124.17. The local governing body shall electronically notify the commission within five days after authorization of any permit pursuant to this subdivision.

53-134.01.
Class C license holder; limited bottling endorsement; application; fee; conditions of sale.
(1) The holder of a Class C license may obtain a limited bottling endorsement for such license as prescribed in this section. The endorsement shall be issued for the same period and may be renewed in the same manner as the Class C license. A limited bottling endorsement may not be used in conjunction with a special designated license.
(2) A licensee desiring to obtain a limited bottling endorsement for a license shall file with the commission an application upon such forms as the commission prescribes and a fee of three hundred dollars payable to the commission.
(3) The holder of a limited bottling endorsement may sell beer for consumption off the licensed premises in sealed containers filled as provided in this subsection if:
(a) The sale occurs on the licensed premises of the licensee during the hours the licensee is authorized to sell beer;
(b) The licensee uses sanitary containers purchased by the customer from the licensee or exchanged for containers previously purchased by the customer from the licensee. The containers shall prominently display the endorsement holder's trade name or logo or some other mark that is unique to the endorsement holder and shall hold no more than sixty-four ounces;
(c) The licensee seals the container in a manner designed so that it is visibly apparent whether the sealed container has been tampered with or opened or seals the container and places the container in a bag designed so that it is visibly apparent whether the sealed container has been tampered with or opened; and
(d) The licensee provides a dated receipt to the customer and attaches a copy of the dated receipt to the sealed container or, if the sealed container is placed in a bag, to the bag.

53-134.02.
Local governing bodies; authority under act.
Local governing bodies shall only have authority to approve applications and deny licenses pursuant to the Nebraska Liquor Control Act.

53-134.03.
Retail, bottle club, craft brewery, and microdistillery licenses; regulation by cities and villages.
The governing bodies of cities and villages are authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, bottle club, craft brewery, or microdistillery licensees carried on within the corporate limits of the city or village.

53-134.04.
Violations by retail licensee or bottle club licensee; complaints of residents; hearings.
Any five residents of the city or village shall have the right to file a complaint with the local governing body of such city or village

stating that any retail licensee or bottle club licensee subject to the jurisdiction of such local governing body has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the local governing body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the local governing body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the local governing body within thirty days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the commission as provided in section53-1,115.

53-135.
Retail or bottle club licenses; automatic renewal; conditions.
A retail or bottle club license issued by the commission and outstanding may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission prior to or within thirty days after the expiration of the license. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body.
If a licensee files an application form upon seeking renewal of his or her license, the application shall be processed as set forth in section53-131.

53-135.01.
Retail licenses; bottle club licenses; renewal; notice.
The city, village, or county clerk shall cause to be published in a legal newspaper in or of general circulation in such city, village, or county, one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license and each bottle club license, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year within such city, village, or county, in substantially the following form:
NOTICE OF RENEWAL OF RETAIL LIQUOR OR BOTTLE CLUB LICENSE
Notice is hereby given pursuant to section53-135.01that a liquor license [or bottle club license] may be automatically renewed for one year from May 1, 20...., or November 1, 20...., for the following retail liquor [or bottle club] licensee:
(Name of Licensee) (Address of licensed premises)
Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the city (village or county) on or before February 10, 20...., or August 10, 20...., in the office of the city (village or county) clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.
(Name)
City (village or county) Clerk
Upon the conclusion of any hearing required by this section, the local governing body may request a licensee to submit an application as provided in section53-135.

53-135.02.
Licenses; renewal; no vested right.
Any licensee may renew his, her, or its license at the expiration thereof in the manner set forth in section53-135if the licensee is then qualified to receive a license and the premises for which such renewal license is sought are the same premises licensed under the license to be renewed and are suitable for such purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the commission from decreasing the number of licenses to be issued within its jurisdiction.

53-136.
Cigar shops; legislative findings; legislative intent.
(1) The Legislature finds that allowing smoking in cigar shops as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke. This exception poses a de minimis restriction on the public and employees given the limited number of cigar shops compared to other businesses that sell alcohol, cigars, and pipe tobacco, and any member of the public should reasonably expect that there would be second-hand smoke in a cigar shop given the nature of the business and could choose to avoid such exposure.
(2) The Legislature finds that (a) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (b) cigars are customarily paired with various spirits such as cognac, single malt whiskey, bourbon, rum, rye, port, and others, and (c) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe while cigarettes

simply serve as a mechanism for delivering nicotine. Cigars paired with selected liquor creates a synergy unique to the particular pairing similar to wine paired with particular foods. Cigars are a pure, natural product wrapped in a tobacco leaf that is typically not inhaled in order to enjoy the taste of the smoke, unlike cigarettes that tend to be processed with additives and wrapped in paper and are inhaled. Cigars have a different taste and smell than cigarettes due to the fermentation process cigars go through during production. Cigars tend to cost considerably more than cigarettes, and their quality and characteristics vary depending on the type of tobacco plant, the geography and climate where the tobacco was grown, and the overall quality of the manufacturing process. Not only does the customized blending of the tobacco influence the smoking experience, so does the freshness of the cigars, which is dependent on how the cigars were stored and displayed. These variables are similar to fine wines, which can also be very expensive to purchase. It is all of these variables that warrant a customer wanting to sample the product before making such a substantial purchase.
(3) The Legislature finds that exposure to second-hand smoke is inherent in the selling and sampling of cigars and pipe tobacco and that this exposure is inextricably connected to the nature of selling this legal product, similar to other inherent hazards in other professions and employment.
(4) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria not inconsistent with the fundamental nature of the business. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

53-137.
Cigar shop license; prohibited acts; sign required; waiver signed by employee; form.
(1) The holder of a cigar shop license shall not allow a person under twenty-one years of age to smoke or purchase any product in the cigar shop.
(2) The licensee shall post a sign on all entrances to the cigar shop, on the outside of each door, in a conspicuous location slightly above or next to the door, with the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE THIS BUSINESS. SMOKING OF CIGARETTES IS NOT ALLOWED.
(3) Beginning November 1, 2015, the licensee shall provide to the commission a copy of a waiver signed prior to employment by each employee on a form prescribed by the commission. The waiver shall expressly notify the employee that he or she will be exposed to second-hand smoke, and the employee shall acknowledge that he or she understands the risks of exposure to second-hand smoke.

53-138.
Pedal-pub vehicle license; activities authorized; licensee; duties.
(1) The commission may issue a license to a person to operate a pedal-pub vehicle in this state. Each pedal-pub vehicle license shall expire on April 30 of each year. Each license shall be good throughout this state as a state license. Only one license shall be required for all pedal-pub vehicles operated in this state by the same owner. Each owner shall keep a duplicate of such license posted in each pedal-pub vehicle where alcoholic liquor is sold or consumed. No further license shall be required or tax levied by any county, city, or village for the privilege of operating a pedal-pub vehicle for the purpose of selling and allowing the consumption of alcoholic liquor while on or in a pedal-pub vehicle.
(2) The holder of a pedal-pub vehicle license may sell alcoholic liquor in individual drinks to customers who are twenty-one years of age or older to consume while they are on or in the pedal-pub vehicle and may allow such customers to consume alcoholic liquor not purchased from the licensee while the customers are on or in the pedal-pub vehicle. The licensee shall serve alcoholic liquor in opaque plastic containers that prominently display the licensee's trade name or logo or some other mark that is unique to the licensee under the licensee's pedal-pub vehicle license and shall require the use of such containers for the consumption of alcoholic liquor not purchased from the licensee.
(3) No customer shall take any open container of alcoholic liquor from the pedal-pub vehicle or consume the alcoholic liquor after leaving the pedal-pub vehicle. A customer may take unopened containers of alcoholic liquor not purchased from the licensee from the pedal-pub vehicle.
(4) The licensee shall not allow open containers of alcoholic liquor to leave the pedal-pub vehicle. The licensee shall be responsible for picking up and disposing of any litter or other waste or any personal property that originates from the pedal-pub vehicle and lands on public or private property.

53-138.01.
Licenses; disposition of fees.
The State Treasurer shall credit three hundred ninety-five dollars of each four-hundred-dollar application fee and forty dollars of each forty-five-dollar application fee and each renewal fee to the General Fund and the remaining five dollars to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund to be used for providing licensees with materials pursuant to section53-117.05. All retail and bottle club license fees received by the city or village treasurer, as the case may be, shall inure to the school fund of the district lying wholly or partially within the corporate limits of such city or village. Except as otherwise provided in section53-123.15, the State Treasurer shall distribute license fees received by the commission for licenses issued pertaining to alcoholic liquor, including beer, in accordance with Article VII, section 5, of the Constitution of Nebraska. All retail and bottle club license fees received by the county treasurer, as provided in section53-124, shall be credited to the school fund of the county.

53-138.03.
Nonprofit corporations; license; required.
A nonprofit corporation shall not engage in the sale of alcoholic liquor without first having obtained a license required by the Nebraska Liquor Control Act.

53-139.
Retail licenses to restaurants and
clubs; conditions.
No person shall receive a retail license
to sell alcoholic liquor upon any premises used as a restaurant or as a club
unless such premises or plan of operation strictly complies with sections53-103.09and53-103.30.

53-148.
Licenses; display.
Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

53-148.01.
Retail or bottle club licensee; warning sign; commission; duties.
Any retail or bottle club licensee shall post in a conspicuous place a sign which clearly reads as follows: Warning: Drinking alcoholic beverages during pregnancy can cause birth defects. The commission shall prescribe the form of such warning sign and shall make such warning signs available to all retail and bottle club licensees. Warning signs may be provided electronically by the commission to the licensee.

53-149.
Licenses; term; sale of premises; temporary operating
permit; false information; penalty; license not assignable or
inheritable; exception; effect of death or bankruptcy of licensee.
(1) A
license shall be purely a personal privilege, good for not to exceed one year
after issuance unless sooner revoked as provided in the Nebraska Liquor Control
Act, and shall not constitute property, nor shall it be subject to attachment,
garnishment, or execution, nor shall it be alienable or transferable, voluntarily
or involuntarily, or subject to being encumbered or hypothecated.
(2) A license
issued under the act terminates immediately upon the sale of the licensed
premises named in such license. The purchaser or transferee may submit an
application for a license under the act prior to closing such sale or transfer.
While such application is pending, the purchaser may request and obtain a
temporary operating permit from the commission which shall authorize the purchaser
to continue the business which was conducted on the purchased premises under
the terms and conditions of the terminated license for ninety days or until
the purchaser has obtained a license in its own name, whichever occurs sooner.
Prior to the issuance of a temporary operating permit, the purchaser shall
supply the commission with documentation from the seller that the seller is
current on all accounts with any wholesaler under section53-123.02. A seller
who provides false information regarding such accounts is guilty of a Class
IV misdemeanor for each offense. In the absence of such temporary operating
permit, the purchaser shall not manufacture, store, or sell alcoholic liquor
on the purchased premises until the purchaser has obtained a license in the
purchaser's own name. If the application is withdrawn by the applicant or
is denied by the commission, the previous license may be reinstated at the
discretion of the commission upon request by the previous licensee.
(3) A license shall not descend by the laws
of testate or intestate devolution, but it shall cease upon the death of the
licensee, except that (a) executors or administrators
of the estate of any deceased licensee, when such estate consists in part
of alcoholic liquor, or a partnership or limited liability company upon the
death of one or more of the partners or members, may continue the business

of the sale or manufacture of
alcoholic liquor under order of the appropriate court and may
exercise the privileges of the deceased or deceased partner or member after
the death of such decedent until the expiration of such license, but if such
license would have expired within two months following the death of the licensee,
the license may be renewed by the administrators or executors with the approval
of the appropriate court for a period not to exceed one additional year; or (b) when a license is issued to a husband and
wife, as colicensees with rights of survivorship, upon the death of one spouse
the survivor may exercise all rights and privileges under such license in
his or her own name. The trustee of any insolvent or bankrupt licensee, when
such estate consists in part of alcoholic liquor, may continue the business
of the sale or manufacture of
alcoholic liquor under order of the appropriate court and may
exercise the privileges of the insolvent or bankrupt licensee until the expiration
of such license.

53-160.
Tax on manufacturer
and wholesaler; amount; exemption; duties of commission.
(1) For the purpose of raising revenue, a tax is imposed upon the
privilege of engaging in business as a manufacturer or a wholesaler at a rate
of thirty-one cents per gallon on all beer; ninety-five cents per gallon for
wine, except for wines produced and
released from bond in farm wineries; six cents per gallon for
wine produced and released
from bond in farm wineries; and three dollars and seventy-five
cents per gallon on alcohol and spirits manufactured and sold by such manufacturer
or shipped for sale in this state by such wholesaler in the course of such
business. The gallonage tax imposed by this subsection shall be imposed only
on alcoholic liquor upon which a federal excise tax is imposed.
(2) Manufacturers or wholesalers of alcoholic liquor shall
be exempt from the payment of the gallonage tax on such alcoholic liquor upon
satisfactory proof, including bills of lading furnished to the commission
by affidavit or otherwise as the commission may require, that such alcoholic
liquor was manufactured in this state but shipped out of the state for sale
and consumption outside this state.
(3) Dry wines or fortified wines manufactured or shipped into
this state solely and exclusively for sacramental purposes and uses shall
not be subject to the gallonage tax.
(4) The gallonage tax shall not be imposed upon any alcoholic
liquor, whether manufactured in or shipped into this state, when sold to a
licensed nonbeverage user for use in the manufacture of any of the following
when such products are unfit for beverage purposes: Patent and proprietary
medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts,
syrups, food products, and confections or candy; scientific, industrial, and
chemical products, except denatured alcohol; or products for scientific, chemical,
experimental, or mechanical purposes.
(5) The gallonage tax shall not be imposed upon the privilege
of engaging in any business in interstate commerce or otherwise, which business
may not, under the Constitution and statutes of the United States, be made
the subject of taxation by this state.
(6) The gallonage tax shall be in addition to all other occupation
or privilege taxes imposed by this state or by any municipal corporation or
political subdivision thereof.
(7) The commission shall collect the gallonage tax and shall
account for and remit to the State Treasurer at least once each week all money
collected pursuant to this section. If any alcoholic liquor manufactured in
or shipped into this state is sold to a licensed manufacturer or wholesaler
of this state to be used solely as an ingredient in the manufacture of any
beverage for human consumption, the tax imposed upon such manufacturer or

wholesaler shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under the Nebraska Liquor Control Act. The net proceeds of all revenue arising under this section shall be credited to the General Fund.

53-160.01.
Tax on manufacturer and wholesaler; instrumentality of armed forces of United States; resale; exemption.
No excise taxes of this state, direct or indirect, shall be imposed upon the sale, use, delivery, or storage of articles of merchandise to any instrumentality of the armed forces of the United States engaged in resale activities, except those state excise taxes which may be specifically authorized by the various acts of the Congress of the United States.

53-160.02.
Near beer; regulation.
The manufacture, distribution, sale, and purchase of near beer shall be subject to all provisions of the Nebraska Liquor Control Act, except taxation provisions, to which the manufacture, distribution, sale, and purchase of beer are subject.

