

## **NOTICE OF PUBLIC HEARING and COMMENT PERIOD for TITLE 247 NAC 4**

NOTICE is hereby given that the Department of Motor Vehicles will hold a rulemaking repeal hearing on March 1, 2019, beginning at 9:15 AM in Room C, Lower Level of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

THE PURPOSE of the hearing is to take testimony and evidence concerning the repeal of: TITLE 247, Nebraska Administrative Code, Chapter 4 entitled *Rules and Regulations for Registration of Historical Vehicles and Issuance of Historical Plates and Model-Year License Plates Pursuant to Neb. Rev. Stat. §§ 60-3,130 through 60-3,134.*

These rules and regulations provide for registration of historical vehicles and issuance of historical and model-year license plates. The rules and regulations are redundant to existing statutes and unnecessary.

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, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509-4699 and at the office of the Secretary of State, Room 1305, State Capitol, Lincoln, Nebraska 68509-4608. A copy of the proposed rule will also be available at [www.sos.ne.gov](http://www.sos.ne.gov).

There is no new FISCAL IMPACT upon the state or political subdivisions from these rules and regulations.

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 Legal Division, Department of Motor Vehicles, State Office Building, 301 Centennial Mall South, Lincoln, NE 68509-4699 (fax 402-471-4828). Written comments may also be submitted on-line at [www.sos.ne.gov](http://www.sos.ne.gov). 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.

Rhonda Lahm, Director  
Department of Motor Vehicles  
State of Nebraska

**Nebraska Administrative Regulation  
Fiscal Impact Statement**

Agency: Department of Motor Vehicles

Title: 247

Chapter: 4

Name: **RULES AND REGULATIONS**

**GOVERNING THE DEPARTMENT OF MOTOR VEHICLES  
REGISTRATION OF HISTORICAL VEHICLES AND ISSUANCE  
OF HISTORICAL PLATES AND MODEL-YEAR LICENSE  
PLATES PURSUANT TO NEB. REV. STAT. 60-3,130 THROUGH  
60-3,134**

Prepared By:

Bart Moore

Date Prepared:

8/16/2018

Phone:

471-3902

Statement Status:

Draft

Final

**Type of Fiscal Impact:**

|                  | State Agency                        | Political Subdivision               | Regulated Public                    |
|------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| No Fiscal Impact | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Increase Costs   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Decrease Costs   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

**Description of Impact:**

NONE

~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 247, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 4~~

~~NEBRASKA DEPARTMENT OF MOTOR VEHICLES~~

~~RULES AND REGULATIONS FOR REGISTRATION OF HISTORICAL VEHICLES AND  
ISSUANCE OF HISTORICAL PLATES AND MODEL-YEAR LICENSE PLATES PURSUANT  
TO NEB. REV. STAT. §§ 60-3,130 THROUGH 60-3,134.~~

~~Last Filing Date:~~ \_\_\_\_\_

~~FINAL DATE~~

~~5/18/09~~

FINAL DATE  
5/18/09

~~NEBRASKA ADMINISTRATIVE CODE~~  
~~Nebraska Department of Motor Vehicles~~

~~247 NAC 4~~

~~RULES AND REGULATIONS FOR REGISTRATION OF HISTORICAL VEHICLES AND  
ISSUANCE OF HISTORICAL PLATES AND MODEL-YEAR LICENSE PLATES PURSUANT  
TO NEB. REV. STAT. §§ 60-3,130 THROUGH 60-3,134.~~

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| Application for Model-Year License Plates                                     | §§ 60-3,130.01, 60-3,130.04 | 003                 |
| Approved Applications   | § 60-3,130.01               | 006                 |
| Cancellation of Registration  | § 60-3,130.03               | 009                 |
| Definitions   | §§ 60-302 through 60-360    | 002                 |
| Historical Vehicles Exempt from Emission Controls                             | § 60-3,133                  | 012                 |
| Historical Vehicle Safety Equipment   | § 60-3,133                  | 013                 |
| Historical Vehicle Storage  | § 60-3,132                  | 011                 |
| Historical Vehicle Use  | § 60-3,131                  | 010                 |
| Historical Vehicle When Required to be Registered with Regular License Plates | § 60-3,134                  | 014                 |
| Scope   | § 60-3,130                  | 001                 |
| Submission and Inspection of Model-Year License Plates                        | § 60-3,130.04               | 004                 |
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| Unapproved Applications   | § 60-3,130.03               | 007                 |

