

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 629

Introduced by Mello, 5; Harr, 8; Howard, 9; Larson, 40; Lindstrom, 18;
Nordquist, 7.

Read first time January 21, 2015

Committee:

- 1 A BILL FOR AN ACT relating to transportation; to amend sections 75-304,
- 2 75-305, 75-306, 75-307, 75-309, 75-310, and 75-313, Reissue Revised
- 3 Statutes of Nebraska, and sections 75-109.01, 75-302, and 75-311,
- 4 Revised Statutes Cumulative Supplement, 2014; to provide for
- 5 regulation of transportation network companies; to change powers and
- 6 duties for the Public Service Commission; to define terms; to
- 7 provide for a fee; to create a fund; to harmonize provisions; and to
- 8 repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 75-109.01, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 75-109.01 Except as otherwise specifically provided by law, the
4 Public Service Commission shall have jurisdiction, as prescribed, over
5 the following subjects:

6 (1) Common carriers, generally, pursuant to sections 75-101 to
7 75-158;

8 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
9 Act and sections 89-1,104 to 89-1,108;

10 (3) Manufactured homes and recreational vehicles pursuant to the
11 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

12 (4) Modular housing units pursuant to the Nebraska Uniform Standards
13 for Modular Housing Units Act;

14 (5) Motor carrier registration and safety pursuant to sections
15 75-301 to 75-322, 75-369.03, 75-370, and 75-371 and sections 2 to 21 of
16 this act;

17 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
18 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
19 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
20 the provisions of the Major Oil Pipeline Siting Act, the provisions of
21 the Major Oil Pipeline Siting Act control;

22 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
23 74-1323, and 75-401 to 75-430;

24 (8) Telecommunications carriers pursuant to the Automatic Dialing-
25 Announcing Devices Act, the Emergency Telephone Communications Systems
26 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
27 Regulation Act, the Nebraska Telecommunications Regulation Act, the
28 Nebraska Telecommunications Universal Service Fund Act, the
29 Telecommunications Relay System Act, the Telephone Consumer Slamming
30 Prevention Act, and sections 86-574 to 86-580;

31 (9) Transmission lines and rights-of-way pursuant to sections 70-301

1 and 75-702 to 75-724;

2 (10) Water service pursuant to the Water Service Regulation Act; and

3 (11) Jurisdictional utilities governed by the State Natural Gas
4 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
5 provisions of the State Natural Gas Regulation Act, the provisions of the
6 State Natural Gas Regulation Act control.

7 Sec. 2. For purposes of the sections 75-301 to 75-322 and sections
8 2 to 21 of this act, unless the context otherwise requires:

9 (1) Application open stage means the time period from the moment a
10 participating driver logs on to the transportation network company's
11 online-enabled application or platform until the driver accepts a request
12 to transport a passenger and from the moment the driver completes the
13 transaction on the online-enabled application or platform or the
14 passenger exits the vehicle, whichever is later, until the driver either
15 accepts another ride request on the online-enabled application or
16 platform or logs off the online-enabled application or platform;

17 (2) Engaged stage means the time period from the moment a
18 participating driver accepts a ride request on the transportation network
19 company online-enabled application or platform until the driver completes
20 the transaction on the online-enabled application or platform or until
21 the passenger exits the vehicle, whichever is later;

22 (3) Insurance policy means a policy placed with an authorized
23 Nebraska insurer or with a surplus lines insurer pursuant to Chapter 44;

24 (4) Participating driver or driver means any person who uses a
25 vehicle in connection with a transportation network company's online-
26 enabled application or platform to connect with passengers;

27 (5) Passenger means a passenger in a personal vehicle for whom a
28 driver provides transportation and who is connected with a driver by a
29 transportation network company's online application or digital network;

30 (6) Passengers on board stage means the time period when there are
31 passengers in the vehicle pursuant to the driver's participation in a

1 transportation network company;

2 (7) Personal vehicle means a passenger car as defined in section
3 60-345 that a driver uses to provide services on a transportation network
4 company's online application or digital network;

5 (8) Service means the provision of transportation by a driver to a
6 passenger with whom a transportation network company matches the driver;

7 (9) Transportation network company means an organization, including
8 a corporation, limited liability company, partnership, sole proprietor,
9 or any other entity, operating in this state that provides prearranged
10 transportation services for compensation using an online-enabled
11 application or platform to connect passengers with participating drivers
12 using a personal vehicle; and

13 (10) Transportation network company insurance means an insurance
14 policy that expressly covers loss arising from a participating driver's
15 use of a personal vehicle in connection with a transportation network
16 company's online-enabled application or platform, including the following
17 coverages: Liability; uninsured motorist; and underinsured motorist.