53-160.03.
Beer-related crop; tax credit; calculation; application; contents; approval; notice.
(1) The Legislature finds that encouraging manufacturers of beer to use beer-related crops grown in this state in their manufacturing operations stimulates the creation of jobs and investments in small communities in this state, encourages the use of lands upon which beer-related crops may be grown, and provides tax revenue to the state which would not otherwise be realized. It is the intent of the Legislature to encourage the use of such beer-related crops by providing a nonrefundable tax credit as provided in this section.
(2) For purposes of this section, beer-related crop means barley or hops.
(3) A nonrefundable credit against the tax imposed in section53-160shall be allowed to any manufacturer of beer if at least ten percent of the beer-related crops used by such manufacturer in the previous calendar year were grown in this state. The credit shall be an amount equal to the percentage specified in subsection (4) of this section multiplied by the total amount of tax paid under section53-160in the previous calendar year on the first twenty thousand barrels of beer sold by such manufacturer.
(4) The percentage used to determine the credit shall be as follows:
(a) If at least ten percent but less than forty percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be fifteen percent;
(b) If at least forty percent but less than seventy percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be twenty-five percent; and
(c) If at least seventy percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be thirty-five percent.
(5) A manufacturer of beer shall apply for the credit to the commission on a form prescribed by the commission. The application shall be submitted on or before January 25 of each year and shall contain the following information:
(a) The name of the manufacturer;
(b) The total number of barrels of beer sold and the total amount of tax paid under section53-160during the previous calendar year;
(c) The percentage of beer-related crops used by the manufacturer in the previous calendar year that were grown in this state; and
(d) Such other information as required by the commission to verify that the manufacturer is qualified to receive the credit allowed under this section and to calculate the amount of the credit.
(6) If the manufacturer of beer qualifies for the credit, the commission shall approve the application and notify the manufacturer of the amount of the credit approved. The manufacturer may then claim the credit on the reports due each month under section53-164.01as an offset against the taxes due pursuant to such reports until the credit is fully utilized or until the following December 31, whichever occurs first.

53-160.04.
Ready-to-drink cocktails; tax on manufacturer or wholesaler; amount; exemption; duties of commission.
(1) Notwithstanding any other provision of the Nebraska Liquor Control Act, for the purpose of raising revenue, a tax is imposed upon the privilege of engaging in business as a manufacturer or a wholesaler of ready-to-drink cocktails at a rate of ninety-five cents per gallon. The gallonage tax imposed by this section shall be imposed only on alcoholic liquor upon which a federal excise tax is imposed.
(2) Manufacturers or wholesalers of ready-to-drink cocktails shall be exempt from the payment of the gallonage tax imposed by this section on such products upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such ready-to-drink cocktails were manufactured in this state but shipped out of this state for sale and consumption outside this state.
(3) The gallonage tax imposed by this section shall be in addition to all other occupation or privilege taxes imposed by this state or by any municipal corporation or political subdivision thereof.
(4) The commission shall collect the gallonage tax on ready-to-drink cocktails and shall account for and remit to the State Treasurer at least once each week all money collected pursuant to this section. If any spirits manufactured in or shipped into this state are sold

to a licensed manufacturer or wholesaler of this state to be used solely as an ingredient in the manufacture of ready-to-drink cocktails for human consumption, the tax imposed upon such manufacturer or wholesaler shall be reduced by the amount of the taxes which have been paid as to such spirits so used under the Nebraska Liquor Control Act. The net proceeds of all revenue arising under this section shall be credited to the General Fund.

53-161.
Beer; credit for tax paid; when allowed.
The commission shall allow credit to any wholesaler for tax paid under section53-160(1) for beer shipped out of this state for sale and consumption outside of the state or (2) for beer returned to the manufacturer for credit, substitution, or replacement, and such credit shall be allowed whether such beer is a part of the original inventory of such wholesaler or returned to such wholesaler by a licensee authorized to purchase beer from a wholesaler.

53-162.
Alcoholic liquor shipped from another
state; tax imposed.
For the purpose of raising revenue, a
tax is imposed upon persons holding a shipping license issued pursuant to
subsection (4) or (5) of
section53-123.15who ship alcoholic liquor to individuals pursuant to section53-192and for which the required taxes in the state of purchase or this state
have not been paid. The tax, if due, shall be paid by the holder of the shipping
license issued pursuant to subsection (4) or
(5) of section53-123.15. The amount of the tax shall be imposed
as provided in section53-160. The tax shall be collected by the commission,
except that the tax shall not be due until December 31 of the year in which
the purchase was made. The tax shall be delinquent if unpaid within twenty-five
days after December 31. The revenue from the tax shall be credited to the
General Fund. The commission shall adopt and promulgate rules and regulations
to carry out this section.

53-163.
Commission; rounding of amounts on returns or reports; authorized.
When the commission finds that the administration of the state alcohol excise tax laws might be more efficiently and economically conducted, the commission may require or allow for rounding of all amounts on returns or reports, including amounts of tax. Amounts shall be rounded to the nearest dollar with amounts ending in fifty cents or more rounded to the next highest dollar.

53-164.01.
Alcoholic liquor;
tax; payment; report; penalty; bond; sale to instrumentality of armed forces;
credit for tax paid.
Payment of the tax provided
for in section53-160on alcoholic liquor shall be paid by the manufacturer
or wholesaler as follows:
(1)(a) All manufacturers or wholesalers, except farm winery
producers, whether inside or outside this state shall, on or before the twenty-fifth
day of each calendar month following the month in which shipments were made,
submit a report to the commission upon forms furnished by the commission showing
the total amount of alcoholic liquor in gallons or fractional parts thereof
shipped by such manufacturer or wholesaler, whether inside or outside this
state, during the preceding calendar month;
(b) All beer wholesalers shall, on or before the twenty-fifth
day of each calendar month following the month in which shipments were made,
submit a report to the commission upon forms furnished by the commission showing
the total amount of beer in gallons or fractional parts thereof shipped by
all manufacturers, whether inside or outside this state, during the preceding
calendar month to such wholesaler;
(c)(i) Except as provided in subdivision (ii) of this subdivision,
farm winery producers which paid less than one thousand dollars of excise
taxes pursuant to section53-160for the previous calendar year and which
will pay less than one thousand dollars of excise taxes pursuant to section53-160for the current calendar year shall, on or before the

twenty-fifth
day of the calendar month following the end of the year in which wine was
packaged and released from bond, submit
a report to the commission upon forms furnished by the commission showing
the total amount of wine in gallons or fractional parts thereof packaged and released from bond by such producer during
the preceding calendar year; and
(ii) Farm winery producers which paid one thousand dollars
or more of excise taxes pursuant to section53-160for the previous calendar
year or which become liable for one thousand dollars or more of excise taxes
pursuant to section53-160during the current calendar year shall, on or before
the twenty-fifth day of each calendar month following the month in which wine
was packaged and released
from bond, submit a report to the commission upon forms furnished
by the commission showing the total amount of wine in gallons or fractional
parts thereof packaged and released from bond by
such producer during the preceding calendar month. A farm winery producer
which becomes liable for one thousand dollars or more of excise taxes pursuant
to section53-160during the current calendar year shall also pay such excise
taxes immediately;
(d) A craft brewery shall, on or before the twenty-fifth day
of each calendar month following the month in which the beer was released from bond for sale, submit a report
to the commission on forms furnished by the commission showing the total amount
of beer in gallons or fractional parts thereof produced for sale by the craft
brewery during the preceding calendar month;
(e) A microdistillery shall, on or before the twenty-fifth
day of each calendar month following the month in which the distilled liquor
was released from bond for sale,
submit a report to the commission on forms furnished by the commission showing
the total amount of distilled liquor in gallons or fractional parts thereof
produced for sale by the microdistillery during the preceding calendar month;
and
(f) Reports submitted pursuant to subdivision (a), (b), or
(c) of this subdivision shall also contain a statement of the total amount
of alcoholic liquor, except beer, in gallons or fractional parts thereof shipped
to licensed retailers inside this state and such other information as the
commission may require;
(2) The wholesaler or farm winery producer shall at the time
of the filing of the report pay to the commission the tax due on alcoholic
liquor, except beer, shipped to licensed retailers inside this state at the
rate fixed in accordance with section53-160. The tax due on beer shall be
paid by the wholesaler on beer shipped from all manufacturers;
(3) The tax imposed pursuant to section53-160shall be due
on the date the report is due less a discount of one percent of the tax on
alcoholic liquor for submitting the report and paying the tax in a timely
manner. The discount shall be deducted from the payment of the tax before
remittance to the commission and shall be shown in the report to the commission
as required in this section. If the tax is not paid within the time provided
in this section, the discount shall not be allowed and shall not be deducted
from the tax;
(4) If the report is not submitted by the twenty-fifth day
of the calendar month or if the tax is not paid to the commission by the twenty-fifth
day of the calendar month, the following penalties shall be assessed on the
amount of the tax: One to five days late, three percent; six to ten days late,
six percent; and over ten days late, ten percent. In addition, interest on
the tax shall be collected at the rate of one percent per month, or fraction
of a month, from the date the tax became due until paid;
(5) No tax shall be levied or collected on alcoholic liquor
manufactured inside this state and shipped or transported outside this state
for sale and consumption outside this state;
(6) In order to insure the payment of all state taxes on alcoholic

liquor, together with interest and penalties, persons required to submit reports and payment of the tax shall, at the time of application for a license under sections53-124and53-124.01, enter into a surety bond with corporate surety, both the bond form and surety to be approved by the commission. Subject to the limitations specified in this subdivision, the amount of the bond required of any taxpayer shall be fixed by the commission and may be increased or decreased by the commission at any time. In fixing the amount of the bond, the commission shall require a bond equal to the amount of the taxpayer's estimated maximum monthly excise tax ascertained in a manner as determined by the commission. Nothing in this section shall prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. The amount of a bond required of any one taxpayer shall not be less than one thousand dollars. The bonds required by this section shall be filed with the commission; and

(7) When a manufacturer or wholesaler sells and delivers alcoholic liquor upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section53-160.01, the manufacturer or wholesaler shall be entitled to a credit in the amount of the tax paid in the event no tax is due on such alcoholic liquor as provided in such section. The amount of the credit, if any, shall be deducted from the tax due on the following monthly report and subsequent reports until liquidated.

53-164.02.

Evasion of liquor tax; acts forbidden; violations; penalty.

It shall be unlawful for any person to evade or attempt to evade the payment of tax on any alcoholic liquor in any manner whatever, and upon conviction thereof, in addition to the penalty prescribed for the violation of the Nebraska Liquor Control Act, such person shall forfeit and pay, as a part of costs in such action, double the amount of the tax so evaded or attempted to be evaded. Any person who violates this section shall be guilty of a Class II misdemeanor.

53-165.

Manufacturer and wholesaler; monthly report to commission of manufacture and sale; manufacturer or shipper; certification; record keeping.

(1) Every manufacturer and wholesaler shall, between the first and fifteenth day of each calendar month, make return to the commission of all alcoholic liquor manufactured and sold by such manufacturer or wholesaler in the course of such business during the preceding calendar month. Such return shall be made upon forms prescribed and furnished by the commission and shall contain such other information as the commission may reasonably require.

(2) Every manufacturer or shipper of beer on filing notice of intention to commence or continue business pursuant to section53-130.01shall certify that such manufacturer or shipper will keep or cause to be kept books and records and make reports in the manner and for the purposes specified by rules and regulations of the commission, which books, records, and reports shall be open to inspection by the proper officers of the commission, and that such manufacturer or shipper will in all respects faithfully comply with all of the requirements of the laws of this state and the rules and regulations of the commission relating to the manufacture and shipping to licensed retail beer dealers in this state.

(3) Each manufacturer and wholesaler shall keep complete and accurate records of all sales of liquor, wine, or beer and complete and accurate records of all such alcoholic liquor produced, manufactured, compounded, or imported.

53-165.01.

Primary source of supply in the United States; report by licensed manufacturer, licensed wholesaler, or holder of a shipping license; fee.

(1)(a) Beginning July 1, 2024, prior to the sale or shipment of any alcoholic liquor into the State of Nebraska, each licensed manufacturer, licensed wholesaler, or holder of a shipping license shall submit to the commission, along with any applicable fee set by the commission not to exceed thirty dollars, a report on a form prescribed and furnished by the commission, which shall include:

(i) The licensee's name and license number;

(ii) The designated Nebraska licensed wholesaler for such product, if applicable;

(iii) The name of the primary source of supply in the United States;

(iv) The products to be imported, including the brand name, class or type of product, and fanciful name if applicable;

(v) Evidence of compliance with federal label requirements pursuant to the Federal Alcohol Administration Act, 27 U.S.C. chapter 8, and rules and regulations adopted pursuant to such act, as such act and regulations existed on January 1, 2023, or a sample of the actual label if federal approval is not required; and

(vi) Any other information the commission may require related to such sale or shipment.

(b) If the licensed manufacturer, licensed wholesaler, or holder of a shipping license is not the product manufacturer, such licensee shall also include with such form a separate letter from the product manufacturer designating such licensee as the primary source of supply in the United States or the sole source of supply in Nebraska. A separate letter is required for each primary source.
(2) If the primary source of supply in the United States for such alcoholic liquor changes, the new licensed manufacturer, licensed wholesaler, or holder of a shipping license importing such alcoholic liquor shall submit the information required pursuant to subsection (1) of this section at least thirty days prior to the shipment of such alcoholic liquor into this state. The licensed manufacturer, licensed wholesaler, or holder of a shipping license shall also remit to the commission any applicable fee set by the commission not to exceed thirty dollars.
(3) Nothing in this section shall restrict or prohibit the importation of alcoholic liquor to a Nebraska licensed wholesaler from an affiliated wholesaler if (a) the report required by this section has previously been submitted for the alcoholic liquor product being imported, (b) the report designates the Nebraska licensed wholesaler for such product, and (c) the product was obtained by the affiliated wholesaler from the same primary source of supply identified on the report.
(4) The commission shall remit any fees collected pursuant to this section to the State Treasurer for credit to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.
(5) The commission may adopt and promulgate rules and regulations to carry out this section.

53-165.02.
Channel pricing and discounts; use by wholesaler; conditions.
(1) For purposes of this section, alcoholic product means a particular brand of alcoholic liquor in a designated size container or a mix of brands and containers when sold on a combined basis, as established by the wholesaler.
(2) A wholesaler may employ channel pricing to sell such wholesaler's alcoholic product to retail licensees at a different price than the wholesaler sells alcoholic product to other retail licensees. If a wholesaler employs channel pricing, such pricing shall be made equally available to similarly situated retail licensees.
(3) Whether an establishment is similarly situated to another licensee is to be determined by the type of license held by the retailer and the primary use of the premises.
(4) A wholesaler may also provide discounts on the alcoholic product to retailers that are otherwise similarly situated if those discounts are based on the volume of the alcoholic product being purchased.
(5) A wholesaler may also provide discounts on the alcoholic product to retailers that are otherwise similarly situated if those discounts are based on the electronic ordering of the alcoholic product being purchased.

53-165.03.
Sponsorship or advertising agreement; authorized, when.
(1) A manufacturer, a wholesaler, or any agent of a manufacturer or wholesaler may enter into a sponsorship or advertising agreement with (a) the holder of a special designated license pursuant to section53-124.11that is a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation exempted from payment of federal income taxes, a political organization exempted from payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from payment of federal income taxes, (b) a political subdivision of the State of Nebraska, or (c) an operator of property owned by a political subdivision of the State of Nebraska, to sponsor and advertise for events held by such organization, licensee, or political subdivision.
(2) The commission may adopt and promulgate rules and regulations to carry out this section.