~~FINAL DATE~~  
5/18/09

~~NEBRASKA ADMINISTRATIVE CODE~~  
~~Nebraska Department of Motor Vehicles~~

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~~RULES AND REGULATIONS FOR REGISTRATION OF HISTORICAL VEHICLES AND  
ISSUANCE OF HISTORICAL PLATES AND MODEL-YEAR LICENSE PLATES PURSUANT  
TO NEB. REV. STAT. §§ 60-3,130 THROUGH 60-3,134.~~

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| <u>Subject of Title</u>   | <u>Statutory Authority</u>  | <u>Code Section</u> |
|---|-----------------------------|---------------------|
| Scope   | § 60-3,130                  | 001                 |
| Definitions   | §§ 60-302 through 60-360    | 002                 |
| Application for Model-Year License Plates                                     | §§ 60-3,130.01, 60-3,130.04 | 003                 |
| Submission and Inspection of Model-Year License Plates                        | § 60-3,130.04               | 004                 |
| Application for Historical Plates   | § 60-3,130.01               | 005                 |
| Approved Applications   | § 60-3,130.01               | 006                 |
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| Historical Vehicle Use  | § 60-3,131                  | 010                 |
| Historical Vehicle Storage  | § 60-3,132                  | 011                 |
| Historical Vehicles Exempt from Emission Controls                             | § 60-3,133                  | 012                 |
| Historical Vehicle Safety Equipment   | § 60-3,133                  | 013                 |
| Historical Vehicle When Required to be Registered with Regular License Plates | § 60-3,134                  | 014                 |

FINAL DATE  
5/18/09

~~NEBRASKA ADMINISTRATIVE CODE~~  
Nebraska Department of Motor Vehicles

247 NAC 4

LAST EFFECTIVE DATE: ~~January 20, 1998.~~

~~RULES AND REGULATIONS FOR REGISTRATION OF HISTORICAL VEHICLES AND  
ISSUANCE OF HISTORICAL PLATES AND MODEL-YEAR LICENSE PLATES PURSUANT  
TO NEB. REV. STAT. §§ 60-3,130 THROUGH 60-3,134.~~

**001 SCOPE.**

~~**001.01 Applicability.** Provides for registration of historical vehicles and issuance of historical plates and model-year license plates for any vehicle thirty (30) or more years old at the time of application for registration pursuant to Neb. Rev. Stat. §§ 60-3,130 through 60-3,134.~~

~~**001.02** Historical plates and model-year license plates are available for motor vehicles and trailers which are thirty (30) or more years old and are essentially unaltered from the original manufacturer's specifications and, because of its significance, is being collected, preserved, restored, or maintained by a collector as a leisure pursuit.~~

**002 DEFINITIONS.**

~~**002.01 Application form** means a form prescribed and furnished by the Department which contains a description of vehicle owned and sought to be registered, including the make, body type, model, vehicle identification number, and year of manufacture. It shall also include 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. If the vehicle owned by the applicant is titled in the name of a company, proof that the applicant is the owner of that company shall be required. The application shall also include 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. Application forms may be obtained from the county official in each county at the office where motor vehicles are registered.~~

~~**002.02 Assembled vehicle** means a vehicle that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts. Its make shall be assembled, and its model year shall be the year in which the vehicle was assembled. Assembled vehicle also includes a specially constructed vehicle.~~

~~**002.03 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.~~

~~**002.04 Collector** means the owner of one (1) or more historical vehicles 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.~~

~~**002.05 Department** means the Department of Motor Vehicles, State of Nebraska.~~

~~**002.06 Historical plates** means contemporary license plates issued to a collector pursuant to Neb. Rev. Stat. § 60-3,130 for historical vehicle.~~