18 Sec. 3. (1) No person shall operate a transportation network
19 company in Nebraska without first obtaining a permit from the commission.
20 The application for a permit shall be in writing, under oath, submitted
21 to the commission, and accompanied by the fee required under section
22 75-305. A duly authorized official of the applicant who possesses the
23 full power and authority to make binding representations on the
24 applicant's behalf shall subscribe to the oath on the application. The
25 application shall contain the following information:

26 (a) The legal name of the applicant;

27 (b) Any name under which the applicant will or does conduct business
28 in Nebraska;

29 (c) The applicant's primary business address and telephone number;

30 (d) A copy of the articles of organization or certificate to
31 transact business in Nebraska;

1 (e) The name, address, and telephone number of the applicant's
2 registered agent in Nebraska; and

3 (f) A statement that the applicant agrees to adhere to the statutes
4 of Nebraska and to the rules and regulations of the commission regulating
5 transportation network companies.

6 (2) The commission shall issue a permit to each transportation
7 network company that meets the requirements of sections 2 to 21 of this
8 act within thirty days after receiving a complete application. The
9 commission shall review the application for completeness and verify the
10 information submitted. If the commission finds any information incomplete
11 or inaccurate, the commission shall notify the applicant and give the
12 applicant the opportunity to complete the application.

13 Sec. 4. (1) Every transportation network company shall:

14 (a) Provide the commission with its email address and customer
15 service telephone number;

16 (b) Display for the passenger either a picture of the driver's
17 personal vehicle and a picture of the driver or the license plate number
18 of the driver's personal vehicle on the online application or digital
19 network that a transportation network company uses to connect drivers and
20 passengers;

21 (c) Maintain an agent for service of process in Nebraska;

22 (d) Maintain accurate and up-to-date records of all drivers
23 providing services on behalf of the transportation network company;

24 (e) Implement, enforce, and maintain a zero-tolerance policy on the
25 use of drugs or alcohol applicable to any driver providing service for
26 the transportation network company that prohibits a driver from using any
27 amount of drugs or alcohol while the driver is providing service;

28 (f) Maintain a web site that provides a customer service telephone
29 number or email address; and

30 (g) Establish a driver training program designed to ensure that each
31 driver safely operates his or her personal vehicle prior to the driver

1 being able to offer services on the transportation network company's
2 online application or digital network.

3 (2) A transportation network company shall not allow a driver to
4 provide service if the company finds the driver to be in violation of its
5 zero-tolerance policy required pursuant to subdivision (1)(e) of this
6 section or if the driver has not successfully completed driver training
7 pursuant to subdivision (1)(g) of this section. The transportation
8 network company shall provide on its web site and its online application
9 or digital network notice of the zero-tolerance policy and the procedures
10 to report a complaint about a driver with whom the passenger was matched
11 when the passenger reasonably suspects the driver was under the influence
12 of drugs or alcohol during the course of the prearranged ride period.
13 Upon receiving a complaint, a transportation network company shall
14 immediately suspend the driver against whom the complaint was issued and
15 conduct an investigation of the alleged violation. The suspension shall
16 last for the duration of the investigation.

17 Sec. 5. (1) A driver must possess a valid driver's license, proof
18 of registration, and proof of automobile liability insurance and be at
19 least twenty-one years of age.

20 (2) Prior to permitting a person to act as a driver, a
21 transportation network company shall obtain and review a national
22 criminal history record information check, including a driving history
23 report and a search of the national sex offender data base. A
24 transportation network company shall update each background check in
25 accordance with this section annually.

26 (3) A person who has four or more moving traffic violations or one
27 or more major traffic violations in the three years prior to the date of
28 the criminal background check shall not serve as a driver. For purposes
29 of this subsection, the following offenses shall constitute major traffic
30 violations:

31 (a) Failure to stop and report or render aid as required under

1 section 60-696 or 60-697;

2 (b) Reckless driving in violation of any city or village ordinance
3 or of sections 60-6,213, 60-6,214, or 60-6,217;

4 (c) Speeding of more than thirty-five miles per hour over the speed
5 limit; and

6 (d) Failure to yield to a pedestrian resulting in bodily injury to a
7 pedestrian.

8 (4) A person who has been convicted of or pled guilty or nolo
9 contendere to driving under the influence of drugs or alcohol in the
10 previous seven years in this state or any other state or territory prior
11 to the date of the criminal background check shall not serve as a driver.

12 (5) A person who has been convicted of or pled guilty or nolo
13 contendere to any offense involving fraud, unlawful sexual behavior, use
14 of a motor vehicle to commit a felony, a crime involving property damage,
15 theft, acts of violence, or acts of terror shall not serve as a driver.

16 Sec. 6. (1) A driver shall not provide a ride unless it is a
17 prearranged ride in which a driver is matched to a passenger through a
18 transportation network company's online application or digital network.