53-167.01.
Legislative findings.
The Legislature finds that every year hundreds of people, many of them teenagers, are seriously injured or killed as a result of alcohol-related accidents. In recognition of such facts it is the intent of the Legislature, through the implementation of section53-167.02, to protect the public health, safety, and welfare of all Nebraskans.

53-167.02.
Keg sales; requirements; keg identification number; violation; penalty.
(1) When any person licensed to sell alcoholic liquor at retail sells alcohol for consumption off the premises in a container with a liquid capacity of five or more gallons or eighteen and ninety-two hundredths or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, tribal enrollment card as defined in section28-1202.03, or military identification, if such military identification contains a picture of the purchaser, together with the purchaser's signature. Such record shall be on a form prescribed by the commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months.
(2) The commission shall adopt and promulgate rules and regulations which require the licensee to place a label on the alcohol container, which label shall at least contain a keg identification number and shall be on a form prescribed by the commission. Such label shall be placed on the keg at the time of retail sale. The licensee shall purchase the forms referred to in this section from the commission. The cost incurred to produce and distribute such forms shall be reasonable and shall not exceed the reasonable and

necessary costs of producing and distributing the forms. Any money collected by the commission relating to the sale of such forms shall be credited to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.
(3) The keg identification number for each container shall be registered with the commission. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall, upon conviction, be guilty of a Class III misdemeanor.

53-167.03.
Keg identification number; prohibited acts; violation; penalty; deposit.
(1) Any person who unlawfully tampers with, alters, or removes the keg identification number from a container described in section53-167.02or is in possession of a container described in section53-167.02with an altered or removed keg identification number after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of a Class III misdemeanor.
(2) A licensee may require a deposit of not more than the replacement cost of the container described in section53-167.02from a person purchasing alcohol for consumption off the premises. Such deposit may be retained by the licensee, in the amount of actual damages, if upon return the container or any associated equipment is damaged or if the keg identification number has been unlawfully tampered with, altered, or removed and such tampering, alteration, or removal has been reported to a law enforcement officer.

53-168.
Receiving money, credit, discounts, rebates, or other inducement; unlawful acts; penalty; private or generic label permitted; exception for sponsorship or advertising agreement.
(1) It shall be unlawful for any person having a retail license to sell beer to accept credit for the purchase of beer from any manufacturer or wholesaler of beer and for any person having a retail license to sell alcoholic liquor or any officer, associate, member, representative, or agent of such licensee to accept, receive, or borrow money or anything else of value or to accept or to receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed thirty days, directly or indirectly, from (a) any person, partnership, limited liability company, or corporation engaged in manufacturing or wholesaling such liquor, (b) any person connected with or in any way representing such manufacturer or wholesaler, (c) any member of the family of such manufacturer or wholesaler, (d) any stockholders in any corporation engaged in manufacturing or wholesaling such liquor, or (e) any officer, manager, agent, member, or representative of such manufacturer or wholesaler.
(2) It shall be unlawful for any manufacturer or wholesaler to give or lend money or otherwise loan or extend credit, except the merchandising credit referred to in subsection (1) of this section, directly or indirectly, to any such licensee or to the manager, representative, agent, member, officer, or director of such licensee. It shall be unlawful for any wholesaler to participate in any manner in a merchandising and coupon plan of any manufacturer involving alcoholic liquor and the redemption in cash. The redemption of any merchandising and coupon plan involving cash shall be made by the manufacturer to the consumer.
(3) If any holder of a license to sell alcoholic liquor at retail or wholesale violates subsection (1) or (2) of this section, such license shall be suspended or revoked by the commission in the manner provided by the Nebraska Liquor Control Act.
(4) It shall not be a violation of subsection (1) or (2) of this section for a manufacturer or wholesaler to sell or provide alcoholic liquor exclusively or in minimum quantities in containers bearing a private label or to sell or provide alcoholic liquor in containers bearing a generic label to a wholesaler or retailer.
(5) It shall not be a violation of subsection (1) or (2) of this section for a wholesaler or retailer to accept or purchase from a manufacturer or wholesaler alcoholic liquor exclusively or in minimum quantities in containers bearing a private label or for a wholesaler or retailer to accept or purchase from a manufacturer or wholesaler alcoholic liquor in containers bearing a generic label.
(6) It shall not be a violation of subsection (1) or (2) of this section for a wholesaler or manufacturer or the agent of a wholesaler or manufacturer to enter into a sponsorship or advertising agreement with a licensee, organization, or political subdivision of the State of Nebraska pursuant to section53-165.03.

53-168.05.
Violations; procedure.
The commission may revoke or suspend the license of any manufacturer, wholesaler, or retailer found violating section53-169, and all proceedings under such section shall be governed by the provisions of the Nebraska Liquor Control Act governing the suspension or revocation of licenses and the appeals to the courts from any orders of the commission.

53-168.06.
General prohibition; exceptions.
No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent:
(1) The possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests;
(2) The making, transport, and delivery of wine, cider, beer, mead, perry, or other alcoholic liquor by a person from fruits, vegetables, honey, or grains, or the product thereof, by simple fermentation and without distillation, (a) if made solely for the use of

the maker and his or her family and guests if such alcoholic liquor is not sold or offered for sale, or (b) if made without a permit for an exhibition, festival, or tasting competition, including exhibitions, festivals, or tasting competitions that are for nonprofit organizations such as fundraising events, legally conducted under the act, if such alcoholic liquor is not sold or offered for sale. Alcoholic liquor served pursuant to this subdivision (b) shall clearly be identified as alcoholic liquor that was manufactured under an exception to the rules and regulations of the commission by signage, and the location of the manufacturer shall be available upon request. Free or reduced admission to the exhibition, festival, or tasting competition shall not be considered a sale of the alcoholic liquor;
(3) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians;
(4) The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony;
(5) Persons who are sixteen years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;
(6) Persons who are sixteen years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;
(7) Persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment;
(8) Persons who are sixteen years old or older from completing a transaction for the sale of alcoholic liquor in the course of their employment if they are not handling or serving alcoholic liquor; or
(9) Persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment.

53-169.
Manufacturer or wholesaler; craft brewery, manufacturer, or microdistillery licensee; limitations; exception for sponsorship or advertising agreement.
(1) Except as provided in subsection (2) of this section, no manufacturer or wholesaler shall directly or indirectly: (a) Pay for any license to sell alcoholic liquor at retail or advance, furnish, lend, or give money for payment of such license; (b) purchase or become the owner of any note, mortgage, or other evidence of indebtedness of such licensee or any form of security therefor; (c) be interested in the ownership, conduct, or operation of the business of any licensee authorized to sell alcoholic liquor at retail; or (d) be interested directly or indirectly or as owner, part owner, lessee, or lessor thereof in any premises upon which alcoholic liquor is sold at retail.
(2) This section does not apply to the holder of a farm winery license. The holder of a craft brewery license shall have the privileges and duties listed in section53-123.14and the holder of a manufacturer's license shall have the privileges and duties listed in section53-123.01with respect to the manufacture, distribution, and retail sale of beer, and except as provided in subsection (2) of section53-123.14, the Nebraska Liquor Control Act shall not be construed to permit the holder of a craft brewery license or of a manufacturer's license issued pursuant to section53-123.01to engage in the wholesale distribution of beer. The holder of a microdistillery license shall have the privileges and duties listed in section53-123.16with respect to the manufacture of alcoholic liquor, and except as provided in subsection (2) of section53-123.16, the Nebraska Liquor Control Act shall not be construed to permit the holder of a microdistillery license to engage in the wholesale distribution of alcoholic liquor.
(3) It shall not be a violation of this section for a wholesaler or manufacturer or the agent of a wholesaler or manufacturer to enter into a sponsorship or advertising agreement with a licensee, organization, or political subdivision of the State of Nebraska pursuant to section53-165.03.

53-169.01.
Manufacturer; interest in licensed
wholesaler; prohibitions; exception.
(1)(a) Except as otherwise provided in
subsection (2) of this section, no manufacturer of alcoholic liquor
holding a manufacturer's license under section53-123.01and no manufacturer
of alcoholic liquor outside this state manufacturing alcoholic liquor for distribution
and sale within this state shall, directly or indirectly, as owner or part
owner, or through a subsidiary or affiliate, or by any officer, director,
or employee thereof, or by stock ownership, interlocking directors, trusteeship,
loan, mortgage, or lien on any personal or real property, or as guarantor,
endorser, or surety, be interested in the ownership, conduct, operation, or
management of any wholesaler holding an alcoholic liquor wholesale license under section53-123.02or a beer wholesale
license under section53-123.03.
(b) Except as otherwise provided in subsection
(2) of this section, no manufacturer of alcoholic liquor holding

a manufacturer's license under section53-123.01and no manufacturer of alcoholic liquor outside this state manufacturing alcoholic liquor for distribution and sale within this state shall be interested directly or indirectly, as lessor or lessee, as owner or part owner, or through a subsidiary or affiliate, or by any officer, director, or employee thereof, or by stock ownership, interlocking directors, or trusteeship in the premises upon which the place of business of a wholesaler holding an alcoholic liquor wholesale license under section53-123.02or a beer wholesale license under section53-123.03is located, established, conducted, or operated in whole or in part unless such interest was acquired or became effective prior to April 17, 1947.

(2) A manufacturer of beer may acquire an ownership interest in a beer wholesaler, for a period not to exceed two years, upon the death or bankruptcy of the beer wholesaler with which the manufacturer is doing business or upon the beer wholesaler with which the manufacturer is doing business becoming ineligible to hold a license under section53-125.

53-170.

Violations; effect.

Any licensee who permits, assents, or is a party in any way to any violation or infringement of the Nebraska Liquor Control Act shall be deemed guilty of a violation of the act. Any money loaned contrary to a provision of the act shall not be recovered back. Any note, mortgage, or other evidence of indebtedness, any security, or any lease or contract obtained or made contrary to the act shall be unenforceable and void.

53-171.

Licenses; issuance of more than one kind to same person; when unlawful; craft brewery, manufacturer, or microdistillery licensee; limitations.

(1) No person licensed as a wholesaler of alcoholic liquor shall be permitted to receive any retail license at the same time. No person licensed as a manufacturer shall be permitted to receive any retail license at the same time except as set forth in subsection (2) of section53-123.01with respect to the manufacture, distribution, and retail sale of beer, and the Nebraska Liquor Control Act shall not be construed to permit the holder of a manufacturer's license issued pursuant to such subsection to engage in the wholesale distribution of alcoholic liquor. No person licensed as a retailer of alcoholic liquor shall be permitted to receive any manufacturer's or wholesale license at the same time.

(2) This section shall not apply to the holder of a farm winery license. The holder of a craft brewery license shall have the privileges and duties listed in section53-123.14with respect to the manufacture, distribution, and retail sale of beer, and except as provided in subsection (2) of section53-123.14, the Nebraska Liquor Control Act shall not be construed to permit the holder of a craft brewery license to engage in the wholesale distribution of beer. The holder of a microdistillery license shall have the privileges and duties listed in section53-123.16with respect to the manufacture of alcoholic liquor, and except as provided in subsection (2) of section53-123.16, the Nebraska Liquor Control Act shall not be construed to permit the holder of a microdistillery license to engage in the wholesale distribution of alcoholic liquor.

53-172.

Original packages; labels; seals; requirements.

No manufacturer or wholesaler shall sell or deliver any original package containing alcoholic liquor, except beer and wine, manufactured or distributed by him or her unless the package has affixed thereto a clear and legible label containing the name and address of the manufacturer, the kind of alcoholic liquor contained in the package, and, in the case of alcoholic liquor other than beer, the date when manufactured. No original package of alcoholic liquor shall be delivered by any manufacturer or wholesaler unless the package is securely sealed so that the contents cannot be removed without breaking the seal placed thereon by such manufacturer, and no other licensee shall sell, have in his or her possession, or use any original package which does not comply with this section or which does not bear evidence that such original package, when delivered to him or her, complied with this section.

53-173.

Powdered alcohol; prohibited acts; penalties; effect on license.

(1) Except as otherwise provided in subsection (5) of this section, a person shall not purchase, sell, offer to sell, use, or possess with

intent to sell powdered alcohol.
(2) A person holding a license under the Nebraska Liquor Control Act shall be subject to having the license suspended, canceled, or revoked pursuant to the act for a violation of this section.
(3) Any person, other than a person licensed under the act, who sells a powdered alcohol product shall be guilty of a Class I misdemeanor.
(4) Any person knowingly or intentionally possessing powdered alcohol shall:
(a) For the first offense, be guilty of an infraction, receive a citation, and be fined three hundred dollars;
(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and
(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.
(5) This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or a pharmaceutical company or biotechnology company conducting bona fide research.

53-174.
Co-branded alcoholic beverage; display; acts prohibited; exceptions; inspection.
(1) For purposes of this section:
(a) Co-branded alcoholic beverage means an alcoholic liquor beverage containing the same or similar brand name, logo, or packaging as a nonalcoholic beverage;
(b) Immediately adjacent means directly touching or immediately bordering one another from above, below, or the side. Immediately adjacent does not include a separate aisle; and
(c) Retail sales floor means the part of a retailer's premises that contains goods on display that are freely accessible to the consumer.
(2) Except as provided in subsection (4) of this section, the holder of a retail license to sell alcoholic liquor, beer, or wine at retail for consumption off the licensed premises with a retail sales floor that is larger than two thousand five hundred square feet shall not display any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images.
(3) Except as provided in subsection (4) of this section, the holder of a retail license to sell alcoholic liquor, beer, or wine at retail for consumption off the licensed premises with a retail sales floor that is two thousand five hundred square feet or smaller shall either:
(a) Not place any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images; or
(b) Equip any such display containing any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images with signage that indicates the product is an alcoholic beverage. Such signage shall be clearly visible to consumers, shall be not less than eight and one-half by eleven inches in size, and shall contain language substantially similar to: "This product is an alcoholic beverage available only to persons who are twenty-one years of age or older."
(4) This section does not apply to a shelf, aisle, display, or display area in which the primary items for sale contain alcoholic liquor or in an area in which persons younger than twenty-one years of age are prohibited from entering without a parent or legal guardian.
(5) The commission may cause inspection to be made on the premises of all retail licensees relating to co-branded alcoholic beverage displays, and if it is found that any such licensee is violating this section or any rules and regulations adopted and promulgated by the commission pursuant to this section, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in the licensee's defense.

53-175.
Liquor; acquisition from other than licensed dealer; when unlawful.
It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act unless within the specific exemptions or exceptions provided in the act. No licensed retailer of alcoholic liquor shall purchase such liquor other than from a licensed wholesaler who has his or her place of business within this state. Nothing in this section shall prohibit the sale or exchange among collectors of commemorative bottles or uniquely designed decanters which contain alcoholic liquor.

53-176.
Sale or delivery to unauthorized person forbidden; suspension, cancellation, or revocation of license.
No manufacturer or wholesaler shall sell or deliver any package containing alcoholic liquor manufactured or distributed by such manufacturer or wholesaler for resale unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the Nebraska Liquor Control Act. The commission shall suspend, cancel, or revoke the license of any manufacturer or wholesaler who violates this section.