~~**002.07 Historical vehicle** means a motor vehicle or trailer thirty (30) or more years old which is essentially unaltered from the original manufacturer's specifications and, because of its significance, is being collected, preserved, restored, or maintained by a collector as a leisure pursuit in accordance with the terms of Neb. Rev. Stat. § 60-3,130.~~

~~**002.08 Kit vehicle** means a motor vehicle or trailer assembled by a person other than a generally recognized manufacturer of motor vehicles or trailers by the use of a replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. Kit vehicle does not include glider kits.~~

~~**002.09 Model-year license plates** means license plates designed by the State of Nebraska in the year corresponding to the model year when the vehicle was manufactured in lieu of the plates designed pursuant to Neb. Rev. Stat. § 60-3,130.03 subject to approval of the Department and which are to be used on a historical vehicle.~~

~~**002.10 Non-profit organization** means any organization as described in Neb. Rev. Stat. §§ 21-608 and 21-609.~~

~~**002.11 Original condition** means reconditioning, refurbishing, repainting, retouching or other restoration which does not alter or change the original official color and design of the model-year license plate for the year of issuance of the plate.~~

~~**002.12 Submission of a completed application for historical plates or model-year license plates** means delivery of all required application materials to the Department, as follows:~~

~~**002.12A** Delivery in person shall be at the Department offices, Driver and Vehicle Records Division on the First Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.~~

~~002.12B~~ Delivery by mail shall be to the Department of Motor Vehicles in care of Driver and Vehicle Records Division, P.O. Box 94789, Lincoln, NE 68509-4789. Applications submitted by mail must be accompanied by postage prepaid self-addressed return envelope. The Department will not be responsible for returning any submitted applications and/or plates not accompanied by a first class U.S. mail postage prepaid self-addressed return envelope.

~~003 APPLICATION FOR MODEL-YEAR LICENSE PLATES.~~ To register a historical vehicle and be issued model-year license plates, a collector shall submit all of the following to the satisfaction of the Department:

~~003.01~~ A completed application form, and proof of payment of required sales taxes, and certificate of insurance, and any proof of title. Such application form shall contain a signed affidavit stating the vehicle to be registered is thirty (30) or more years old and is being collected, preserved, restored, and maintained by the applicant as a hobby as provided in Neb. Rev. Stat. § 60-3,130.01. The year of the vehicle shall be determined by the year of the vehicle listed on the certificate of title.

~~003.02~~ Payment of a fee of fifty dollars (\$50.00) for each vehicle for the model-year license plates registration and a fee of twenty-five dollars (\$25.00) for each vehicle, except that if such vehicle or vehicles is currently registered with historical plates, the fifty dollar (\$50.00) fee paid for the historical plates for a vehicle will be credited to the application for the model-year license plates for that vehicle if the owner surrenders the historical plates and registration to the Department in order to re-register the vehicle with model-year license plates; and,

~~003.03~~ Payment of an initial processing fee of ten dollars (\$10.00) to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector; and,

~~003.04~~ If the applicant is other than a non-profit organization described in Neb. Rev. Stat. §§ 21-608 and 21-609, proof of ownership of one (1) or more registered vehicles with regular license plates which he or she uses for regular transportation must be submitted. If the vehicle used is for regular transportation is titled in the name of a company, proof that the applicant is the owner of the company will be required.

~~003.05~~ The actual model-year license plates for inspection in accordance with subsection 002.12 and section 004 of the rules and regulations.

~~003.06~~ Requests to change model-year license plate registrations:

~~003.06A~~ In addition to the application materials set forth in subsection 003.01, above, requests to change from one model-year license plate to another must be accompanied by the registration and "HISTORICAL" sticker (or as much of the sticker as can be salvaged) from the model-year license plate which is no longer going to be used.



~~003.06B~~ — Applications to change model-year license plates on a vehicle must be accompanied by a fee of three dollars and fifty cents (\$3.50). That fee is distributed as follows: one dollar and fifty cents (\$1.50) to the Department of Motor Vehicles' Cash Fund; one dollar and fifty cents (\$1.50) to the State Recreational Road Fund; and fifty cents (\$.50) to the Emergency Medical Services Fund.