19 (2) A transportation network company may offer service for
20 compensation, no charge, or suggested compensation. A transportation
21 network company shall disclose the rates it uses to determine any
22 compensation or suggested compensation on its online application or
23 digital network.

24 (3) Upon completion of a prearranged ride period, a transportation
25 network company shall transmit an electronic receipt to the passenger's
26 email address or online application documenting the following:

27 (a) The point of origin and destination of the prearranged ride;

28 (b) The total duration and distance of the prearranged ride;

29 (c) The total amount paid, if any, including the base fare and any
30 additional charges incurred for distance traveled or duration of the
31 prearranged ride; and

1 (d) The driver's first name.

2 Sec. 7. (1) In order to be used under sections 2 to 21 of this act,
3 a personal vehicle shall be in compliance with the Motor Vehicle
4 Registration Act as required for a passenger car as defined in section
5 60-345.

6 (2) A transportation network company or a third party shall perform
7 an initial safety inspection on each vehicle prior to approving it for
8 use as a personal vehicle. The inspection shall include inspection of at
9 least the following components and such components shall be in good
10 working order:

11 (a) Foot brakes;

12 (b) Parking or emergency brakes;

13 (c) Steering mechanism;

14 (d) Windshield;

15 (e) Rear window and other glass;

16 (f) Windshield wipers;

17 (g) Headlights;

18 (h) Tail lights;

19 (i) Turn indicator lights;

20 (j) Stop lights;

21 (k) Front seat adjustment mechanism;

22 (l) The opening, closing, and locking capability of doors;

23 (m) Horn;

24 (n) Speedometer;

25 (o) Bumpers;

26 (p) Muffler and exhaust system;

27 (q) Tire conditions, including tread depth;

28 (r) Interior and exterior rear-view mirrors; and

29 (s) Safety belts for driver and passengers.

30 (3) Annually thereafter, a driver shall obtain such an inspection
31 and approval of the driver's personal vehicle in order to continue its

1 use as a personal vehicle. A driver shall maintain proof of the current
2 inspection.

3 (4) A transportation network company shall make the initial and
4 annual inspection reports available to the commission upon request.

5 Sec. 8. A transportation network company shall implement an anti-
6 discrimination policy that prohibits discrimination by any driver
7 providing service for the company on the basis of race, national origin,
8 religion, gender, gender identity, physical or mental disability, medical
9 condition, marital status, age, or sexual orientation and shall file the
10 policy with the commission.

11 Sec. 9. A transportation network company shall not require a driver
12 to sign an agreement not to compete with the company in order to be
13 matched with passengers through the company's digital network.

14 Sec. 10. The Transportation Network Company Regulation Cash Fund is
15 created. The commission shall use the fund to regulate transportation
16 network companies and enforce sections 2 to 21 of this act and the rules
17 and regulations adopted and promulgated by the commission under such
18 sections. The fund shall contain the fees remitted pursuant to section
19 75-305. Any money in the fund available for investment shall be invested
20 by the state investment officer pursuant to the Nebraska Capital
21 Expansion Act and the Nebraska State Funds Investment Act.

22 Sec. 11. A transportation network company shall disclose in writing
23 to participating drivers:

24 (1) The insurance coverage and limits of liability that the
25 transportation network company provides while the driver uses a motor
26 vehicle in connection with a transportation network company's online-
27 enabled application or platform; and

28 (2) That the driver's personal automobile insurance policy may not
29 provide coverage for damage to the motor vehicle used by the driver,
30 uninsured and underinsured motorist coverage, and other first-party
31 claims from the moment the driver logs on to the transportation network

1 company's online-enabled application or platform to the moment the driver
2 logs off the transportation network company's online-enabled application
3 or platform.

4 Sec. 12. (1) A transportation network company and a participating
5 driver shall maintain transportation network company insurance as
6 provided in this section, and unless otherwise specified, the following
7 requirements shall apply to transportation network company insurance
8 during the engaged stage and during the passenger on board stage:

9 (a) Primary liability coverage in the amount of at least five
10 hundred thousand dollars for death, personal injury, and property damage;
11 and

12 (b) Uninsured and underinsured motorist coverage for both the driver
13 and passengers in the amounts required by the Uninsured and Underinsured
14 Motorist Insurance Coverage Act.

15 (2) The requirements for the coverage required by this section may
16 be satisfied by any of the following:

17 (a) Transportation network company insurance maintained by a
18 participating driver;

19 (b) Transportation network company insurance maintained by a
20 transportation network company; or

21 (c) Any combination of subdivisions (2)(a) and (b) of this section.

22 (3) The insurer providing transportation network company insurance
23 under this section shall have the duty to defend and indemnify the
24 insured.