53-177.
Sale at retail; bottle club license; restrictions as to locality.

(1) Except as otherwise provided in subsection (2) of this section, no license shall be issued for the sale at retail of any alcoholic liquor or for a bottle club within one hundred fifty feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (a) to any location within such distance of one hundred fifty feet for which a license to sell alcoholic liquor at retail or for a bottle club has been granted by the commission for two years continuously prior to making of application for license, (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935, or (c) to a college or university in the state which is subject to section53-177.01.
(2) If a proposed location for the sale at retail of any alcoholic liquor or for a bottle club is within one hundred fifty feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in section53-133if the affected church submits a written request for a hearing.

53-177.01.
Sale for consumption on premises or bottle club operation near campus of college or university; restrictions; commission; waiver; application; contents; written approval of governing body of college or university.
(1) No alcoholic liquor shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section:
(a) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and
(b) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section53-124.15.
(2) Except as otherwise provided in subsection (4) of this section, the commission may waive the three-hundred-foot restriction in subsection (1) of this section taking into consideration one or more of the following:
(a) The impact of retail sales of alcoholic liquor for consumption on the premises on the academic mission of the college or university;
(b) The impact on students and prospective students if such sales were permitted on or near campus;
(c) The impact on economic development opportunities located within or in proximity to the campus; and
(d) The waiver would likely reduce the number of applications for special designated licenses requested by the college or university or its designee.
(3) To apply for a waiver under this section, the applicant shall submit a written application to the commission. The commission shall notify the governing body of the affected college or university when the commission receives an application for a waiver. The application shall include:
(a) The address of the location for which the waiver is requested;
(b) The name and type of business for which the waiver is requested; and
(c) A description of the justification for the waiver explaining how the proposed location complies with the findings prescribed in subsection (2) of this section.
(4) The commission shall not waive the three-hundred-foot restriction in subsection (1) of this section without written approval from the governing body of the college or university or its designee if the physical location of the property which is the subject of the requested waiver is (a) surrounded by property owned by the college or university including any public or private easement, street, or right-of-way adjacent to the property owned by the college or university or (b) adjacent to property on two or more sides owned by the college or university including any public or private easement, street, or right-of-way adjacent to the property owned by the college or university.
(5) No bottle club shall be operated within three hundred feet from the campus of any college or university in the state.

53-178.
Sale at retail; forbidden in dwelling or lodging house; exceptions.
Except in the case of hotels and clubs, no alcoholic liquor shall be manufactured or sold at retail or wholesale upon any premises which have any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and permitted to be used or kept accessible for use by the public. This section does not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee or his or her family and personal guests.

53-178.01.
Licensee; sale to person within motor vehicle; prohibited; exceptions.
(1) No licensee shall sell alcoholic liquor, including beer, to any person for consumption off the licensed premises while such person is in any manner within any motor vehicle except as provided in subsection (2) of this section.
(2)(a) A business holding a Class B, Class C, Class D, Class L, Class Y, or Class Z license to sell alcoholic liquor at retail may sell alcoholic liquor authorized under such license to a person twenty-one years of age or older within a motor vehicle if (a) the alcoholic liquor is sold along with food, (b) the motor vehicle is in park, and (c) the alcoholic liquor is placed in the trunk of the motor vehicle

or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.
(b) A licensee which sells alcoholic liquor in the manner authorized under this section shall provide notice to the commission during initial licensure or at the time of the licensee's annual renewal regarding such sales.
(3) This section shall not apply to sales to handicapped persons in a motor vehicle displaying a current handicapped license plate issued by the Department of Motor Vehicles.

53-179.
Sale or dispensing
of alcoholic liquor; forbidden during certain hours; exceptions; alcoholic
liquor in open containers; unlawful after hours.
(1)
No alcoholic liquor, including beer, shall be sold at retail or dispensed
on any day between the hours of 1 a.m. and 6 a.m., except that the local governing
body of any city or village with respect to area inside the corporate limits
of such city or village, or the county board with respect to area outside
the corporate limits of any city or village, may by ordinance or resolution
(a) require closing prior to 1 a.m. on any day, (b)
if adopted by a vote of at least two-thirds of the members of such local governing
body or county board, permit retail sale or dispensing of alcoholic liquor
for consumption on the premises, excluding sales for consumption off the premises,
later than 1 a.m. and prior to 2 a.m. on any day, (c) if adopted by a vote of at least two-thirds of the
members of such local governing body or county board, permit retail sale of
alcoholic liquor for consumption off the premises later than 1 a.m. and prior
to 2 a.m. on any day, or (d) if adopted by a vote of at least two-thirds of
the members of such local governing body or county board, permit retail sale
or dispensing of alcoholic liquor for consumption on the premises, excluding
sales for consumption off the premises, and permit retail sale of alcoholic
liquor for consumption off the premises later than 1 a.m. and prior to 2 a.m.
on any day.
(2) Except as provided for and allowed by ordinance of a
local governing body applicable to area inside the corporate limits of a city
or village or by resolution of a county board applicable to area inside such
county and outside the corporate limits of any city or village, no alcoholic
liquor, including beer, shall be sold at retail or dispensed between the hours
of 6 a.m. Sunday and 1 a.m. Monday. This subsection shall not apply after
12 noon on Sunday to a licensee which is a nonprofit corporation and the holder
of a Class C license or a Class I license.
(3) It shall be unlawful on property licensed to sell alcoholic
liquor at retail to allow alcoholic liquor in open containers to remain or
be in possession or control of any person for purposes of consumption between
the hours of fifteen minutes after the closing hour applicable to the licensed
premises and 6 a.m. on any day.
(4) Nothing in this section shall prohibit licensed premises
from being open for other business on days and hours during which the sale
or dispensing of alcoholic liquor is prohibited by this section.

53-180.
Prohibited
acts relating to minors and incompetents.
No
person shall sell, furnish, give
away, exchange,
or deliver, or permit the sale, gift, or procuring of, any alcoholic liquors to or for any minor or to any person who is
mentally incompetent.

53-180.01.
Minor misrepresenting age; unlawful.
No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold.

53-180.02.
Minor; prohibited acts; exception; governing bodies; powers.
Except as provided in section53-168.06, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the State of Nebraska or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony or in his or her permanent place of residence.
The governing bodies of counties, cities, and villages shall have the power to, and may by applicable resolution or ordinance, regulate, suppress, and control the transportation, consumption, or knowing possession of or having under his or her control beer or other alcoholic liquor in or transported by any motor vehicle, by any person under twenty-one years of age, and may provide penalties for violations of such resolution or ordinance.

53-180.03.
Minor; sale or gift to; misrepresenting age; parent or guardian; duties.
No parent or guardian shall knowingly suffer or permit any minor, of whom he or she may be a parent or guardian, to violate the provisions of section53-180.01or53-180.02.

53-180.04.
Minors; warning notice; posting.
(1) Every licensee of a place where alcoholic liquor is sold at retail shall display at all times in a prominent place a printed card with a minimum height of twenty inches and a width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:
WARNING TO PERSONS UNDER 21YOU ARE SUBJECT TONOTIFICATION OF PARENTS OR GUARDIANANDYOU ARE SUBJECT TO A PENALTY OF UP TO$500 FINE3 MONTHS IN JAILOR BOTH IF YOU ARE UNDER 21 AND YOU CONSUME,PURCHASE, ATTEMPT TO PURCHASE,OR HAVE IN YOUR POSSESSIONALCOHOLIC LIQUOR IN THIS ESTABLISHMENTANDWARNING TO ADULTSYOU ARE SUBJECT TO A PENALTY OF UP TO$1000 FINE1 YEAR IN JAILOR BOTHIF YOU ARE 21 OR OVER AND YOU PURCHASEALCOHOLIC LIQUORFOR A PERSON UNDER 21ANDWARNING TO PURCHASERS OF BEER KEGSPROPER IDENTIFICATION AND PURCHASER'S SIGNATUREARE REQUIREDLAWS OF THE STATE OF NEBRASKA
(2) Such warning sign may be provided electronically by the commission to the licensee.

53-180.05.
Prohibited acts relating to minors and incompetents; violations; penalties; possible alcohol overdose; actions authorized; false identification; penalty; law enforcement agency; duties.
(1) Except as provided in subsection (2) of this section, any person who violates section53-180shall be guilty of a Class I misdemeanor.
(2) Any person who knowingly and intentionally violates section53-180shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least thirty days' imprisonment as part of any sentence he or she receives if serious bodily injury or death to any person resulted and was proximately caused by a minor's (a) consumption of the alcoholic liquor provided or (b) impaired condition which, in whole or in part, can be attributed to the alcoholic liquor provided.
(3) Any person who violates any of the provisions of section53-180.01or53-180.03shall be guilty of a Class III misdemeanor.
(4)(a) Except as otherwise provided in subdivisions (b), (c), and (d) of this subsection or section28-1701, any person older than eighteen years of age and under the age of twenty-one years violating section53-180.02is guilty of a Class III misdemeanor.
(b) Subdivision (a) of this subsection shall not apply if the person:
(i) Made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent after such violation of section53-180.02;
(ii) Made the request for medical assistance under subdivision (b)(i) of this subsection as soon as the emergency situation is apparent after such violation of section53-180.02; and
(iii) When emergency medical assistance was requested for the possible alcohol overdose of another person:
(A) Remained on the scene until the medical assistance arrived; and
(B) Cooperated with medical assistance and law enforcement personnel.
(c) The exception from criminal liability provided in subdivision (b) of this subsection applies to any person who makes a request for emergency medical assistance and complies with the requirements of subdivision (b) of this subsection.
(d) Subdivision (a) of this subsection shall not apply to the person experiencing a possible alcohol overdose if a request for emergency medical assistance in response to such possible alcohol overdose was made by another person in compliance with subdivision (b) of this subsection.
(e) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance with subdivision (b), (c), or (d) of this subsection.

(5) Any person eighteen years of age or younger violating section53-180.02is guilty of a misdemeanor as provided in section53-181and shall be punished as provided in such section.
(6) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification means any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquor.
(7) When a minor is arrested for a violation of sections53-180to53-180.02or subsection (6) of this section, the law enforcement agency employing the arresting peace officer shall make a reasonable attempt to notify such minor's parent or guardian of the arrest.

53-180.06.
Documentary proof of age; separate book; record; contents.
(1) To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only a valid driver's or operator's license, state identification card, military identification card, alien registration card, passport, or tribal enrollment card as defined in section28-1202.03.
(2) Every holder of a retail license may maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used and shall be signed by the purchaser.

53-180.07.
Minors; licensee charged with sale; defenses.
In any prosecution of or any proceeding against any licensee charged with having made a sale to a minor, proof of the following shall be an absolute defense to the charge:
(1)(a) The purchaser falsely represented in writing and supported with other documentary proof that he or she was of legal age to purchase alcoholic liquor;
(b) The appearance of such purchaser was such that an ordinary and prudent person would believe that such appearance conformed to any documentary description of appearance presented by the purchaser; and
(c) The seller was acting in good faith, in reliance upon the written representation, other documentary evidence, and the appearance of the purchaser, and in the belief the purchaser was of legal age to make such purchase; or
(2) The seller was acting with the knowledge of and in cooperation with a duly authorized law enforcement officer.

53-181.
Person eighteen years of age or younger; penalty; copy of abstract to Director of Motor Vehicles; possible alcohol overdose; actions authorized.
(1) Except as otherwise provided in subsections (3), (4), and (5) of this section, the penalty for violation of section53-180.02by a person eighteen years of age or younger shall be as follows:
(a) If the person convicted or adjudicated of violating such section has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:
(i) For the first offense, such person is guilty of a Class III misdemeanor and the court may, as a part of the judgment of conviction or adjudication, impound any such licenses or permits for thirty days and require such person to attend an alcohol education class;
(ii) For a second offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (A) impound any such licenses or permits for ninety days and (B) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend an alcohol education class; and
(iii) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (A) impound any such licenses or permits for twelve months and (B) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor; and
(b) If the person convicted or adjudicated of violating such section does not have a permit or license issued under the Motor Vehicle Operator's License Act:
(i) For the first offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of such order and (B) require such person to attend an alcohol education class;
(ii) For a second offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (B) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend an alcohol education class; and
(iii) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and (B) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a

licensed alcohol and drug counselor.
(2) A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections60-497.01to60-497.04.
(3) Subsection (1) of this section shall not apply if the person:
(a) Made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent after such violation of section53-180.02;
(b) Made the request for medical assistance under subdivision (a) of this subsection as soon as the emergency situation is apparent after such violation of section53-180.02; and
(c) When emergency medical assistance was requested for the possible alcohol overdose of another person:
(i) Remained on the scene until the medical assistance arrived; and
(ii) Cooperated with medical assistance and law enforcement personnel.
(4) The exception from criminal liability provided in subsection (3) of this section applies to any person who makes a request for emergency medical assistance and complies with the requirements of subsection (3) of this section.
(5) Subsection (1) of this section shall not apply to the person experiencing a possible alcohol overdose if a request for emergency medical assistance in response to such possible alcohol overdose was made by another person in compliance with subsection (3) of this section.
(6) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance with subsection (3), (4), or (5) of this section.

53-183.
Sale on credit
or for goods or services forbidden; exceptions.
(1)
No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered, and if any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law.
(2) Nothing in this section shall prevent:
(a) Any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club;
(b) Any hotel or restaurant holding a retail license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests; or
(c) Any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers.

53-184.
Sale only in original package; refilling forbidden; exception.
No person except a manufacturer or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor. It shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks, or other containers containing alcoholic liquor except in original packages. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale.

53-185.
Contract to sell for only one manufacturer or wholesaler; void.
No manufacturer or wholesaler shall enter into any contract with any person licensed to sell at retail whereby such licensee agrees not to sell any alcoholic liquor manufactured or distributed by any other manufacturer or wholesaler. Any provision in any contract which violates this section shall render the entire contract void, and no action shall be brought on such contract in any court.

53-186.
Consumption of liquor on public property;
forbidden; exceptions; license authorized.
(1) Except as provided in subsection (2) of this section or section60-6,211.08, it shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental

subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.
(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

53-186.01.
Consumption of liquor in public places; license required; exceptions; violations; penalty.
(1) It shall be unlawful for any person owning, operating, managing, or conducting any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act.
(2) It shall be unlawful for any person to consume alcoholic liquor in any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the act.
(3) This section shall not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under section60-6,211.08.
(4) Any person violating subsection (1) of this section shall, upon conviction thereof, be subject to the penalties contained in section53-1,100.
(5) Any person violating subsection (2) of this section shall be guilty of a Class III misdemeanor.

53-187.
Nonbeverage licensee forbidden to give or sell alcoholic liquor; violation; penalty.
No nonbeverage user shall sell, give away, or otherwise dispose of any alcoholic liquor, purchased under his or her license as such nonbeverage user, in any form fit for beverage purposes. Any nonbeverage user who violates this section shall pay to the commission, for the use of the General Fund, the sum of three dollars and seventy-five cents for each gallon of alcoholic liquor so diverted, and in addition thereto shall be subject to the penalties provided in section53-1,100.

53-190.
Premises violating law declared common nuisances.
All places where alcoholic liquor is sold or consumed in violation of any provision of section53-186.01shall be taken and held and are declared to be common nuisances and may be abated as such in the manner provided in the Nebraska Liquor Control Act.

