

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. TNC-1
Public Service Commission, on)
its Own Motion, to Establish) ORDER AMENDING FORMS
Interim Policies for the) AND PROCEDURES
Implementation of LB 629 [2015])
pending Final Rulemaking.) Entered: April 19, 2016

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On June 16, 2015, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to establish interim policies for the implementation of LB 629 [2015] pending final rulemaking. In the Order opening the docket, the Commission adopted temporary procedures and forms related to the application for permit to operate as a transportation network company (TNC) in Nebraska, and the lienholder notification required by drivers who plan to use their personal vehicles that have a lien to provide transportation services with a TNC.

On August 5, 2015, a workshop was held to discuss comments received regarding the first set of proposed rules and regulations for TNCs released on June 16, 2015.¹ During the workshop, the parties discussed the lienholder notification requirement and the temporary form and procedures adopted in the June 16, 2015, Order in the present docket. Discussion included the possibility of implementing electronic filing of lienholder forms, what documents constitute acceptable proof of receipt from the lienholder, and whether notarization of the forms should be required.

Subsequent to the hearing, the Commission released a second set of proposed rules which made modifications to sections related to lienholder notification forms.² Specifically, the second proposed rules eliminated the requirement that lienholder forms be notarized, and required that the driver file a copy of

¹ See *In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 629 [2015] regarding regulation of Transportation Network Companies (TNC), Order Opening Docket, Seeking Comments and Scheduling Workshop* (June 16, 2015).

² See *In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 629 [2015] regarding regulation of Transportation Network Companies (TNC), Order Releasing Second Set of Rules, Seeking Comment and Scheduling Hearing* (Oct. 20, 2015).

the signed form and proof of receipt with the Commission prior to providing transportation service in connection with a TNC.³

Based on the discussions during the August 5, 2015, workshop and the changes adopted in the proposed rulemaking, the Commission finds that the temporary policy and form for lienholder notifications should be amended as follows:

1. Lienholder forms are required in the following instances:
 - a. New drivers to the TNC platform that have a lien on the vehicle to be used in connection with providing transportation services for the TNC;
 - b. Existing drivers on the TNC platform that acquire a lien on a vehicle to be used in connection with providing transportation services for the TNC; and
 - c. Any driver on the TNC platform that has filed a lienholder form and changes lienholders during the course of his or her employment as a driver with a TNC.
2. Lienholder notification forms must be signed by the driver, but do not need to be notarized prior to filing the form with the lienholder.
3. Acceptable proof of receipt of the lienholder form can be the original certified mail return receipt from the United States Postal Service or a certified letter from the lienholder institution.

The updated lienholder notification form, attached as Appendix A, should be approved. The updated lienholder notification form will be available for immediate use.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the amended policy and form proposed by Commission staff, attached hereto as Appendix A, is hereby approved.

³ *Id.*

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. TNC-1

Page 3

MADE AND ENTERED at Lincoln, Nebraska, this 19th day of April, 2016.

COMMISSIONERS CONCURRING:



//s//Frank E. Landis
//s//Crystal Rhoades
//s//Tim Schram

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman

ATTEST:



Deputy Director

LIENHOLDER NOTIFICATION FORM
Filing Procedure

1. All potential drivers for a transportation network company seeking to use a personal vehicle with a lien must submit a lienholder notification form as approved by the Nebraska Public Service Commission.
2. Drivers should download a lienholder notification form from the Nebraska Public Service Commission website: <http://psc.nebraska.gov> for use.
3. Lienholder notification forms must be completed by the intended driver and submitted to the driver's lienholder, such as a financial institution or individual. The driver must file the lienholder notification form with the lienholder no later than seven (7) days prior to providing transportation services in connection with a transportation network company.
4. The driver must file a copy of the completed lienholder notification form and proof of receipt from the lienholder by mail or by personal delivery to: Nebraska Public Service Commission, 1200 N Street, Ste. 300, Lincoln, NE 68508 or P.O. Box 94927, Lincoln, NE 68509-4927. Acceptable Proof of Receipt may be (i) the original certified mail return receipt or (ii) a signed, certified letter from the lienholder verifying receipt of the lienholder form from the driver.

**NEBRASKA PUBLIC SERVICE COMMISSION
P.O. BOX 94927
LINCOLN, NE 68509-4927
402-471-3101**

LIEN NOTIFICATION FORM

PROPOSED DRIVER INFORMATION	
Full Name:	
Address:	
City:	
State:	
Zip:	
Date of Birth:	
Last 4 Digits of SSN:	

VEHICLE INFORMATION	
Make:	
Model:	
Year:	
VIN:	
Full Name of Owner on Title/Lease:	

The Lien Holder listed below is hereby notified of the intention of the proposed driver to use the vehicle listed above to provide transportation services in Nebraska in connection with a transportation network company:

LIEN HOLDER INFORMATION	
Name of Financial Institution or Individual with Lien on Vehicle:	
Loan Number:	
Address:	
City:	
State:	
Zip Code:	

I attest that the information contained herein is true and correct to the best of my knowledge and belief.

Signature: _____

Date: _____

Instructions:

This form must be signed and delivered to the Lien Holder listed above. A copy of this signed form and either the certified mail return receipt notice or certified letter of receipt from the lienholder institution should be filed with the Nebraska Public Service Commission.