25 (4) An insurance policy required under sections 11 to 20 of this act
26 shall be placed with an authorized Nebraska insurer or with a surplus-
27 lines insurer pursuant to Chapter 44.

28 Sec. 13. (1) The following requirements shall apply to
29 transportation network company insurance during the application open
30 stage:

31 (a) Transportation network company insurance shall be primary and in

1 the amount of at least twenty-five thousand dollars for death and
2 personal injury per person, fifty thousand dollars for death and personal
3 injury per incident, twenty-five thousand dollars for property damage,
4 and two hundred thousand dollars in excess coverage; and

5 (b) Uninsured motorist coverage pursuant to the Uninsured and
6 Underinsured Motorist Insurance Coverage Act.

7 (2) The requirements for the coverage required by this section may
8 be satisfied by any of the following:

9 (a) Transportation network company insurance maintained by a
10 participating driver;

11 (b) Transportation network company insurance maintained by a
12 transportation network company that provides coverage in the event a
13 participating driver's insurance policy under subdivision (2)(a) of this
14 section has ceased to exist or has been canceled or the participating
15 driver does not otherwise maintain transportation network company
16 insurance pursuant to subdivision (2)(a) of this section; or

17 (c) Any combination of subdivisions (2)(a) and (b) of this section.

18 (3) The insurer providing transportation network company insurance
19 under this section shall be the only insurer having the duty to defend
20 any liability claim arising from an accident occurring within the time
21 periods specified in this section.

22 (4) A transportation network company may meet its obligations under
23 this section through a policy obtained by a participating driver pursuant
24 to subsection (1) of this section only if the transportation network
25 company verifies that the policy is maintained by the driver and
26 satisfies section 18 of this act.

27 Sec. 14. (1) A transportation network company may meet its
28 obligations under sections 2 to 21 of this act through an insurance
29 policy obtained by a participating driver only if the transportation
30 network company verifies that the insurance policy is maintained by the
31 driver and satisfies section 18 of this act.

1 (2) Coverage under a transportation network company insurance policy
2 shall not be dependent on a personal automobile insurance policy first
3 denying a claim nor shall a personal automobile insurance policy,
4 including a personal liability umbrella policy, be required to first deny
5 a claim.

6 (3) When transportation network company insurance maintained by a
7 participating driver to fulfill the insurance obligations of sections 2
8 to 21 of this act has lapsed or ceased to exist, the transportation
9 network company shall provide the coverage required by this section
10 beginning with the first dollar of a claim.

11 Sec. 15. Sections 2 to 21 of this act shall not limit the liability
12 of a transportation network company arising out of an automobile accident
13 involving a participating driver in any action for damages against a
14 transportation network company for an amount above the required insurance
15 coverage.

16 Sec. 16. Nothing in sections 2 to 21 of this act shall be construed
17 to require a private passenger automobile insurance policy to provide
18 primary or excess coverage during the period of time from the moment a
19 participating driver in a transportation network company logs on to the
20 transportation network company's online-enabled application or platform
21 until the driver logs off the online-enabled application or platform or
22 the passenger exits the motor vehicle, whichever is later.

23 Sec. 17. For insurance policies issued, renewed, or amended after
24 the effective date of this act, during the period of time from the moment
25 a participating driver in a transportation network company logs on to the
26 transportation network company's online-enabled application or platform
27 until the driver logs off the online-enabled application or platform or
28 the passenger exits the motor vehicle, whichever is later, all of the
29 following shall apply:

30 (1) The participating driver's or the motor vehicle owner's personal
31 automobile insurance policy shall not provide any coverage to the

1 participating driver, motor vehicle owner, or any third party unless the
2 policy expressly provides for that coverage during the period of time to
3 which this section is applicable, with or without a separate charge, or
4 the policy contains an amendment or endorsement to provide that coverage,
5 for which a separately stated premium is charged; and

6 (2) The participating driver's or the motor vehicle owner's personal
7 automobile insurance policy shall not have the duty to defend or
8 indemnify for the driver's activities in connection with the
9 transportation network company unless the policy expressly provides
10 otherwise for the period of time to which this section is applicable,
11 with or without a separate charge, or the policy contains an amendment or
12 endorsement to provide that coverage, for which a separately stated
13 premium is charged.

14 Sec. 18. Notwithstanding any other law, a personal automobile
15 insurer may, at its discretion, offer an automobile liability insurance
16 policy, or an amendment or endorsement to an existing policy, that covers
17 a private passenger motor vehicle, station wagon type vehicle, sport
18 utility vehicle, or similar type of motor vehicle with a passenger
19 capacity of eight persons or less, including the driver, while used in
20 connection with a transportation network company's online-enabled
21 application or platform only if the policy expressly provides for the
22 coverage during all or the defined portion of the time periods specified
23 in sections 12 and 13 of this act, with or without a separate charge, or
24 the policy contains an amendment or an endorsement to provide that
25 coverage, for which a separately stated premium may be charged.