53-192.
Transportation of liquor into state forbidden; when.
A person or common carrier shall not haul or transport alcoholic liquor, whether by boat, airplane, automobile, truck, or other conveyance, in or into this state, for sale, or for storage and sale in this state, upon which the required labeling or gauging fee, tax, duty, or license has not been paid. A person or common carrier shall not haul or transport alcoholic liquor, whether by boat, airplane, automobile, truck, or other conveyance, in or into this state, for personal use, unless the required labeling or gauging fee, tax, duty, or license has been paid, either in this state or the state where such alcoholic liquor was purchased.

53-192.01.
Wholesale licensee; purchases and imports; restrictions.
A holder of an alcoholic liquor wholesale license shall purchase and import all alcoholic liquor from a primary American source of supply. For purposes of this section, primary American source of supply shall mean the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product, or the manufacturer's or owner's agent, who, if such liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

53-194.03.
Transportation of liquor into state; forbidden; when; penalty.
(1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to transport, import, bring, ship, or cause to be transported, imported, brought, or shipped into the State of Nebraska for the personal use of the possessor, his or her family, or

guests a quantity of alcoholic liquor in excess of nine liters in any one calendar month.
(2) Subsection (1) of this section does not apply to a person importing alcoholic liquor from a holder of a retail direct sales shipping license or its equivalent, which alcoholic liquor is for personal use or for use by such personâ■■s family or guests, if the total amount imported by such person in any one calendar year does not exceed one hundred eight liters.
(3) Alcoholic liquor transported, imported, brought, or shipped into the State of Nebraska in violation of this section shall be seized by the commission and disposed of in the manner provided for contraband. Any person violating this section shall be guilty of a Class IV misdemeanor.

53-194.04.
Sale of confections or candy; license requirements; label.
No person, firm, or corporation shall sell or offer for sale any confections or candy that contains more than one-half of one percent alcohol rendered unfit for beverage purposes unless licensed under the Nebraska Liquor Control Act.
Any confections or candy sold in this state that contains more than one-half of one percent alcohol rendered unfit for beverage purposes shall bear a label containing the following statement: Sale of this product to persons under the legal age for purchasing alcoholic liquor is unlawful.

53-197.
Violations; peace
officer; duties; neglect of duty; penalty.
(1) Every sheriff, deputy
sheriff, police officer, marshal, or deputy marshal who knows or who is credibly
informed that any offense has been committed against any law of this state relating
to the sale of alcoholic liquor shall make complaint
against the person so offending within their respective jurisdictions to the
proper court, and for every neglect or refusal so to do, every such officer
shall be guilty of a Class V misdemeanor.
(2) Every sheriff,
deputy sheriff, police officer, marshal, or deputy marshal who knows or who
is credibly informed that any offense has been committed against any law of
this state relating to the sale of alcoholic liquor shall report such offense
in writing to the executive director of the commission (a) within thirty days
after such offense is committed, (b) within thirty days after such sheriff,
deputy sheriff, police officer, marshal, or deputy marshal is informed of
such offense, (c) within thirty days after the conclusion of an ongoing police
investigation, or (d) within thirty days after the verdict in a prosecution
related to such an ongoing police investigation if the prosecuting attorney
determines that reporting such violation prior to the verdict would jeopardize
such prosecution, whichever is later.

53-198.
Places operated in violation of act; declared common nuisances; violations; penalty.
Any room, house, building, boat, structure, or place of any kind where alcoholic liquors are sold, manufactured, bartered, or given away in violation of the Nebraska Liquor Control Act or where persons are permitted to resort for the purpose of drinking same in violation of the act, or any place where such liquors are kept for sale, barter, or gift in violation of the act, and all such liquors, and all property kept in and used in maintaining such a place, are each and all of them hereby declared to be a common nuisance. Any person who maintains or assists in maintaining such common nuisance shall be guilty of a violation of the act. If it is proved that the owner of any building or premises has knowingly suffered the same to be used or occupied for the manufacture, sale, or possession of alcoholic liquors contrary to the provisions of the act, such building or premises shall be subject to a lien for and may be sold to pay all fines and costs assessed against the occupant of such building or premises for any violation of the act. Such lien shall be immediately enforced by civil action in any court having jurisdiction by the county attorney of the county wherein such building or premises is located or by one of the assistant attorneys general assigned to the commission when directed by the commission.

53-199.
Nuisance; abatement; procedure; owner or lessee may give bond.
The Attorney General, any one of the assistant attorneys general assigned to the commission when directed by the commission, or the county attorney in the county where such nuisance exists or is kept or maintained may maintain an action by injunction, in the name of the State of Nebraska, to abate and temporarily or permanently to enjoin such nuisance. The court shall have the right to make temporary and final orders as in other injunction proceedings. The plaintiff shall not be required to give bond in such action, and upon final judgment against the defendant, such court shall also order that such room, house, building, structure, boat, or place of any kind shall be closed and padlocked for a period of not less than three months nor more than two years and until the owner,

lessee, tenant, or occupant thereof gives bond with sufficient surety to be approved by the court making the order, in the penal sum of not less than one thousand dollars, payable to the State of Nebraska and conditioned that no alcoholic liquors will thereafter be manufactured, possessed, sold, bartered, given away, furnished, or otherwise disposed of thereon or therein, or kept thereon or therein with intent to sell, barter, give away, or otherwise dispose of the same, contrary to the Nebraska Liquor Control Act, and that he or she and his or her surety will pay all fines and costs assessed for any violation of the act. If any condition of such bond is violated, the whole amount may be recovered as a penalty for the use of the State of Nebraska; and in such suit on the bond, both the principal and surety shall be joined as party defendants, and satisfaction may be had from either of them. In such action a notice to nonresident defendants may be given by publication as authorized by law under the code of civil procedure, or upon their agents for service in this state, if any.

53-1,100.
Violations; general penalties.
(1) Any person (a) who imports alcoholic liquor for distribution as a wholesaler or distributes or sells alcoholic liquor at any place within the state without having first obtained a valid license to do so under the Nebraska Liquor Control Act, (b) who manufactures alcoholic liquor other than spirits within the state without having first obtained a valid license to do so under the act, (c) who makes any false statement or otherwise violates any of the provisions of the act in obtaining any license under the act, (d) who, having obtained a license under the act, violates any of the provisions of the act with respect to the manufacture, possession, distribution, or sale of alcoholic liquor or with respect to the maintenance of the licensed premises, or (e) who violates any other provision of the act for which a penalty is not otherwise provided, shall for a first offense be guilty of a Class IV misdemeanor and for a second or subsequent offense shall be guilty of a Class II misdemeanor.
(2) Any person who manufactures spirits at any place within the state without having first obtained a valid license to do so under the act shall be guilty of a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.
(3) Each day any person engages in business as a manufacturer, wholesaler, retailer, or bottle club in violation of the act shall constitute a separate offense.
(4) In any prosecution in which a person is charged with an offense arising out of the failure to obtain a valid license as provided in subdivision (1)(a) or (b) or subsection (2) of this section, evidence of the failure of the accused to produce such license upon demand shall constitute prima facie proof that a license has not been issued by the commission to such person.

53-1,101.
Owner of premises or agent knowing of violations; penalty.
If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, knowingly permits the licensee to use such licensed premises in violation of the terms of the Nebraska Liquor Control Act, such owner, agent, or other person shall be deemed guilty of a violation of the act to the same extent as such licensee and be subject to the same punishment.

53-1,102.
Violations by agent or employee of licensee; deemed act of licensee, when.
Every act or omission of whatsoever nature constituting a violation of any of the provisions of the Nebraska Liquor Control Act by any officer, director, manager, or other agent or employee of any licensee, if such act is committed or omission is made with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of such employer or licensee, and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

53-1,103.
False branding; penalty.
Any person who knowingly possesses, sells, ships, transports, or in any way disposes of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of such alcoholic liquor or who causes any such act to be done shall forfeit to the state such alcoholic liquor and such packages and containers and shall be subject to the punishment and penalties provided for violation of the Nebraska Liquor Control Act.

53-1,104.
Violations by licensee; suspension,
cancellation, or revocation of license; cash penalty in lieu of suspending
sales; election authorized.
(1) Any licensee which sells
or permits the sale of any alcoholic liquor not authorized under the terms
of such license on the licensed premises or in connection with such licensee's
business or otherwise shall be subject to suspension, cancellation, or revocation
of such license by the commission.
(2) When an order suspending a license to sell alcoholic liquor becomes

final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. Except as otherwise provided in subsection (3) of this section, for the first such suspension for any licensee, the penalty shall be fifty dollars per day, and for a second or any subsequent suspension, the penalty shall be one hundred dollars per day.

(3)(a) For a second suspension for violation of section53-180or53-180.02occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed forty-eight hours and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty. For purposes of this subsection, second suspension for violation of section53-180shall include suspension for a violation of section53-180.02following suspension for a violation of section53-180and second suspension for violation of section53-180.02shall include suspension for a violation of section53-180following suspension for a violation of section53-180.02;

(b) For a third or subsequent suspension for violation of section53-180or53-180.02occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed fifteen days and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty. For purposes of this subsection, third or subsequent suspension for violation of section53-180shall include suspension for a violation of section53-180.02following suspension for a violation of section53-180and third or subsequent suspension for violation of section53-180.02shall include suspension for a violation of section53-180following suspension for a violation of section53-180.02; and

(c) For a first suspension based upon a finding that a licensee or an employee or agent of the licensee has been convicted of possession of a gambling device on a licensee's premises in violation of sections28-1107to28-1111, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for thirty days and that the licensee may not elect to pay a cash penalty. For a second or subsequent suspension for such a violation of sections28-1107to28-1111occurring within four years after the date of the first suspension, the commission shall order that the license be canceled.

(4) For any licensee which has no violation for a period of four years consecutively, any suspension shall be treated as a new first suspension.

(5) The election provided for in subsection (2) of this section shall be filed with the commission in writing one week before the suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. The commission shall remit all funds collected under this section to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(6) Recognizing that suspension of the license of a licensee domiciled outside of the state poses unique enforcement difficulties, the commission may, at its discretion, mandate that a licensee domiciled outside of the state pay the cash penalty found in subsection (2) of this section rather than serve the suspension.

53-1,105.
Sufficiency of charge of violation; sufficiency of proof.
In any indictment, information, affidavit, or complaint charging the violation of any of the provisions of the Nebraska Liquor Control Act, it shall be sufficient to charge that the accused unlawfully manufactured, sold, offered for sale, kept for sale, delivered, or otherwise unlawfully disposed of alcoholic liquor without any further or more specific description of such liquor, and proof of any kind of alcoholic liquor unlawfully manufactured, sold, offered for sale, kept for sale, delivered, or otherwise unlawfully disposed of shall be sufficient proof as to the character or kind of alcoholic liquor.

53-1,106.
Charge of violation; sufficiency of allegations; second offense; proof; former conviction.
In any indictment, information, complaint, or affidavit charging the violation of any of the provisions of the Nebraska Liquor Control Act, it shall not be necessary to allege the quantity or kind of such alcoholic liquor further than to allege that it was alcoholic liquor. In case of sale, keeping for sale, or delivering, it shall not be necessary to set out the name of the person to whom sale or delivery has been made. In any prosecution for a second offense, it shall not be necessary to state in the indictment, complaint, or affidavit the record of the former conviction, but it shall be sufficient briefly to allege such conviction. In any prosecution for an offense, no indictment, information, complaint, or affidavit shall state or allege and no consideration shall be given to the record of a former filing of an indictment, information, complaint, or affidavit, or the record of a former conviction, which is four years old or older. Proof of sale, delivery, or unlawful disposition of alcoholic liquor to any person not authorized by the act to purchase or receive the same shall be sufficient to sustain the allegation of unlawful sale, delivery, or disposition.

53-1,107.
Complaint, indictment, or information; contents; sufficiency.
In any indictment, information, complaint, or affidavit against any one or more individuals charging the violation of the Nebraska Liquor Control Act, separate offenses under the act may be joined in the same indictment, information, complaint, or affidavit and the accused may be prosecuted and convicted upon all or any of such counts so joined the same as upon separate indictments, information, complaint, or affidavits and judgment may be rendered on each count upon which there is a conviction. In any indictment, information, complaint, or affidavit for any violation of the act, it shall not be necessary to describe the place where the offense was committed except to allege that it was committed in the county wherein the prosecution was had unless the particular place where the violation occurred constitutes one of specific ingredients of the offense and it shall not be necessary to negative any of the exceptions contained in the act or to state the day or the hour when the offense was committed unless the day or hour constitutes a special element or ingredient of the offense.

53-1,108.
Search warrants issued on complaint; form.
Whenever complaint is made in writing, verified by affidavit, to any judge of any court having cognizance of criminal offenses, that complainant has just and reasonable grounds to believe and does believe that alcoholic liquor is manufactured, possessed, kept for sale, used, or transported in violation of the Nebraska Liquor Control Act, or any mash, still, or other property designed for the manufacture of alcoholic liquor is possessed in any premises which are not licensed under the act, particularly describing and designating such property in such complaint, the judge may issue a search warrant. No search warrant shall be necessary for the inspection or search of any premises licensed under the act. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process. Each complaint shall be substantially in the following form:
STATE OF NEBRASKA,))ss.COUNTY OF .....)
COMPLAINT FOR SEARCH WARRANT
The complaint and affidavit of ..... (name of complainant), of ..... (his or her residence), made before ..... (name of officer) one of the ..... (official title of officer), in and for ..... (county, city, or village, as the case may be), on this ..... day of ..... 20...., being first duly sworn, upon oath says: That he or she has just and reasonable grounds to believe, and does believe, that alcoholic liquor is now unlawfully (manufactured, possessed, used, disposed of, or kept for sale, or any mash, still, or other property designed for the illegal manufacture of alcoholic liquor is possessed therein, as the case may be), to wit: At and within a certain ..... (here describe the house, building, premises, boat, vehicle, receptacle, or other place to be searched, with particulars as to the location sufficiently to identify it, stating the name of the person occupying the same, if known), in the ..... (county, city, or village, as the case may be, of) ..... in the county and state aforesaid; that the following are the reasons for his or her belief, to wit: ..... (here insert the facts upon which such belief is based).
WHEREFORE he or she prays that a search warrant may issue according to law.
.....(Signature of complainant)
Subscribed and sworn to before me this ..... day of ..... 20.... .
.....(Name of officer).....(Official title of officer)

53-1,109.
Search warrants; contents; directed to peace officer.

If the judge before whom any such complaint is made is satisfied that there is reasonable cause for such belief, he or she shall issue a warrant directed to any peace officer having jurisdiction, commanding him or her to enter the house, building, premises, boat, vehicle, receptacle, or other place described and designated with particularity and to make diligent and careful search for alcoholic liquor manufactured, possessed, or kept for sale, contrary to the Nebraska Liquor Control Act, and if any such alcoholic liquor is found, to seize the same, together with the vessels containing the same, and all property, implements, furniture, and vehicles kept or used for the purpose of violating, or with which to violate any of the provisions of the act, and to bring the same and any and all persons, if there are any, in whose possession they are found, before the judge who issued the warrant or some other judge having cognizance of the case.

