NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

Pete Ricketts, Governor

May 31, 2017

John Gale
Secretary of State
State of Nebraska
State Capitol Building Suite 2300
1445 K St.
Lincoln, NE 68508

FILED
JUN - 2 2017
SECRETARY OF STATE
By Bees Boesiger

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sec. Gale:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
P.O. Box 94699
301 Centennial Mall South
Lincoln, Nebraska 68509
OFFICE 402-471-9593
FAX 402-471-4828
dmv.nebraska.gov

FILED
JUN - 2 2017
By Bess Boesiger SECRETARY OF STATE

NOTICE OF PUBLIC HEARING and COMMENT PERIOD

NOTICE is hereby given that the Department of Motor Vehicles will hold a rulemaking amendment hearing on July 3, 2017, beginning at 1:30 p.m. in Conference Room "A", Lower Level , Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

THE PURPOSE of the hearing is to take testimony and evidence concerning the amendment of: TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.

The regulation will be amended to adopt statutory changes made by LB 865, 2016. This regulation affects persons who apply for handicapped parking tags. The proposal incorporates legislative changes enacted in LB 865, 2016, which amended the definition of handicapped to exactly match the federal rule governing handicapped tags and removed dates from the statutes that have already passed and are now archaic.

THIS RULE MAKING HEARING is being conducted under the Nebraska Administrative Procedures Act, Neb. Rev. Stat. § 84-907, et. seq. Draft copies of the proposed regulations are available for public examination at the Department of Motor Vehicles, Legal Division, 1st Floor State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509-4699 and at the office of the Secretary of State, Rules and Regulations Division, Room 1305, State Capitol, 1st Floor, Lincoln, Nebraska 68509-4608. A copy of the proposed rule will also be available for downloading from the Nebraska Secretary of State Website prior to the date of the hearing at: http://www.sos.state.ne.us .

There is no new FISCAL IMPACT upon the state or political subdivisions from these rules and regulations. A copy of the fiscal impact statement is available at the above addresses.

ALL INTERESTED PERSONS are invited to attend and testify at the hearing. Interested persons may prefer to submit written comments during the PUBLIC COMMENT PERIOD. The public comment period begins with the publication of this notice and will close at the time of the public hearing. Any written comment received prior to or at the public hearing shall be made part of the hearing record at the time of the hearing. Written comments should be addressed to Noelie Ackermann Sherdon, Department of Motor Vehicles, Legal Division, 1st Floor, State Office Building, 301 Centennial Mall South, Lincoln, NE 68509-4699 (fax 402-471-4828). Written comments may also be submitted by email to noelie.sherdon@nebraska.gov . Online comments may also be sent via the Secretary of State Webpage. Instructions for making on-line comments are located by accessing the www.sos.state.ne.us, selecting rules and regulations and clicking on Overview of Online Services. If auxiliary aids or reasonable accommodations are needed to review the drafts or participate in this process, please call the above at (402) 471-9593.

DATED: June 2, 2017

Rhonda K. Lahm, Director
Department of Motor Vehicles
State of Nebraska

Nebraska Administrative Regulation
Fiscal Impact Statement

Agency:	Department of Motor Vehicles	Prepared By:	Gary Ryken
Title:	248	Date Prepared:	24-Oct-16
Chapter:	5	Phone:	471-3902
Name:	**RULES AND REGULATIONS OF THE DEPARTMENT OF MOTOR VEHICLES GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, NEB.REV.STAT ss 18-1736 THROUGH 18-1742.**	Statement Status:	( ) Draft (X) Final

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increase Costs	( )	( )	( )
Decrease Costs	( )	( )	( )

Description of Impact:

NONE

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PROPOSED REGULATION
POLICY PRE-REVIEW CHECKLIST

Agency: **Department of Motor Vehicles**

Title, Chapter of Rules submitted: **Title 248 NAC Chapter 5**

Subject: Amended **RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Prepared by: **Noelie Sherdon, Legal Counsel**
Telephone: **402 471-4706**

A. Policy Changes and Impacts

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impact on state agencies, political subdivisions, and regulated persons or entities.