26 Sec. 19. (1) In a claims coverage investigation, a transportation
27 network company or its insurer shall cooperate with insurers that are
28 involved in the claims coverage investigation to facilitate the exchange
29 of information, including the provision of dates and times at which an
30 accident occurred that involved a participating driver and the precise
31 times that the participating driver logged on and off the transportation

1 network company's online-enabled application or platform.

2 (2) All records, including electronic records, showing the time when
3 a driver has logged in as active or logged out as inactive on the
4 transportation network company's online-enabled application or platform,
5 and any data or reports with information about the motor vehicle's
6 involvement in a motor vehicle accident, that are maintained by the
7 transportation network company shall be maintained for a minimum of five
8 years after the date the loss is reported to the transportation network
9 company.

10 Sec. 20. A participating driver shall carry proof of transportation
11 network company insurance coverage with him or her at all times during
12 his or her use of a vehicle in connection with a transportation network
13 company's online-enabled application or platform. In the event of an
14 accident, a participating driver shall provide this insurance coverage
15 information to any other party involved in the accident and to a law
16 enforcement officer, upon request.

17 Sec. 21. The commission shall provide the Legislature with an
18 electronic annual report before December 31 of each year on the status of
19 the implementation of sections 2 to 20 of this act. The report shall
20 describe (1) the number of permits issued pursuant to section 3 of this
21 act, (2) a description of any revocation proceedings involving permits
22 issued under sections 2 to 20 of this act, and (3) any other information
23 in its possession that the commission believes will assist the
24 Legislature in evaluating the effectiveness of sections 2 to 20 of this
25 act. The report shall also address the question of the need for further
26 legislation to achieve the purposes of sections 2 to 20 of this act.

27 Sec. 22. Section 75-302, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 75-302 For purposes of sections 75-301 to 75-322 and sections 2 to
30 21 of this act and in all rules and regulations adopted and promulgated
31 by the commission pursuant to such sections, unless the context otherwise

1 requires:

2 (1) Attended services means an attendant or caregiver accompanying a
3 minor or a person who has a physical, mental, or developmental disability
4 and is unable to travel or wait without assistance or supervision;

5 (2) Carrier enforcement division means the carrier enforcement
6 division of the Nebraska State Patrol or the Nebraska State Patrol;

7 (3) Certificate means a certificate of public convenience and
8 necessity issued under Chapter 75, article 3, to common carriers by motor
9 vehicle;

10 (4) Civil penalty means any monetary penalty assessed by the
11 commission or carrier enforcement division due to a violation of Chapter
12 75, article 3, or section 75-126 as such section applies to any person or
13 carrier specified in Chapter 75, article 3; any term, condition, or
14 limitation of any certificate or permit issued pursuant to Chapter 75,
15 article 3; or any rule, regulation, or order of the commission, the
16 Division of Motor Carrier Services, or the carrier enforcement division
17 issued pursuant to Chapter 75, article 3;

18 (5) Commission means the Public Service Commission;

19 (6) Common carrier means any person who or which undertakes to
20 transport passengers or household goods for the general public in
21 intrastate commerce by motor vehicle for hire, whether over regular or
22 irregular routes, upon the highways of this state;

23 (7) Contract carrier means any motor carrier which transports
24 passengers or household goods for hire other than as a common carrier
25 designed to meet the distinct needs of each individual customer or a
26 specifically designated class of customers without any limitation as to
27 the number of customers it can serve within the class;

28 (8) Division of Motor Carrier Services means the Division of Motor
29 Carrier Services of the Department of Motor Vehicles;

30 (9) Highway means the roads, highways, streets, and ways in this
31 state;

1 (10) Household goods means personal effects and property used or to
2 be used in a dwelling, when a part of the equipment or supply of such
3 dwelling, and similar property as the commission may provide by
4 regulation if the transportation of such effects or property, is:

5 (a) Arranged and paid for by the householder, including
6 transportation of property from a factory or store when the property is
7 purchased by the householder with the intent to use in his or her
8 dwelling; or

9 (b) Arranged and paid for by another party;

10 (11) Intrastate commerce means commerce between any place in this
11 state and any other place in this state and not in part through any other
12 state;

13 (12) Licensed care transportation services means transportation
14 provided by an entity licensed by the Department of Health and Human
15 Services as a residential child-caring agency as defined in section
16 71-1926 or child-placing agency as defined in section 71-1926 or a child
17 care facility licensed under the Child Care Licensing Act to a client of
18 the entity or facility when the person providing transportation services
19 also assists and supervises the passenger or, if the client is a minor,
20 to a family member of a minor when it is necessary for agency or facility
21 staff to accompany or facilitate the transportation in order to provide
22 necessary services and support to the minor. Licensed care transportation
23 services must be incidental to and in furtherance of the social services
24 provided by the entity or facility to the transported client;