53-1,110.
Arrest of persons found violating act.
Nothing shall be construed to prevent any officer whose duty it is to make arrests from arresting with or without a warrant any person or persons found violating the Nebraska Liquor Control Act.

53-1,111.
Search warrants; search and seizure of property; sale; disposition of proceeds; arrests.
Upon the issuance of any search warrant pursuant to section53-1,108, it shall be the duty of the officers executing the same to enter the house, building, premises, boat, vehicle, receptacle, or other place described, either in the daytime or nighttime, by force if necessary and to remove and confiscate any alcoholic liquor manufactured, possessed, or kept for sale contrary to the terms of the Nebraska Liquor Control Act and any machinery, equipment, or material used in connection therewith and to hold such property until all prosecution arising out of such search and seizure shall have ended and determined. It shall be the duty of the officers executing such search warrant to arrest any person or persons found using or in possession or control of such alcoholic liquor, articles, or things. All alcoholic liquor unlawfully manufactured, stored, kept, sold, or otherwise disposed of, and the containers thereof, and all equipment used or fit for use in the manufacture or production of the same which are found at or about any still or outfit for the unlawful manufacture of alcoholic liquor on unlicensed premises are hereby declared contraband, and no right of property shall be or exist in any person owning, furnishing, or possessing any such property, liquor, material, or equipment, but all such property, articles, and things, including alcoholic liquor, shall be sold upon an order of the court as provided in section53-1,113, and the proceeds thereof shall be disposed of in the manner provided for the disposition of license money under the Constitution of Nebraska.

53-1,112.
Search warrant; return; form and contents.
Any officer executing a search warrant shall forthwith make his return thereon to the court or officer issuing such search warrant of the manner and date of his execution thereof, showing what, if anything, was seized and held by such search, together with the name of the owner or owners, if known, and shall attach to such return an accurate list or inventory of the articles and things so seized.

53-1,113.
Search warrant; sale of property seized; procedure; destruction, when required.
(1) It shall be the duty of the officer who has seized and is holding any of the property mentioned in section53-1,111to make application to the court on final determination of any prosecution arising under such search and seizure, and in which such prosecution has been commenced or prosecuted, for an order to sell such property. The court, if satisfied that the property so seized and held was at the time of its seizure being kept or used, or was fit for use in the unlawful manufacture or production of alcoholic liquor, shall make an order that (a) the commission dispose of any alcoholic liquor in accordance with the Nebraska Liquor Control Act and (b) any other property and effects be sold by such officer subject to the time, place, manner, and notice of such sale set by the order.
(2) Nothing contained in the Nebraska Liquor Control Act shall be considered to authorize the sale of any alcoholic liquor unlawfully manufactured fit for human consumption which comes into the possession of any officer or the commission by seizure, confiscation, or forfeiture under the provisions of the act without the payment of all taxes and inspection fees required by the laws of this state and of the United States, and all such unlawfully manufactured alcoholic liquor which is unfit for human consumption shall be destroyed.
(3) The commission shall destroy alcoholic liquor which is unfit for human consumption and may sell alcoholic liquor, when directed by order of the court, at the time, place, and manner the commission determines to be in the public interest and subject to the taxes and inspection fees required by the laws of this state and of the United States.

53-1,115.
Proceedings before commission; service upon parties; rehearings; costs.
(1) A copy of the rule, regulation, order, or decision of the commission denying an application or suspending, canceling, or revoking a license or of any notice required by any proceeding before it, certified under the seal of the commission, shall be served upon each party of record to the proceeding before the commission. Service upon any attorney of record for any such party shall be deemed to be service upon such party. Each party appearing before the commission shall enter his or her appearance and indicate to the

commission his or her address for such service. The mailing of a copy of any rule, regulation, order, or decision of the commission or of any notice by the commission, in the proceeding, to such party at such address shall be deemed to be service upon such party.
(2) Within thirty days after the service of any rule, regulation, order, or decision of the commission denying an application or suspending, canceling, or revoking any license upon any party to the proceeding, as provided for by subsection (1) of this section, such party may apply for a rehearing with respect to any matters determined by the commission. The commission shall receive and consider such application for a rehearing within thirty days after its filing with the executive director of the commission. If such application for rehearing is granted, the commission shall proceed as promptly as possible to consider the matters presented by such application. No appeal shall be allowed from any decision of the commission except as provided in section53-1,116.
(3) Upon final disposition of any proceeding, costs shall be paid by the party or parties against whom a final decision is rendered. Costs may be taxed or retaxed to local governing bodies as well as individuals. Only one rehearing referred to in subsection (2) of this section shall be granted by the commission on application of any one party.
(4) For purposes of this section, party of record means:
(a) In the case of an administrative proceeding before the commission on the application for a retail, bottle club, craft brewery, or microdistillery license:
(i) The applicant;
(ii) Each individual protesting the issuance of such license pursuant to subdivision (1)(b) of section53-133;
(iii) The local governing body if it is entering an appearance to protest the issuance of the license or if it is requesting a hearing pursuant to subdivision (1)(c) of section53-133; and
(iv) The commission;
(b) In the case of an administrative proceeding before a local governing body to cancel or revoke a retail, bottle club, craft brewery, or microdistillery license:
(i) The licensee; and
(ii) The local governing body; and
(c) In the case of an administrative proceeding before the commission to suspend, cancel, or revoke a retail, bottle club, craft brewery, or microdistillery license:
(i) The licensee; and
(ii) The commission.

53-1,116.
Appeal; procedure.
Any order or decision of the commission granting, denying, suspending, canceling, revoking, or renewing or refusing to suspend, cancel, revoke, or renew a license, special designated permit, or permit for the sale of alcoholic liquor, including beer, may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

53-1,119.
Local law, ordinance, resolution, or rule; penalty for drinking or intoxication; prohibited.
(1) No county, municipality, or other political subdivision may adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.
(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent subsection (1) of this section.

53-1,120.
Alcohol-related offenses; law, ordinance, resolution, or rule; effect.
(1) Nothing in sections53-1,119,53-1,120, and60-679shall affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.
(2) The fact that a person is intoxicated or incapacitated by alcohol shall not prevent such person from being arrested or prosecuted for the commission of any criminal act or conduct not enumerated in subsection (1) of this section.
(3) No provision of such sections shall prevent such person from being taken into custody under the provisions of the Nebraska Mental Health Commitment Act as an alcoholic person who presents the risks enumerated in section71-908.
(4) Nothing in sections53-1,119,53-1,120, and60-679shall be construed as a limitation upon the right of a police officer to make an otherwise legal arrest, even though the arrested person may be intoxicated or incapacitated by alcohol.

53-1,120.01.
County resolution or city ordinance prohibiting smoking; not applicable to cigar shops.
No county resolution or city ordinance that prohibits smoking in indoor areas shall apply to cigar shops.

53-1,121.

Law enforcement officer; intoxicated person; removal; civil protective custody; procedure; Department of Health and Human Services; limit on licensure actions.
(1) City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officer with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, or mental health substance use treatment center or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances for longer than twenty-four hours.
(2) The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.
(3) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.
(4) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.
(5) The Department of Health and Human Services shall not deny issuance or renewal of a license under the Health Care Facility Licensure Act to a mental health substance use treatment center on the basis that the mental health substance use treatment center utilizes locked rooms to provide civil protective custody services if the mental health substance use treatment center is otherwise in compliance with the applicable rules and regulations of the department and if a person placed into civil protective custody in the mental health substance use treatment center is not kept in a locked room after such person is no longer a danger to himself or herself or other patients or staff of the mental health substance use treatment center.
(6) For purposes of this section:
(a) Mental health substance use treatment center has the same meaning as in section71-423;
(b) Public property means any public right-of-way, street, highway, alley, park, or other state, county, or municipally owned property; and
(c) Quasi-public property means and includes private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

53-1,122.
Compliance checks; participation by minors; when.
In order to further the public policy of deterring minors from illegally obtaining or consuming alcoholic liquor, persons under twenty-one years of age may be authorized to assist duly authorized law enforcement officers to determine compliance with sections53-180and53-180.02. Such compliance checks shall be conducted pursuant to guidelines adopted and promulgated by the Nebraska State Patrol with input from the commission. Unless a person is an emancipated minor at least eighteen years of age, no person under twenty-one years of age shall be authorized to participate or assist law enforcement officers in such compliance checks without the written consent of his or her parents or legal guardian.

53-201.
Purpose of sections.
The purpose of sections53-201to53-223is to provide fair, efficient, and competitive distribution of beer by (1) regulating the termination, expiration, and renewal of distribution agreements between beer suppliers and beer wholesalers, (2) promoting a distribution system in which each beer wholesaler will devote reasonable efforts and resources to sales, distribution, and quality control of the beer it sells, (3) promoting the continued availability of good quality beer for the consumers of Nebraska through orderly marketing and vigorous interbrand competition, (4) preventing a beer supplier from unfairly depriving a beer wholesaler of the value of the investment the wholesaler made in its business in terms of money, time, effort, and skill, and (5) controlling the sale of malt beverages in this state and facilitating the lawful and orderly marketing of malt beverages pursuant to the police powers of this state.

53-202.
Definitions, where found.
For purposes of sections53-201to53-223, the definitions found in sections53-203to53-215shall be used.

53-203.
Advertising, defined.
Advertising shall mean the commercial use of media forms used to make consumers aware of or familiar with the supplier's trademark, trade name, logo, slogan, colors, signs, or product. The term media forms shall include, but not be limited to, television,

radio, newspaper, billboards, and point-of-sale signs produced by the supplier for use by the wholesaler. The terms promote, promotional, promotion, market, and marketing shall be considered separate and distinct from advertising in meaning and application.

53-204.
Agreement, defined.
Agreement shall mean any agreement between a wholesaler and a supplier, whether oral or written, by which a wholesaler is granted the right to purchase and sell a brand or brands of beer sold by a supplier.

53-205.
Ancillary business, defined.
Ancillary business shall mean a business owned by a wholesaler, by a substantial stockholder of a wholesaler, by a substantial partner of a wholesaler, or by a substantial member of a limited liability company, the primary business of which is directly related to the transporting, storing, or marketing of the brand or brands of beer of a supplier with whom the wholesaler has an agreement, or a business owned by a wholesaler, by a substantial stockholder of a wholesaler, by a substantial partner of a wholesaler, or by a substantial member of a limited liability company which recycles empty beverage containers.

53-206.
Control of a wholesaler's business, defined.
Control of a wholesaler's business shall mean that combination of ownership interests which legally or in practical effect has the power to determine the policies under which the wholesaler's business shall be operated and shall include, but not be limited to, any change of ownership of twenty-five percent or more interest in the wholesaler's business or any change in the form of business entity being utilized by the wholesaler, including, but not limited to, a change from a sole proprietorship to a corporation.

53-207.
Designated member, defined.
Designated member shall mean the spouse, child, grandchild, parent, brother, or sister of a deceased individual who owned an interest in a wholesaler who inherits the deceased individual's ownership interest under the terms of the deceased individual's will, who has otherwise succeeded the deceased individual in the wholesaler's business, or who inherits such ownership interest under the laws of intestate succession of this state. With respect to an incapacitated individual having an ownership interest in a wholesaler, the term shall mean the person appointed by the court as the conservator of such individual's property. The term shall also include the appointed and qualified personal representative and the testamentary trustee of a deceased individual having an ownership interest in a wholesaler.

53-208.
Good faith, defined.
Good faith shall mean honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

53-209.
Reasonable qualifications, defined.
Reasonable qualifications shall mean the standard of the reasonable criteria established and consistently used by the supplier for similarly situated Nebraska wholesalers that entered into, continued, or renewed an agreement with the supplier during a period of twenty-four months prior to the proposed transfer of the wholesaler's business or for similarly situated Nebraska wholesalers who have changed managers or designated managers during a period of twenty-four months prior to the proposed change in the manager or successor manager of the wholesaler's business.

53-210.
Retaliatory action, defined.
Retaliatory action shall include, but not be limited to, the refusal to continue an agreement or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith.

53-211.
Sales territory, defined.
Sales territory shall mean an area of exclusive sales responsibility for the brand or brands and quality thereof granted to a wholesaler by a supplier as designated in an agreement between them.

53-212.
Substantial stockholder, substantial partner, and substantial member, defined.
Substantial stockholder, substantial partner, or substantial member shall mean a stockholder of, partner in, or member of the wholesaler who owns fifty percent or more of the capital stock of a corporate wholesaler or of the partnership or the limited liability

company.

53-213.
Supplier, defined.
Supplier shall mean a manufacturer or importer of beer licensed by the State of Nebraska.

53-214.
Transfer of the wholesaler's business, defined.
Transfer of the wholesaler's business shall mean the voluntary sale, assignment, or other transfer (1) of all or control of the wholesaler's business, (2) of all or substantially all of the assets of the wholesaler, or (3) of all or control of the capital stock of the wholesaler, including the sale or other transfer of capital stock or assets by merger, consolidation, or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler.

53-215.
Wholesaler, defined.
Wholesaler shall mean a wholesaler of beer licensed by the State of Nebraska.