~~004 SUBMISSION AND INSPECTION OF MODEL-YEAR LICENSE PLATES.~~ All applications for model-year license plates for registration of historical vehicles thirty (30) or more years old at the time of application shall be submitted to the Department for inspection in the manner provided in subsection 002.12 and 003 and 004 of these rules and regulations.

~~004.01~~ The Department will review all applications for completeness and compliance with statutory requirements and inspect the model-year license plates to determine if the submitted plates are legible and serviceable and that the license plate numbers do not conflict with other numbers assigned and in use. Only original Nebraska issued license plates will be considered.

~~004.02~~ — To be approved, plates must also conform with the following requirements, as applicable:

~~004.02A~~ Plates must have been designed by this state in the year corresponding to the model year when the vehicle was manufactured. An original issued license plate or plates restored to original condition may be used when approved by the Department. Plates which are recreated will not be approved.

~~004.02B~~ All letters, numbers, printing, writing, and other identification marks upon such plates shall be clear and distinct and free from grease, dust, or other blurring matter so that they may be plainly visible at all times during the daylight or under artificial light in the nighttime;

~~004.02C~~ Model-year license plates from 1915 through 1920 need only submit one (1) license plate matching the model year of the vehicle as vehicles were issued only one (1) plate during those years. Such plate shall be affixed to the rear of the vehicle.

~~004.02D~~ Model-year license plates from 1921 to the present may use the same number of plates as issued for the type of vehicle in the model year. Vehicles using and displaying two (2) plates shall have two (2) matching plates from the same county matching the model year of the vehicle. If only one (1) license plate is used on the vehicle, the license plate shall be displayed on the rear of the vehicle. When the owner of a historic vehicle has only one (1) model-year license plate, he or she may lawfully use one (1) plate even for vehicles manufactured after 1921.

~~004.02E~~ Model-year license plates from 1914 and prior years are not available because there were no state issued plates until 1915. No submissions for model years 1914 and before will be approved.

~~004.03~~ A list and description of model-year license plates issued by the State of Nebraska may be found on the Department's website at [www.dmv.ne.gov](http://www.dmv.ne.gov) or obtained by calling 402-471-3918.

~~005~~ **APPLICATION FOR HISTORICAL PLATES.** All applications for historical plates for registration of historical vehicles thirty (30) or more years old at the time of application shall be submitted pursuant to subsection 002.12 of these rules and regulations for review for completeness and compliance with statute and shall contain:

~~005.01~~ A completed application form, and any proof of title, and proof of payment of sales taxes, and certificate of insurance. Such application form shall contain a signed affidavit stating the vehicle to be registered is thirty (30) or more years old and is being collected, preserved, restored and maintained by the applicant as a hobby as provided in Neb. Rev. Stat. § 60-3,130.01; and

~~005.02~~ Payment of a fee of fifty dollars (\$50.00) for each vehicle pursuant to Neb. Rev. Stat. § 60-3,130.02. The year of the vehicle shall be determined by the year of the vehicle listed on the certificate of title; and

~~005.03~~ Payment of an initial processing fee of ten dollars (\$10.00) to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector; and

~~005.04~~ If the applicant is other than a non-profit organization described in Neb. Rev. Stat. §§ 21-608 and 21-609, proof of ownership of one (1) or more registered vehicles with regular license plates which he or she uses for regular transportation must be submitted. If the vehicle used is for regular transportation is titled in the name of a company, proof that the applicant is the owner of the company will be required; and

~~005.05~~ Upon selling or otherwise relinquishing ownership of a historical vehicle, a collector may transfer its registration and historical license plate to another historical vehicle in his or her possession upon payment of a fee of twenty-five dollars (\$25.00) and completion of the required application materials.

~~005.05A~~ Except as noted in subsection 005.05 of these rules and regulations, historical license plates cannot be switched from one vehicle to another. If title in a historical vehicle is sold, the new owner must obtain registration in his or her name and the historical plates originally registered to the vehicle by the seller are no longer valid.