25 (13) Motor carrier means any person other than a regulated motor
26 carrier who or which owns, controls, manages, operates, or causes to be
27 operated any motor vehicle used to transport passengers or property over
28 any public highway in this state;

29 (14) Motor vehicle means any vehicle, machine, tractor, trailer, or
30 semitrailer propelled or drawn by mechanical power and used upon the
31 highways in the transportation of passengers or property but does not

1 include any vehicle, locomotive, or car operated exclusively on a rail or
2 rails;

3 (15) Permit means a permit issued under Chapter 75, article 3, to
4 contract carriers by motor vehicle;

5 (16) Person means any individual, firm, partnership, limited
6 liability company, corporation, company, association, or joint-stock
7 association and includes any trustee, receiver, assignee, or personal
8 representative thereof;

9 (17) Private carrier means any motor carrier which owns, controls,
10 manages, operates, or causes to be operated a motor vehicle to transport
11 passengers or property to or from its facility, plant, or place of
12 business or to deliver to purchasers its products, supplies, or raw
13 materials (a) when such transportation is within the scope of and
14 furthers a primary business of the carrier other than transportation and
15 (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply
16 to private carriers;

17 (18) Regulated motor carrier means any person who or which owns,
18 controls, manages, operates, or causes to be operated any motor vehicle
19 used to transport passengers, other than those excepted under section
20 75-303, or household goods over any public highway in this state;

21 (19) Residential care means care for a minor or a person who is
22 physically, mentally, or developmentally disabled who resides in a
23 residential home or facility regulated by the Department of Health and
24 Human Services, including, but not limited to, a foster home, treatment
25 facility, residential child-caring agency, or shelter;

26 (20) Residential care transportation services means transportation
27 services to persons in residential care when such residential care
28 transportation services and residential care are provided as part of a
29 services contract with the Department of Health and Human Services or
30 pursuant to a subcontract entered into incident to a services contract
31 with the department; ~~and~~

1 (21) Supported transportation services means transportation services
2 to a minor or for a person who is physically, mentally, or
3 developmentally disabled when the person providing transportation
4 services also assists and supervises the passenger or transportation
5 services to a family member of a minor when it is necessary for provider
6 staff to accompany or facilitate the transportation in order to provide
7 necessary services and support to the minor. Supported transportation
8 services must be provided as part of a services contract with the
9 Department of Health and Human Services or pursuant to a subcontract
10 entered into incident to a services contract with the department, and the
11 driver must meet department requirements for (a) training or experience
12 working with minors or persons who are physically, mentally, or
13 developmentally disabled, (b) training with regard to the specific needs
14 of the client served, (c) reporting to the department, and (d) age.
15 Assisting and supervising the passenger shall not necessarily require the
16 person providing transportation services to stay with the passenger after
17 the transportation services have been provided; and -

18 (22) Transportation network company has the definition found in
19 section 3 of this act. A transportation network company shall not own,
20 control, operate, or manage drivers' personal vehicles.

21 Sec. 23. Section 75-304, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 75-304 (1) The commission may establish such just and reasonable
24 classifications of groups of carriers, included in the terms common
25 carrier and contract carrier, as the special nature of the services
26 performed by such carriers require and adopt and promulgate such just and
27 reasonable rules, regulations, and requirements, to be observed by the
28 carrier so classified or grouped, as the commission deems necessary or
29 desirable in the public interest and as are consistent with the
30 provisions of sections 75-301 to 75-322. All certificates and permits
31 issued by the commission shall be construed and interpreted, and the

1 operations authorized thereunder shall be tested and determined, in
2 accordance with such classification so established and any rule,
3 regulation, or requirement prescribed by the commission relating to such
4 carrier so classified.

5 (2) The commission shall adopt and promulgate rules and regulations
6 to carry out sections 2 to 21 of this act. The rules and regulations
7 found in chapter 3 of title 291 of the Nebraska Administrative Code shall
8 not apply to transportation network companies. If there is any conflict
9 between sections 75-301 to 75-322 and sections 2 to 21 of this act
10 regarding the regulation of transportation network companies, the
11 provisions of sections 2 to 21 of this act shall apply.