53-216.
Supplier; prohibited acts.
A supplier shall not:
(1) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains the entire agreement with the wholesaler and designates a specific, exclusive sales territory. Any agreement which is in existence on April 18, 1989, shall be renewed in a manner consistent with sections53-201to53-223, and the provisions of such sections may be incorporated by reference in the agreement. Nothing in such sections shall prevent a supplier from making a one-time appointment, for a period not to exceed ninety days, of a wholesaler to temporarily service a sales territory not designated to another wholesaler until such time as a wholesaler is appointed by the supplier. The wholesaler who is designated to service the sales territory during the period of temporary service shall not be in violation of such sections and, with respect to the temporary sales territory, shall not have any of the rights provided under sections53-218and53-220. The temporary service period may be extended beyond ninety days by the Nebraska Liquor Control Commission if justifiable circumstances exist as determined by the commission;
(2) Fix, maintain, establish, or unduly influence the price at which a wholesaler shall be required to sell any beer;
(3) Enter into an additional agreement with any other wholesaler for or to sell to any other wholesaler the same brand or brands of beer in the same sales territory or any portion thereof or to sell directly to any retailer in this state;
(4) Coerce or attempt to coerce any wholesaler to accept delivery of any beer or other commodity which has not been ordered by the wholesaler, except that a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to other similarly situated Nebraska wholesalers having an agreement with the supplier;
(5) Coerce or attempt to coerce any wholesaler to accept delivery of any beer or other commodity ordered by a wholesaler if the order was canceled by the wholesaler in accordance with acceptable procedures;
(6) Coerce or attempt to coerce any wholesaler to do any illegal act or to violate any law, rule, or regulation by threatening to amend, modify, cancel, terminate, or refuse to renew any agreement existing between the supplier and wholesaler;
(7) Require a wholesaler to assent to any condition, stipulation, or provision limiting the wholesaler's right to sell the brand or brands of beer or other products of any other supplier unless the acquisition of the brand or brands or products of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales, or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler. The supplier shall have the burden of proving that such acquisition of such other brand or brands or products would have such effect;
(8) Require a wholesaler to purchase one or more brands of beer or other products in order for the wholesaler to purchase another brand or brands of beer for any reason. A wholesaler that has agreed to distribute a brand or brands before April 18, 1989, shall continue to distribute the brand or brands in conformance with sections53-201to53-223;
(9) Require a wholesaler to submit audited profit and loss statements, audited balance sheets, or audited financial records as a condition of renewal or continuation of an agreement. A supplier may require profit and loss statements, balance sheets, or financial records which are certified by the wholesaler or an officer thereof;
(10) Coerce, compel, or require a wholesaler to provide or divulge specific information regarding the wholesaler's individual accounts or customers or his or her exclusive relationship with them or coerce, compel, or require a wholesaler to provide specific information concerning competitive brands;
(11) Use the threat of losing or withholding its credit as a means of compelling a wholesaler to standards of performance in any area of business except that area directly relating to credit;
(12) Withhold delivery of beer ordered by a wholesaler or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith;
(13) Require a wholesaler by any means directly to participate in or contribute to any local or national advertising fund controlled, directly or indirectly, by a supplier;

(14) Willfully discriminate, directly or indirectly, in price, programs, or terms of sale offered to franchisees if the effect of such discrimination may be to substantially lessen competition or to give to one holder of a franchise any economic, business, or competitive advantage not offered to all holders of the same or similar franchise. This subdivision shall not govern dock prices;
(15) Take any action against a wholesaler who files a complaint regarding an alleged violation by the supplier of a federal, state, or local law, rule, or regulation in retaliation for such complaint;
(16) Restrict or inhibit, directly or indirectly, the right of free association among wholesalers for any lawful purpose;
(17) Require or prohibit, without just cause, any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of or subsequent to April 18, 1989. If a wholesaler changes an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the reasonable qualifications for managers of Nebraska wholesalers of the supplier, which reasonable qualifications previously have been consistently applied to similarly situated Nebraska wholesalers by the supplier. The supplier shall have the burden of proving that such person fails to meet such reasonable qualifications and that the qualifications have been consistently applied to similarly situated Nebraska wholesalers;
(18) Upon written notice of intent to transfer the wholesaler's business, interfere with, prevent, or unreasonably delay for a period of sixty days or more the transfer of the wholesaler's business if the proposed transferee is a designated member; or
(19) Upon written notice of intent to transfer the wholesaler's business other than to a designated member, withhold consent to or approval of, or unreasonably delay for a period of sixty days or more after receipt of all material information reasonably requested of the wholesaler a response to a request by the wholesaler for, any transfer of a wholesaler's business if the proposed transferee meets the reasonable qualifications required by the supplier for similarly situated Nebraska wholesalers. The supplier shall have the burden of proving that the proposed transferee fails to meet such reasonable qualifications and that the qualifications have been consistently applied to similarly situated Nebraska wholesalers.

53-217.
Wholesaler; prohibited acts.
A wholesaler shall not:
(1) Fail to devote such efforts as are required in the agreement between the supplier and wholesaler within the supplier's designated sales territory relating to the sale and distribution of the supplier's brand or brands of beer which the wholesaler has been granted the right to sell or distribute;
(2) Sell or deliver beer to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of beer, except that during a period of temporary service interruption impacting a particular sales territory, a wholesaler who normally services the impacted sales territory shall file with the Nebraska Liquor Control Commission and give to the affected supplier written notice designating the specific wholesaler or wholesalers, not disapproved by the supplier, who will service the sales territory during the period of temporary service interruption and the approximate length of time of the service interruption. Each wholesaler designated to temporarily service a sales territory shall be a wholesaler who has a current agreement with a supplier for the brand or brands affected. When the temporary service interruption is over, the wholesaler who normally services the sales territory shall notify the commission, the supplier, and the wholesaler or wholesalers servicing the sales territory on a temporary basis of this fact in writing, and any wholesaler servicing the sales territory on a temporary basis shall cease servicing the sales territory upon receipt of the notice. A wholesaler who is designated to service a sales territory during a period of temporary service shall not be in violation of sections53-201to53-223and, with respect to the sales territory, shall not have any of the rights provided under sections53-218and53-220; or
(3) Transfer his or her business without giving the supplier written notice of intent to transfer the business and, when required by sections53-201to53-223, receiving the supplier's approval for the proposed transfer. Consent or approval from the supplier shall not be required for any transfer of the wholesaler's business to a designated member or any transfer of less than control of the wholesaler's business. The wholesaler shall give the supplier written notice of any change in ownership of the wholesaler.

53-218.
Supplier; agreements; prohibited acts; changes or termination; procedures; quality control; temporary service interruption.
(1) Notwithstanding any agreement and except as otherwise provided for in sections53-201to53-223, a supplier shall not amend or modify an agreement, cause a wholesaler to resign from an agreement, or cancel, terminate, fail to renew, or refuse to continue under an agreement unless the supplier has:
(a) Satisfied the applicable notice requirements of subsection (3) of this section;
(b) Acted in good faith; and
(c) Good cause for the amendment, modification, forced resignation, cancellation, termination, nonrenewal, or discontinuance.
(2) For each amendment, modification, cancellation, termination, nonrenewal, or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the amendment, modification, cancellation, termination, nonrenewal, or discontinuance.
(3) Notwithstanding any agreement and except as to new products and as otherwise provided in this section and in addition to the time limits set forth in subdivision (4)(e) of this section, the supplier shall furnish written notice of the amendment, modification, cancellation, termination, nonrenewal, or discontinuance of an agreement to the wholesaler not less than thirty days before the effective date of the amendment, modification, cancellation, termination, nonrenewal, or discontinuance. The notice shall be sent by

certified mail and shall contain:
(a) A statement of intention to amend, modify, cancel, terminate, not renew, or discontinue the agreement;
(b) A statement of the reason for the amendment, modification, cancellation, termination, nonrenewal, or discontinuance; and
(c) The date on which the amendment, modification, cancellation, termination, nonrenewal, or discontinuance shall take effect.
(4) Notwithstanding any agreement, good cause shall exist for the purposes of a cancellation, termination, nonrenewal, or discontinuance under subdivision (1)(c) of this section when:
(a) There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier;
(b) The supplier first acquired knowledge of the failure described in subdivision (a) of this subsection not more than twenty-four months before the date notification was given pursuant to subsection (3) of this section;
(c) The wholesaler was given notice by the supplier of failure to comply with the agreement within twenty-four months of such failure;
(d) The wholesaler was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits provided for in subdivision (e) of this subsection; and
(e) The wholesaler has been afforded thirty days in which to submit a plan of corrective action to comply with the agreement and an additional ninety days to cure such noncompliance in accordance with the plan.
(5) Notwithstanding subsections (1) and (3) of this section, a supplier may cancel, terminate, fail to renew, or discontinue an agreement immediately upon written notice given in the manner and containing the information required by subsection (3) of this section if:
(a) The wholesaler becomes insolvent, files or has filed against it a petition under any bankruptcy or receivership law, makes an assignment for the benefit of creditors, or is dissolved or liquidated and such action materially affects the wholesaler's ability to remain in business;
(b) The wholesaler's state or federal license is revoked or suspended by the appropriate regulatory agency and the wholesaler cannot service the wholesaler's sales territory for more than sixty-one days;
(c) The wholesaler or a partner, a member, or an individual who owns ten percent or more of the partnership, the limited liability company, or the stock of a corporate wholesaler has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the goodwill or interest of the wholesaler or supplier. An existing stockholder, partner, or member or a designated member shall have, subject to the provisions of sections53-201to53-223, the right to purchase the partnership interest, the limited liability company member interest, or the stock of the offending partner or stockholder, and if the sale is completed prior to conviction, the provisions of this subdivision shall not apply; or
(d) The supplier and wholesaler agree to a termination.
(6) Notwithstanding subsections (1), (3), and (4) of this section, upon not less than fifteen days' written notice given in the manner and containing the information required by subsection (3) of this section, a supplier may cancel, terminate, fail to renew, or discontinue an agreement if:
(a) There was intentional fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its producers. The supplier shall have the burden of proving intentional fraudulent conduct relating to a material matter on the part of the wholesaler;
(b) The wholesaler failed to confine its sales of a brand or brands to retailers in its designated sales territory. This subdivision shall not apply if there is a dispute between two or more wholesalers as to the boundaries of the assigned territory and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers;
(c) A wholesaler who has failed to pay for beer ordered and delivered in accordance with established terms with the supplier fails to make full payment within two business days after receipt of written notice of the delinquency and demand for immediate payment from the supplier;
(d) A wholesaler intentionally has made a transfer of the wholesaler's business, other than a transfer to a designated member or pursuant to a loan agreement or debt instrument, without prior written notice to the supplier and has failed, within thirty days from the receipt of written notice from the supplier of its intent to terminate on the ground of such transfer, to reverse the transfer of the wholesaler's business;
(e) A wholesaler intentionally has made a transfer of his or her business, other than a transfer to a designated member, although the wholesaler has prior to the transfer received from the supplier a timely notice of disapproval of the transfer in accordance with sections53-201to53-223; or
(f) The wholesaler intentionally ceases or ceases for a period of more than thirty-one days to carry on business with respect to any of the supplier's brand or brands previously serviced by a wholesaler in its sales territory designated by the supplier unless such cessation is due to a force beyond the control of the wholesaler or to a labor dispute and the wholesaler has made good faith efforts to overcome such events. This subdivision shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.
(7) Notwithstanding subsections (1), (3), (5), and (6) of this section, a supplier may cancel, terminate, not renew, or discontinue an agreement upon not less than thirty days' written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler. Nothing in this section shall prohibit a supplier from (a) upon not less than thirty days' written notice, discontinuing the distribution of any particular brand or package of beer or (b) conducting test marketing of a new brand of beer or of a brand of beer which is not currently being sold in this state if the supplier has notified the

Nebraska Liquor Control Commission in writing of its plans to test market. The notice to the commission shall describe the market area in which the test will be conducted, the name or names of the wholesaler or wholesalers who will be selling the beer, the name or names of the brand of beer being tested, and the period of time, not to exceed eighteen months, during which the testing will take place.
(8) Each wholesaler who sells beer to a retailer in this state shall service for the purpose of quality control all the beer it sells to that retailer. Each wholesaler shall, to the extent permitted by the Nebraska Liquor Control Act and the rules and regulations adopted and promulgated pursuant to such act:
(a) Rotate the beer it sold to a retailer no less frequently than may be specified from time to time by the brand owner so that beer produced first will be sold first;
(b) Clean and maintain tap equipment and provide related services as may be specified from time to time by the brand owner;
(c) Remove and replace with the same kind of beer any beer it sold to a retailer which has not been resold to a consumer within the time limits specified by the brand owner; and
(d) Provide whatever additional quality control services and comply with whatever additional quality control requirements are specified in writing from time to time by the brand owner, subject to the conditions that those services and requirements are reasonable and are reasonably related to promotion of quality control and that the wholesaler has received written notice of the services to be provided and the requirements to be satisfied and has been granted a reasonable time within which to comply.
(9) Except in the event of a temporary service interruption, a wholesaler shall not sell beer (a) to a retailer who does not have a location within the wholesaler's sales territory at which the retailer is entitled to resell beer to consumers or who the wholesaler knows or reasonably should know does not have a location within the wholesaler's sales territory at which the retailer is entitled to resell beer or (b) to any person who the wholesaler has reason to believe will sell or supply all or part of such beer to any retailer who does not have a location within the wholesaler's sales territory at which the retailer is entitled to resell beer. During a period of temporary service interruption impacting a particular wholesaler's sales territory, the wholesaler who normally services the sales territory shall file with the Nebraska Liquor Control Commission and serve on his or her suppliers a written notice stating that a temporary service interruption has occurred and indicating the anticipated duration of the temporary service interruption. After receiving such notice the supplier may designate another wholesaler or wholesalers to service the sales territory during the period of temporary service interruption. After the temporary service interruption, the wholesaler who normally services the sales territory shall file with the commission and serve on each wholesaler providing temporary service and each supplier a written notice stating that the temporary service interruption has ended. Each wholesaler providing temporary service shall cease servicing the sales territory after receiving such notice.

53-219.
Wholesaler's business; transfer; restrictions.
(1) Upon written notice of intent to transfer the wholesaler's business, any individual owning or personal representative of a deceased individual who owned an interest in a wholesaler's business may transfer the wholesaler's business to a designated member or to any other person who meets the reasonable qualifications required by the supplier for Nebraska wholesalers. The consent or approval of the supplier shall not be required of any transfer of the wholesaler's business, including the assignment of wholesaler's rights under the agreement, to a designated member except as provided in this subsection and shall not be withheld or unreasonably delayed to a proposed transferee other than a designated member who meets such reasonable qualifications. The supplier shall have the burden of proving that the proposed transferee fails to meet such reasonable qualifications and that the qualifications are consistently applied to Nebraska wholesalers by the supplier. A designated member or transferee shall not be qualified as a transferee without the written approval or consent of the supplier if such proposed transferee:
(a) Has been insolvent, has filed a voluntary or involuntary petition under any bankruptcy or receivership law, or has executed an assignment for the benefit of creditors;
(b) Has had a license issued under the Nebraska Liquor Control Act revoked or suspended for a period of sixty-one days or more;
(c) Has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the goodwill or interest of the wholesaler or supplier; or
(d) Has had an agreement involuntarily canceled, terminated, not renewed, or discontinued by a supplier for good cause.
(2) The supplier shall not interfere with, prevent, or unreasonably delay the transfer of the wholesaler's business, including an assignment of wholesaler's rights under the agreement, if the proposed transferee is a designated member or if the transferee other than a designated member meets the reasonable qualifications required by the supplier for Nebraska wholesalers. When the transferee is other than a designated member, the supplier may, in good faith and for good cause related to the reasonable qualifications, refuse to accept the transfer of the wholesaler's business or the assignment of wholesaler's rights under the agreement. The supplier shall have the burden of proving that it has acted in good faith and that there was good cause for failure to accept or consent to the transfer of the wholesaler's business or the assignment of wholesaler's rights under the agreement.

53-220.
Supplier; violations; compensation to wholesaler.
A supplier that, in violation of section53-218or53-219, (1) has amended, modified, canceled, terminated, or refused to renew any agreement, (2) has caused a wholesaler to resign from an agreement, or (3) has interfered with, prevented, or unreasonably delayed or, when required by sections53-201to53-223, has unreasonably withheld or unreasonably delayed consent to or approval of any

assignment or transfer of a wholesaler's business shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business, including any ancillary business which has been negatively affected by the act of the supplier. The value of the wholesaler's business or ancillary business shall include, but not be limited to, any goodwill. Nothing in such sections shall give rise to a claim against the supplier or wholesaler by any proposed purchaser of the wholesaler's business.

53-221.
Wholesaler; waiver of rights prohibited; dispute settlements.
A wholesaler may not waive any of the rights granted in sections53-201to53-223, and the provisions of any agreement which would have such an effect shall be null and void. Nothing in such sections shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

53-222.
Applicability of sections; transfer of business; effect on agreements.
(1) Sections53-201to53-223shall apply to agreements in existence on April 18, 1989, and agreements entered into or renewed after such date.
(2) A transferee of a wholesaler that continues in business as a wholesaler shall have the benefit of and be bound by all terms and conditions of the agreement with the supplier in effect on the date of the transfer. A transfer of a wholesaler's business which requires the supplier's consent or approval but is disapproved by the supplier shall be null and void.
(3) A successor to a supplier that continues in business as a supplier shall be bound by all terms and conditions of each distribution agreement that the predecessor was a party to at the time of transfer with respect to each brand the successor continues to make available for sale in this state.