~~005.06~~ Applications to change historical license plates on a vehicle must be accompanied by a fee of three dollars and fifty cents (\$3.50). That fee is distributed as follows: one dollar and fifty cents (\$1.50) to the Department of Motor Vehicles' Cash Fund; one dollar and fifty cents (\$1.50) to the State Recreational Road Fund; and fifty cents (\$.50) to the Emergency Medical Services Fund.

~~005.07~~ 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 plates unless it has been in existence for thirty (30) years or more. The age of the motor vehicle or trailer shall be calculated from the year reflected on the certificate of title.~~

**006 APPROVED APPLICATIONS.**

~~**006.01** Approved model-year license plates submitted to the Department for inspection will be returned to the collector with a decal "HISTORICAL" affixed to the plate by the Department, along with registration certificate and returned certificate of insurance.~~

~~**006.02** Approved historical plates shall be provided to the collector along with registration certificate and returned certificate of insurance.~~

**007 UNAPPROVED APPLICATIONS.**

~~**007.01** Unapproved application materials shall be returned to the collector/applicant by first class U.S. mail.~~

~~**007.02** An application shall not be approved if the application fails to comply with any part of these rules and regulations as may be applicable.~~

**008 TRANSFER OF TITLE.**

~~**008.01** Registration of historical vehicles with historical plates and model-year license plates are not transferable between owners/collectors when title to the vehicle is transferred.~~

~~**008.02** Upon transfer of title of any historical vehicle with historical plates or model-year license plates, the new owner/collector must submit a completed application for registration in his or her own name for the vehicle in accordance with the above rules and regulations.~~

**009 CANCELLATION OF REGISTRATION.**

~~**009.01** All prior registrations of an historical vehicle shall be cancelled upon notice to the Department that title to the historical vehicle has been transferred.~~

~~**009.02** Any such registration shall be cancelled by the Department if the check accompanying the application for fees is returned to the Department unpaid as an unfunded or no fund check.~~

~~**009.03** Any historical vehicle registration shall be cancelled if the Department becomes aware that the collector has failed to comply with the conditions of such registration and is using the vehicle for general purposes. Persons violating Neb. Rev. Stat. §§ 60-3,130, 60-3,131, 60-3,134 shall be guilty of a Class V misdemeanor upon conviction.~~

**010 HISTORICAL VEHICLE USE.**

~~**010.01** 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, 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 only be driven on the public streets and roads for servicing, test drives, public displays, parades, and related pleasure or hobby activities.~~

~~**010.02** For special events that are sponsored or in which participation is by organized clubs such historical vehicles may:~~

~~**010.02A** Transport passengers for hire only if any money received is to be used for club activities or to be donated to a charitable non-profit organization; and,~~

~~**010.02B** Haul other vehicles to and from such special events.~~

**011 HISTORICAL VEHICLES STORAGE.**

~~**011.01** 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. Such motor vehicles, trailers, and parts vehicles must be located away from ordinary public view or are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, opaque coverings, or other appropriate means.~~

**012 HISTORICAL VEHICLES EXEMPT FROM EMISSION CONTROLS.**

~~**012.01** 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 Neb. Rev. Stat. § 60-3,131.~~

~~**012.02** 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 control.~~

**013 HISTORICAL VEHICLE SAFETY EQUIPMENT.**

~~**013.01** Any safety equipment that was manufactured as part of the historical vehicle's original equipment must be in proper operating condition.~~

FINAL DATE  
5/18/09

Nebraska Department of Motor Vehicles

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**014 HISTORICAL VEHICLE WHEN REQUIRED TO BE REGISTERED WITH REGULAR LICENSE PLATES.**

**014.01** Any motor vehicle or trailer that qualifies as a historical vehicle which is used for the same general purposes as motor vehicles or trailers with regular license plates shall be required to be registered with regular license plates and shall be subject to the payment of the same taxes and fees required of motor vehicles or trailers with regular license plates.