12 Sec. 24. Section 75-305, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-305 (1) Every regulated motor carrier subject to sections 75-301
15 to 75-322 other than transportation network companies shall pay an annual
16 fee not exceeding the sum of eighty dollars for each motor vehicle
17 operated, which fee shall be fixed by the commission and shall not exceed
18 the amount actually necessary to sustain the administration and
19 enforcement of such sections. When the applicant has registered his or
20 her motor vehicles under section 60-3,198, such fee shall be payable on
21 whichever shall be the lesser of (a 1) the proportion of his or her fleet
22 so registered or (b 2) the number of motor vehicles owned by him or her
23 and actually used in intrajurisdiction business within this state, except
24 that such annual fee for any truck-trailer or tractor-trailer combination
25 shall be one hundred twenty dollars. In the case of a truck-trailer or
26 tractor-trailer combination, only one license plate shall be required for
27 such combination.

28 (2) Every transportation network company shall pay an annual fee.
29 The company may choose to pay either twenty thousand dollars or not to
30 exceed eighty dollars for each personal vehicle operated by a driver of
31 the transportation network company. The commission shall establish the

1 amount per vehicle so that the amount collected does not exceed the
2 amount actually necessary to sustain the administration and enforcement
3 of laws, rules, and regulations governing transportation network
4 companies.

5 (3) Such annual fees shall be due and payable on or before January 1
6 and shall be delinquent on March 1 of each year after such permit or
7 certificate has been issued. If the initial certificate or permit is
8 issued to a motor carrier on or after July 1, the fee shall be fifty
9 percent of the annual fee. Such fees shall be paid to and collected by
10 the commission and remitted to the State Treasurer within thirty days of
11 receipt. The State Treasurer shall credit fees received pursuant to
12 subsection (2) of this section to the Transportation Network Company
13 Regulation Cash Fund for enforcement of laws, rules, and regulations
14 governing transportation network companies. The State Treasurer shall
15 credit fees received pursuant to subsection (1) of this section for
16 credit to the General Fund.

17 Sec. 25. Section 75-306, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 75-306 Receipt for the payment of annual fees shall be issued by the
20 commission. The commission shall issue sufficient license plates and
21 renewal tabs to any regulated motor carrier who is in compliance with
22 sections 75-301 to 75-322 and the rules and regulations of the
23 commission, except contract carriers operating pursuant to section
24 75-303.01 and transportation network companies, for the purpose of
25 identification of regulated motor carriers subject to such sections
26 75-301 to 75-322 and to distinguish those regulated motor carriers from
27 other commercial motor carriers not subject to such sections. The
28 Director of Motor Vehicles shall prepare a form of license plate and
29 renewal tab for such regulated motor carriers and furnish a sufficient
30 supply of them to the commission.

31 Sec. 26. Section 75-307, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 75-307 (1) Certificated intrastate motor carriers, including common
3 and contract carriers, shall comply with reasonable rules and regulations
4 prescribed by the commission governing the filing with the commission,
5 the approval of the filings, and the maintenance of proof at such
6 carrier's principal place of business of surety bonds, policies of
7 insurance, qualifications as a self-insurer, or other securities or
8 agreements, in such reasonable amount as required by the commission,
9 conditioned to pay, within the amount of such surety bonds, policies of
10 insurance, qualifications as a self-insurer, or other securities or
11 agreements, any final judgment recovered against such motor carrier for
12 bodily injuries to or the death of any person resulting from the
13 negligent operation, maintenance, or use of motor vehicles under such
14 certificate or permit or for loss or damage to property of others. No
15 certificate or permit shall be issued to a common or contract carrier or
16 remain in force unless such carrier complies with this section and the
17 rules and regulations prescribed by the commission pursuant to this
18 section.

19 (2) The commission may, in its discretion and under its rules and
20 regulations, require any certificated carrier to file a surety bond,
21 policies of insurance, qualifications as a self-insurer, or other
22 securities or agreements, in a sum to be determined by the commission, to
23 be conditioned upon such carrier making compensation to shippers or
24 consignees for all property belonging to shippers or consignees and
25 coming into the possession of such carrier in connection with its
26 transportation service. Any carrier which may be required by law to
27 compensate a shipper or consignee for any loss, damage, or default for
28 which a connecting motor common carrier is legally responsible shall be
29 subrogated to the rights of such shipper or consignee under any such
30 bond, policies of insurance, or other securities or agreements to the
31 extent of the sum so paid.

1 (3) In carrying out this section, the commission may classify motor
2 carriers and regulated motor carriers taking into consideration the
3 hazards of the operations of such carriers and the value of the household
4 goods carried. Nothing contained in this section shall be construed to
5 authorize the commission to compel motor carriers other than common
6 carriers of household goods to carry cargo insurance.

7 (4) This section does not apply to transportation network companies.