53-223.
Civil actions authorized; damages; jurisdiction.
(1) If a supplier engages in conduct prohibited under sections53-201to53-223, a wholesaler with whom the supplier has an agreement may maintain a civil action against the supplier to recover actual damages reasonably incurred as the result of the prohibited conduct. If a wholesaler engages in conduct prohibited under such sections, a supplier with whom the wholesaler has an agreement may maintain a civil action against the wholesaler to recover actual damages reasonably incurred as the result of the prohibited conduct.
(2) A supplier who violates any provision of such sections shall be liable for all actual damages, all court costs, and, in the court's discretion, reasonable attorney's fees incurred by a wholesaler as a result of the violation. A wholesaler who violates any provision of such sections shall be liable for all actual damages, all court costs, and, in the court's discretion, reasonable attorney's fees incurred by the supplier as a result of the violation.
(3) A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to such sections.
(4) Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of such sections. If the court grants injunctive relief or issues a temporary restraining order, bond shall be posted.
(5) The remedies provided by such sections are not exclusive, and nothing contained in such sections shall abolish any cause of action or remedy available to the supplier or the wholesaler existing on April 18, 1989.
(6) Any legal action taken under such sections or relating to a dispute arising out of an agreement or breach thereof or over the provisions of an agreement shall be filed in a state or federal court located in Nebraska, which state court is located in, or which federal court has jurisdiction and venue of, the county in which the wholesaler maintains its principal place of business in this state.

53-301.
Nebraska Grape and Winery Board; created.
(1) The Nebraska Grape and Winery Board is created. The board shall consist of five members to be appointed by the Governor on a nonpartisan basis. All board members shall be (a) citizens of Nebraska, (b) at least twenty-one years of age, and (c) either engaged in or previously engaged in wine or grape production or research in this state. At least two board members shall be members of the Nebraska Winery and Grape Growers Association. In addition, the Director of Agriculture and the vice chancellor of the University of Nebraska Institute of Agriculture and Natural Resources or their designees shall be ex officio members of the board but shall have no vote in board matters.
(2) Whenever a vacancy occurs on the board for any reason, the Governor shall appoint an individual to fill such vacancy pursuant to the qualifications set forth in subsection (1) of this section.

53-302.
Board; officers; terms; expenses.
(1) Within thirty days after the appointment of the initial members of the Nebraska Grape and Winery Board, such board shall conduct its first regular meeting. During that meeting, the board members shall elect from among themselves, by majority vote, a chairperson, vice-chairperson, secretary, and treasurer, all to serve for terms of one year from the date of election. Subsequent board meetings shall take place at least once every six months and at such times as called by the chairperson or by any three board

members.
(2) Each board member shall serve for a term of three years, except that at the expiration of the terms of the members in 2021, the Governor shall appoint one member for a term of one year, two members for a term of two years, and two members for a term of three years, and their successors shall be appointed for a term of three years. Upon completion of a term, a member may, at the Governor's discretion, be reappointed.
(3) All voting board members shall be reimbursed for expenses as provided for in sections81-1174to81-1177while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board.
(4) A board member shall be removable by the Governor for cause. The board member shall first be given a written copy of the charges against him or her and also an opportunity to be heard publicly. In addition to all other causes, the failure of a board member to continue to meet any of the requirements for eligibility set out in section53-301shall be deemed sufficient cause for removal from office.

53-303.
Board; powers and duties.
The duties and responsibilities of the Nebraska Grape and Winery Board include, but are not limited to, the following:
(1) To establish a public forum whereby any producer of wine, grapes, or other wine-producing agricultural products has the opportunity, at least once annually, to discuss with the board its policy and procedures;
(2) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the board and to make these records available for examination upon request by members of the public;
(3) To authorize and approve the Department of Agriculture's expenditure of funds collected pursuant to section53-304;
(4) To serve as an advisory panel to the Nebraska Liquor Control Commission in all matters pertaining to the wine industry; and
(5) To adopt and promulgate rules and regulations to carry out sections53-301to53-305.

53-304.
Winery; payments required; Winery
and Grape Producers Promotional Fund; created; use; investment.
Each Nebraska winery shall pay to the Nebraska Liquor Control Commission twenty dollars for every one hundred sixty gallons of juice produced or received by its facility. Gifts, grants, or bequests may be received for the support of the Nebraska Grape and Winery Board. Funds paid pursuant to the charge imposed by this section and funds received pursuant to subsection (4) or (5) of section53-123.15and from gifts, grants, or bequests shall be remitted to the State Treasurer for credit to the Winery and Grape Producers Promotional Fund which is hereby created. For administrative purposes, the fund shall be located in the Department of Agriculture. All revenue credited to the fund pursuant to the charge imposed by this section and excise taxes collected pursuant to section2-5603and any funds received as gifts, grants, or bequests and credited to the fund shall be used by the department, at the direction of and in cooperation with the board, to develop and maintain programs for the research and advancement of the growing, selling, marketing, and promotion of grapes, fruits, berries, honey, and other agricultural products and their byproducts grown and produced in Nebraska for use in the wine industry. Such expenditures may include, but are not limited to, all necessary funding for the employment of experts in the fields of viticulture and enology, as deemed necessary by the board, and programs aimed at improving the promotion of all varieties of wines, grapes, fruits, berries, honey, and other agricultural products and their byproducts grown and produced in Nebraska for use in the wine industry.
Funds credited to the fund shall be used for no other purposes than those stated in this section and any transfers authorized pursuant to section2-5604. Any funds not expended during a fiscal year may be maintained in the fund for distribution or expenditure during subsequent fiscal years. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

53-305.
Board; annual report.
The Nebraska Grape and Winery Board shall make and publish an annual report on or before January 1 of each year, which report shall set forth in detail the following:
(1) The name and address of each board member and a copy of all rules and regulations adopted and promulgated by the board; and

(2) A detailed explanation of all programs for which the board approved funding that fiscal year, pursuant to section53-304, for the research, discovery, promotion, and development of programs for the growing, production, and marketing of Nebraska wines, grapes, fruits, berries, honey, and other agricultural products and their byproducts grown and produced in Nebraska for use in the wine industry.
Each annual report shall be presented to the Nebraska Liquor Control Commission within thirty days after its publication and made available also to any person who requests a copy. Except for the annual copy required by this section to be provided to the commission, the board may charge a nominal fee to cover the costs of printing and postage for making available copies of its annual reports.

53-401.
Act, how cited.
Sections53-401to53-409shall be known and may be cited as the Minor Alcoholic Liquor Liability Act.

53-402.
Purposes of act.
The purposes of the Minor Alcoholic Liquor Liability Act are to prevent intoxication-related traumatic injuries, deaths, and other damages and to establish a legal basis for obtaining compensation for persons suffering damages as a result of provision or service of alcoholic liquor to minors under circumstances described in the act.

53-403.
Terms, defined.
For
purposes of the Minor Alcoholic Liquor Liability Act:
(1) Alcoholic liquor has the definition found in section53-103.02;
(2) Intoxication means an impairment of a person's mental or physical faculties as a result of his or her use of alcoholic liquor so as to diminish the person's ability to think and act in the manner of a reasonably prudent person in full possession of his or her faculties using reasonable care under the same or similar circumstances;
(3) Licensee means a person holding a license issued under the Nebraska Liquor Control Act to sell alcoholic liquor at retail;
(4) Minor has the definition found in section53-103.23;
(5) Retailer means a licensee, any agent or employee of the licensee acting within the scope and course of his or her employment, or any person who at the time of the events leading to an action under the Minor Alcoholic Liquor Liability Act was required to have a license issued under the Nebraska Liquor Control Act in order to sell alcoholic liquor at retail;
(6) Service of alcoholic liquor means any sale, gift, or other manner of conveying possession of alcoholic liquor; and
(7) Social host means a person who knowingly allows consumption of alcoholic liquor in his or her home or on property under his or her control by one or more minors. Social host does not include (a) a parent providing alcoholic liquor to only his or her minor child and to no other minors or (b) a religious corporation, organization, association, or society, and any authorized representative of such religious corporation, organization, association, or society, dispensing alcoholic liquor as part of any bona fide religious rite, ritual, or ceremony.

53-404.
Cause of action authorized.
Any person who sustains injury or property damage, or the estate of any person killed, as a proximate result of the negligence of an intoxicated minor shall have, in addition to any other cause of action available in tort, a cause of action against:
(1) A social host who allowed the minor to consume alcoholic liquor in the social host's home or on property under his or her control;
(2) Any person who procured alcoholic liquor for the minor, other than with the permission and in the company of the minor's parent or guardian, when such person knew or should have known that the minor was a minor; or
(3) Any retailer who sold alcoholic liquor to the minor. The absolute defenses found in section53-180.07shall be available to a retailer in any cause of action brought under this section.

53-405.
Defense.

It shall be a complete defense in any action brought under the Minor Alcoholic Liquor Liability Act that the intoxication did not contribute to the negligent conduct.

53-406.
Limitation on cause of action.
No cause of action under the Minor Alcoholic Liquor Liability Act shall be available to the intoxicated person, his or her estate, or anyone whose claim is based upon injury to or death of the intoxicated person.

53-407.
Damages.
In an action under the Minor Alcoholic Liquor Liability Act, damages may be awarded for all actual damages, including damages for wrongful death, as in other tort actions.

53-408.
Statute of limitation.
Notwithstanding any other provision of law, any action under the Minor Alcoholic Liquor Liability Act shall be brought within four years after the occurrence causing the injury, property damage, or death.

53-409.
Effect of settlement and release; offset; joint and several liability; right of contribution.
(1) A plaintiff's settlement and release of one defendant in an action under the Minor Alcoholic Liquor Liability Act does not bar claims against any other defendant.
(2) The amount paid to a plaintiff in consideration for the settlement and release of a defendant in an action under the act shall be offset against all other subsequent judgments awarded to the plaintiff.
(3) The retailer, licensee, social host, person procuring alcoholic liquor for a minor, and minor who are defendants in an action brought under the act are jointly and severally liable in such action as provided in section25-21,185.10for those who act in concert to cause harm.
(4) In an action based on the act, the retailer, licensee, social host, person procuring alcoholic liquor for a minor, and minor shall have a right of contribution and not a right of subrogation from one another.

53-501.
Nebraska Craft Brewery Board; created; members; qualifications; vacancy.
(1) The Nebraska Craft Brewery Board is created. All board members shall be (a) citizens of Nebraska, (b) at least twenty-one years of age, and (c) either engaged in or previously engaged in the manufacture or the wholesale or retail sale of beer in this state or engaged or previously engaged in the production in this state of agricultural products that are utilized in the brewing process. The board shall consist of seven members to be appointed by the Governor on a nonpartisan basis. At least two board members shall be selected by the Governor from a list of no fewer than ten candidates submitted by the Nebraska Craft Brewers Guild or its successor organization. In addition, at least two board members shall be selected by the Governor from a list of no fewer than ten candidates submitted by the Associated Beverage Distributors of Nebraska or its successor organization. The Director of Agriculture or his or her designee and the executive director of the Nebraska Tourism Commission or his or her designee shall be nonvoting, ex officio members of the board.
(2) Whenever a vacancy occurs on the board for any reason, the Governor shall appoint an individual to fill such vacancy pursuant to the qualifications set forth in subsection (1) of this section.

53-502.
Nebraska Craft Brewery Board; meetings; members; terms; expenses; removal; procedure.
(1) Within thirty days after the appointment of the initial members of the Nebraska Craft Brewery Board, such board shall conduct its first regular meeting. During that meeting, the board members shall elect from among themselves, by majority vote, a chairperson, vice-chairperson, secretary, and treasurer, all to serve for terms of one year from the date of election. Subsequent board meetings shall take place at least once every six months and at such times as called by the chairperson or by any three board members.
(2) Each member shall serve for a term of three years, except that at the expiration of the terms of the members in 2022, the Governor shall appoint two members for a term of one year, two members for a term of two years, and three members for a term of three years, and their successors shall be appointed for a term of three years. Upon completion of a term, a member may, at the Governor's discretion, be reappointed.
(3) All voting members of the board shall be reimbursed for expenses incurred while engaged in the performance of official responsibilities as members of such board pursuant to sections81-1174to81-1177.
(4) A member may be removed by the Governor for cause. The member shall first be given a written copy of the charges against him or her and also an opportunity to be heard publicly. If a member moves out of Nebraska, that shall be deemed sufficient cause for removal from office.

53-503.
Nebraska Craft Brewery Board; powers and duties.
The Nebraska Craft Brewery Board has the following powers and duties:
(1) Establish a public forum to provide any manufacturer of beer or producer of agricultural products used in the brewing process the opportunity, at least once annually, to discuss with the board its policies and procedures;
(2) Keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the board and to make these records available for examination upon request by members of the public;
(3) Authorize and approve the expenditure of funds collected pursuant to section53-504;
(4) Serve as an advisory panel to the Nebraska Liquor Control Commission in all matters pertaining to the beer industry; and
(5) Adopt and promulgate rules and regulations to carry out sections53-501to53-505.

53-504.
Nebraska Beer Industry Promotional Fund; created; use; investment; holder of craft brewery license; annual fee; use.
(1) The Nebraska Beer Industry Promotional Fund is created. The fund shall consist of money credited pursuant to this section, fees received from shipping licenses issued to beer manufacturers pursuant to subsection (2) of section53-123.15, gifts, grants, bequests, and any money appropriated by the Legislature. For administrative purposes, the fund shall be located in the Department of Agriculture.
(2) Beginning July 1, 2016, in addition to the annual license fee imposed by section53-124.01, each holder of a craft brewery license shall pay an annual fee in the amount of two hundred fifty dollars to the Nebraska Liquor Control Commission or shall opt out of paying the additional fee on forms provided by the commission. Fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Nebraska Beer Industry Promotional Fund.
(3) The Department of Agriculture, at the direction of and in cooperation with the Nebraska Craft Brewery Board, shall use the Nebraska Beer Industry Promotional Fund to develop and maintain programs for the research and advancement of the beer brewing process, the marketing and promotion of the beer industry in Nebraska, and the marketing and promotion of agricultural products and their byproducts grown and produced in Nebraska for use in the beer industry. Such expenditures may include, but are not limited to, all necessary funding for the employment of experts in the field of beer brewing and business development, as deemed necessary by the board, and programs to carry out the purposes of this subsection. None of the money credited to the Nebraska Beer Industry Promotional Fund may be used for lobbying purposes.
(4) Money in the Nebraska Beer Industry Promotional Fund not expended during any fiscal year may be reappropriated for the ensuing biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

53-505.
Nebraska Craft Brewery Board; annual report; contents; fee.
(1) The Nebraska Craft Brewery Board shall publish an annual report on or before January 1 of each year which shall set forth in detail the following:
(a) The name and address of each board member and a copy of all rules and regulations adopted and promulgated by the board; and
(b) A detailed explanation of all programs for which the board approved funding during the most recently completed fiscal year pursuant to section53-504.
(2) Each annual report shall be presented electronically to the Nebraska Liquor Control Commission within thirty days after its publication and made available also to any person who requests a copy. Except for the annual copy required by this section to be provided to the commission, the board may charge a nominal fee to cover the costs of printing and postage for making available copies of its annual reports.