   This regulation affects persons who apply for handicapped parking tags. The proposal is to incorporate legislative changes enacted in LB 865, 2016 which amended the definition of handicapped and removed dates from the law that have already passed and are now archaic. A copy of the current rule is enclosed that has the proposed changes marked in red.

2. Describe changes being proposed to current policy and briefly provide rationale.

   The rule will incorporate the amended definition found in LB 865, 2016. The only rationale for this regulation change is to adopt the changes made by the legislation.

B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation –to reflect current policy (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.)
2. Annual changes - cost of living, hunting season schedules, etc.
3. Law was changed – federal___ or state **X_ LB 865, 2016.**
4. Extension of established policy or program, new initiatives or changes in policy (within statutory authority)
5. Constituent initiated.
6. Financial needs – increases/decreases in fees.
7. Litigation requires changes in rules.
8. Addresses legal or constitutional concerns of Attorney General's office.
9. Implements federal or court mandate.

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There will not be any impact on the number of state employees required to administer these regulations.

F. Unique problems or issues and recommendations. **None.**

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

DMV does not expect this rule to be challenged. There have been no contacts with organizations or citizens because all of the proposed rule changes are based on the enacted legislation.

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed.

No. This rule is not a candidate for negotiated rulemaking. The proposed changes are not complex and the amendment reflects changes made by the Legislature.

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulations' development, these questions have been accurately addressed.

Director's Signature Rhonda K. Lah Date 5 Dec 2016

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Sen. Dan Watermeier
Chairman of the Executive Board
Nebraska Unicameral Legislature
State Capitol Building Room 2108
Lincoln, Nebraska 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Watermeier:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
P.O. Box 94699
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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Justin Wayne
Chairman of the Urban Affairs Committee
State Capitol Building, Room 1212
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Wayne:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Matt Hansen
State Capitol Building, Room 1017
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Hansen:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Sue Crawford
State Capitol Building, Room 1016
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Crawford:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
P.O. Box 94699
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NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Sara Howard
State Capitol Building, Room 1012
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Howard:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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JUN 0 2 2017

NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Tyson Larson
State Capitol Building, Room 1019
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Larson:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Dan Quick
State Capitol Building, Room 1406
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Quick:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

May 31, 2017

Senator Merv Riepe
State Capitol Building, Room 1402
Lincoln, NE 68509

Re: Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Dear Sen. Riepe:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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JUN 0 2 2017

NEBRASKA

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DEPARTMENT OF MOTOR VEHICLES

To: Interested Parties
From: Noelie Ackermann Sherdon, DMV Legal Counsel
Date: May 31, 2017

Re: Proposed Amended Rule **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

Attached is a copy of the notice of public hearing and comment period **TITLE 248, CHAPTER 5 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF PARKING PERMITS FOR HANDICAPPED PERSONS, DISABLED PERSONS AND MOTOR VEHICLES USED FOR TRANSPORTING HANDICAPPED AND/OR DISABLED PERSONS, Neb.Rev.Stat. §§ 60-3,113.01 through 60-3,113.08.**

The amendment brings the regulation into harmony with statute. The regulation will be amended to adopt a statutory change made by LB 865, 2016. The bill harmonized statute with the exact definition of handicapped as in the federal code governing handicapped parking tags. The bill also removed dates in the law that have already passed and are archaic. The rules will adopt the changes made by LB 865. The Secretary of State will post the amended rules online at the Nebraska Secretary of State's web site pursuant to Neb.Rev.Stat.§ 84-906.03.

You may contact me at 402/471-4706 or at noelie.sherdon@nebraska.gov .

Sincerely,

Noelie Ackermann Sherdon

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
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JUN 0 2 2017

INTERESTED PARTIES:

Mark Intermill
Nebraska AARP
301 South 13th St Ste 200
Lincoln NE 68508

JUN 0 2 2017