8 Sec. 27. Section 75-309, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 75-309 Except for operations pursuant to a contract authorized by
11 sections 75-303.01 and 75-303.02, it shall be unlawful for any common or
12 contract carrier by motor vehicle subject to the provisions of sections
13 75-101 to 75-155 and 75-301 to 75-322 to engage in any intrastate
14 operations on any public highway in Nebraska unless there is in force
15 with respect to such common carrier a certificate of public convenience
16 and necessity, ~~or~~ a permit to such contract carrier, or a permit to a
17 transportation network company under section 3 of this act, issued by the
18 commission which authorizes such operations.

19 Sec. 28. Section 75-310, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 75-310 Except for applications to operate a transportation network
22 company, applications ~~Applications~~ for certificates or permits and
23 petitions for relief shall be made to the commission in writing and shall
24 be in such form and contain such information as the commission shall by
25 rule require. A summary of the authority or relief sought in an
26 application or petition shall be given to interested persons according to
27 the rules the commission shall adopt. After notice of an application or
28 petition has been given to interested persons as provided by the rules
29 for notice, the commission may process the application or petition
30 without a hearing by use of affidavits if the application or petition is
31 not opposed.

1 Sec. 29. Section 75-311, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 75-311 (1) A certificate shall be issued to any qualified applicant
4 authorizing the whole or any part of the operations covered by the
5 application if it is found after notice and hearing that (a) the
6 applicant is fit, willing, and able properly to perform the service
7 proposed and to conform to the provisions of sections 75-301 to 75-322
8 and the requirements, rules, and regulations of the commission under such
9 sections and (b) the proposed service, to the extent to be authorized by
10 the certificate, whether regular or irregular, passenger or household
11 goods, is or will be required by the present or future public convenience
12 and necessity. Otherwise the application shall be denied.

13 (2) A permit shall be issued to any qualified applicant therefor
14 authorizing in whole or in part the operations covered by the application
15 if it appears after notice and hearing from the application or from any
16 hearing held on the application that (a) the applicant is fit, willing,
17 and able properly to perform the service of a contract carrier by motor
18 vehicle and to conform to the provisions of such sections and the lawful
19 requirements, rules, and regulations of the commission under such
20 sections and (b) the proposed operation, to the extent authorized by the
21 permit, will be consistent with the public interest by providing services
22 designed to meet the distinct needs of each individual customer or a
23 specifically designated class of customers as defined in subdivision (7)
24 of section 75-302. Otherwise the application shall be denied.

25 (3) No person shall at the same time hold a certificate as a common
26 carrier and a permit as a contract carrier for transportation of
27 household goods by motor vehicles over the same route or within the same
28 territory unless the commission finds that it is consistent with the
29 public interest and with the policy declared in section 75-301.

30 (4) After the issuance of a certificate or permit, the commission
31 shall review the operations of all common or contract carriers who hold

1 authority from the commission to determine whether there are insufficient
2 operations in the transportation of household goods to justify the
3 commission's finding that such common or contract carrier has willfully
4 failed to perform transportation under sections 75-301 to 75-322 and
5 rules and regulations promulgated under such sections. If the commission
6 determines that there are insufficient operations, then the commission
7 shall commence proceedings under section 75-315 to revoke the certificate
8 or permit involved.

9 (5) This section shall not apply to transportation network companies
10 holding a permit under section 3 of this act or operations pursuant to a
11 contract authorized by sections 75-303.01 and 75-303.02.

12 Sec. 30. Section 75-313, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 75-313 (1) Except as provided in subsection (2) of this section,
15 each ~~Each~~ certificate shall specify the service to be rendered, the
16 routes, the fixed termini, if any, and the intermediate and off-route
17 points, if any, and in case of operations not over specified routes or
18 between fixed termini, the territory within which such carrier is
19 authorized to operate. Each permit shall specify the business of the
20 contract carrier covered thereby and the scope thereof. There shall, at
21 the time of issuance, and from time to time thereafter, be attached to
22 the exercise of the privileges granted by the certificate or permit such
23 reasonable terms, conditions, and limitations as the public convenience
24 and necessity, or the character of the holder as a contract carrier, may
25 from time to time require, including terms, conditions, and limitations
26 as to the extension of the route or routes of the carrier, and such terms
27 and conditions as are necessary to carry out, with respect to the
28 operations of the carrier, the requirements established by the
29 commission. No ; ~~Provided, that no~~ terms, conditions, or limitations
30 shall restrict the right of a contract carrier to substitute or add
31 contracts within the scope of the permit, or to add to the ~~his or its~~

1 equipment and facilities within the scope of the permit, as the
2 development of the business and the demands of the public may require.

3 (2) This section does not apply to a transportation network company.

4 Sec. 31. Original sections 75-304, 75-305, 75-306, 75-307, 75-309,
5 75-310, and 75-313, Reissue Revised Statutes of Nebraska, and sections
6 75-109.01, 75-302, and 75-311, Revised Statutes Cumulative Supplement,
7 2014, are repealed.